

**Pregnancy discrimination at work:
a qualitative study**

**Sara Davis
Fiona Neathey
Jo Regan
Rebecca Willison**

The Institute for Employment Studies



EUROPEAN UNION
European Social Fund



Women. Men. Different. Equal.
Equal Opportunities Commission



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EXECUTIVE SUMMARY

In September 2003, the Equal Opportunities Commission (EOC) launched a General Formal Investigation (GFI) to examine pregnancy discrimination in employment in Britain. The overall aims of this investigation were to reach a greater understanding of the incidence, costs and causes of pregnancy-related discrimination and disadvantage in employment; the effectiveness of the legal framework; the costs to individuals, employers and to the economy in general; and to find out the extent of women's awareness of the law and their access to advice and redress; and to make and widely publicise recommendations to help reduce the problem, with follow-up work as necessary.

In order to examine women's experiences and views of pregnancy discrimination, the Institute for Employment Studies was commissioned to conduct a qualitative study. This report presents the findings from that study which included in-depth interviews with 35 women (in England and Scotland) who had faced some form of pregnancy-related discrimination in the workplace, some of whom went on to pursue their complaint at an employment tribunal. In addition, twelve focus groups were conducted with women (England, Scotland and Wales) who had recently had a baby and were in work at the time of their pregnancy.

The women involved in the research are not representative of women in general, although the findings illustrate the breadth of issues and the common threads of their experience. Furthermore, the different types of treatment that are reported are taken solely from the accounts of the women involved. There is no attempt to say whether or not a particular treatment was unlawful, rather that some could potentially be seen as amounting to unlawful discrimination.

Key findings

- This research implies that pregnancy-related discrimination is seen, by those who experience it, as a result of problems with an individual manager or colleague rather than an organisational or society wide problem.
- There is evidence that both employers and employees may be poorly informed about pregnancy-related rights, indicating that greater publicity about these rights could be beneficial.
- There is also evidence of poor employer practice with regards to carrying out risk assessments.

- Only a small proportion of women who face difficulties take proceedings against their employer. This is mainly due to other pressures at the time (i.e. pregnancy) and a concern that action may impact on their work reputation, rather than the quality or availability of suitable advice.
- Negative treatment at work appears to impact on women both at the time and on their future attachment to the labour market.
- There is some evidence that women who have experienced pregnancy-related discrimination are less likely to go back to work for their old employer, with some women less likely to return to work at all.
- Although the research was conducted with women from a wide range of backgrounds and social groups, the experiences reported were largely similar.

Detailed findings

Concept of pregnancy-related discrimination

- The concept of pregnancy discrimination was closely linked to personal experience for most women in the study. There was an overall sense that their experiences were a result of problems with individual managers or colleagues rather than an organisational or society-wide problem.
- There appeared to be a general consensus amongst most women as to what constitutes pregnancy discrimination. Areas mentioned were redundancy, dismissal, denial of pay increases, refusal of promotion, returning to lower paid work, exclusions from training and refusal of time-off for ante-natal care. 'Grey areas' were also mentioned where, although treatment was unfair to employees, they could see that treating pregnant women totally fairly may appear difficult when the business is the priority.
- The experiences of ethnic minority women were generally similar to those in other ethnic groups. However, Asian women in particular felt that employers and/or colleagues might be making additional assumptions on the basis of their ethnic origin, presuming that they may go on to have more children or that they would choose to stay at home with their child rather than return to work.

Awareness of rights and risk assessment

- Vague awareness of employment rights at the beginning of their pregnancy was found consistently amongst most women in all groups; young mothers in particular were less likely to know what their maternity rights were.

- Most women found out more about their rights through external sources such as the Citizen's Advice Bureau, midwife, friends and work colleagues rather than through formal help from their employer.
- Only a minority of women recollected having received a risk assessment and some women were unaware they were entitled to one. Others were aware of their employer's obligation but did not pursue the matter because of stress. A substantial minority of women continued to undertake dangerous work or heavy lifting during their pregnancy.

Experiences at work

- Women involved in the depth interviews experienced a wide range of negative treatment at work, ranging from more subtle changes in the attitudes of their colleagues and employers, to unfair selection for redundancy, dismissal, denial for promotion opportunities and sexual and verbal harassment. Many also reported an inappropriate level of contact from their employer during their maternity leave, and enforced changes to their job during pregnancy or upon their return from maternity leave.

Access to advice

- Women cited a range of sources of advice that they had used to find out about their rights when pregnant. There were no major differences between the different groups of women i.e. ethnic minority groups, although women in the young mothers focus group were less likely than other women to have accessed any advice.
- Women in search of advice reported contacting their local Citizen's Advice Bureau as their first source of assistance and most were satisfied with the advice received.
- The majority of women who faced a problem at work would have liked to take their complaints further, but only a small proportion took proceedings against their employer. Most did not do so because of other pressures at the time (related to their pregnancy) or because of a concern that taking action would harm their current and future job prospects.

Impact of the experience

- All of the women from the in-depth interviews said that their experiences at work had had some immediate impact upon them. This included emotional distress, pressures on personal relationships, financial hardship and health problems.

- In almost all cases there was also evidence of a longer-term impact particularly on attachment to the labour market and future employment plans. Some women had lost confidence in their abilities and moved into lower paid, less demanding work while others had been deterred from returning to work altogether. The majority of those interviewed also reported that they would now aim to work for employers with particular characteristics such as family-friendly policies and flexible working hours.
- The majority of women from the in-depths had gone to new employers, including a small group who became self-employed. Almost one in three women were no longer working. Most of these had made a conscious decision not to work while their child/children were young, but a handful were job hunting, retraining or on maternity leave again. The remainder were with the same employer, with a few on reduced hours or in altered roles.

1 INTRODUCTION

1.1 General context

In September 2003, the Equal Opportunities Commission (EOC) launched a General Formal Investigation (GFI) to examine pregnancy discrimination in employment in Britain. The overall aims of this investigation were to reach a greater understanding of the incidence, costs and causes of pregnancy-related discrimination and disadvantage in employment; the effectiveness of the legal framework; the costs to individuals, employers and to the economy in general; and to find out the extent of women's awareness of the law and their access to advice and redress; and to make and widely publicise recommendations to help reduce the problem, with follow up work as necessary.

In order to examine women's experiences and views of pregnancy discrimination, the Institute for Employment Studies was commissioned to explore:

- the experiences of women who have faced pregnancy discrimination;
- the concept of pregnancy-related discrimination and whether the women who encountered problems recognised it as such;
- whether the women were aware of their rights and their attitude towards using them;
- the quality of the advice the women received, how it could be improved, what would have helped them to take their complaints further, and if they would have taken them further even if other help was available;
- the wider effects of pregnancy discrimination on women's lives and their attachment to the labour market.

1.2 Methodology

The study had a three-staged approach:

- a literature review;
- in-depth interviews with 35 women in England and Scotland who felt that they had faced pregnancy-related discrimination;
- twelve focus groups with women who had recently had a baby and were in work at the time of their pregnancy (England, Scotland and Wales). These focus groups included four groups composed of ethnic minority women (Bangladeshi, Pakistani, Black African, Black Caribbean and Other Asian) (BME focus group) and one group of young mothers aged under 22 (YM focus group).

Two things should be noted about the research. Firstly, this is a small scale qualitative study. The women involved in the research are not representative of

women in general, although the findings illustrate the breadth of issues and the common threads of their experience. Secondly, the different types of treatment that are reported are taken solely from the accounts of the women involved. There is no attempt to say whether or not a particular treatment was unlawful, rather that some could potentially be seen as amounting to unlawful discrimination.

Literature Review

This involved a focused review examining the literature on women's attachment to the labour market and the employment of women with young children. Its purpose was to help inform the design of the discussion guides and identify any further key issues for the study. A number of different search strategies were investigated as part of the literature review. These included:

- searching electronic databases;
- general web-based searching;
- searching specialist websites;
- hand-searching specialist journals;
- accessing online databases.

The literature review can be found in Appendix A. The key terms, electronic databases, websites, specialist journals and online databases are listed in Appendix B.

In-depth Interviews

We conducted in-depth interviews with 35 women; 31 in England and four in Scotland. The interviews were with women who had taken part in the Maternity Rights Survey (MRS) (see Appendix C for sample details), who had expressed an interest in being further involved in the maternity rights work and who had experienced a problem in the workplace relating to pregnancy or maternity issues; some of these women went on to pursue their complaint more formally.

Disabled mothers

As well as the interviews noted above we hoped to include five additional interviews with disabled mothers. Various groups and individuals were contacted about the research including:

- national disability groups and disabled parenting networks;
- the largest of the local disabled parenting support groups;
- organisations involved with supporting disabled people into employment;
- and prominent individuals such as well-known researchers and academics in the area of disabled parenting.

All those contacted were very supportive of our aims and most agreed to help with the recruitment of suitable women (for some it was not appropriate or possible). Most were contacted a number of times, and posters, reply forms and further information was sent to them all. Where appropriate, the information was included in a newsletter, or publicised via networks, emails, websites, and mentioned in meetings and many individuals circulated the information to their own wider network of contacts working in similar fields. Despite publicising a £25 incentive to interviewees, the response was very disappointing, resulting in just one achieved interview (bringing the number of women interviewed to 36) It is difficult to know whether the information failed to reach the attention of suitable interviewees, or whether certain barriers prevented suitable women from making contact with us. It is clear that only a relatively small proportion of the population would fulfil all the criteria of being a disabled women who had recently been pregnant and employed during their pregnancies; nevertheless, such women may have particular experiences and a project dedicated to further research in this area would be recommended.

Focus groups

The final phase of the research involved twelve focus group discussions. The sample was structured to cover England (nine focus groups), Scotland (two groups) and Wales (one group).

These discussions involved different types of women who had recently had a baby and were in employment at some time during their pregnancies. Focus groups explored, in more detail, salient issues arising during the in-depth interviews, and ensured that different groups of women were consulted, particularly those from ethnic minority backgrounds and young mothers. Of the 12 groups:

- seven were general groups which were open to all mothers who were at work during pregnancy;
- four groups were with participants from ethnic minority backgrounds (covering Pakistani, Bangladeshi, Black African, Black Caribbean and Other Asian women) and;
- one group was of young mothers, i.e. 22 years or younger.

Where our analysis found differences in the experiences of one of the groups this is highlighted in the text. Our groups also included a number of women on low incomes (with 28 women earning £15,000 or less at the time of their pregnancy and 25 women earning £15,000 or less at the time of this research), however we did not find any clear patterns of difference between the experience of these women and those with higher earnings.

Sample strategy

We adopted a range of approaches to the recruitment of focus group participants, including contact with over 100 voluntary and community organisations and the employment of the surveys of specialist agencies. Many of these helped in either providing suitable venues or recruiting participants.

Data analysis

In the following chapters both interview and focus group data are analysed under a series of themes as appropriate. In conducting analysis of this material negative treatment of pregnant women and new mothers at work is categorised under two headings: 'unpleasant treatment' and 'potential discrimination' i.e. treatment which could potentially amount to unlawful discrimination. Further details of the kinds of employer behaviour included in these categories is given in the introduction to Chapter 4.

1.3 Report Structure

This report is structured as follows:

- Chapter 2 looks at women's understanding of what constitutes pregnancy discrimination;
- Chapter 3 discusses women's awareness of rights, and employers' awareness of, and information about, risk assessments;
- Chapter 4 looks at women's experiences of problems at work;
- Chapter 5 looks at women's access to advice and the extent of the action they may have taken;
- Chapter 6 investigates the impact that the women's experiences may have had on their lives and their attachment to the labour market;
- Chapter 7 looks at women's current circumstances and future plans and explores their subsequent employment decisions following pregnancy;
- Chapter 8 presents the conclusions that have been drawn from the research.

Throughout the report, quotations from the interviews and focus groups are presented. Those from the in-depth interviews are followed by an indication of the woman's occupation and sector of employment. Those from the focus group are indicated as such and where this was a specific group rather than a general group, this is indicated by (BME focus group) for the groups of ethnic minority women, and (YM focus group) for the group of young mothers.

2 CONCEPT OF PREGNANCY-RELATED DISCRIMINATION

This chapter examines women's views on what constitutes pregnancy discrimination and what treatment at work is regarded as fair and unfair. In the in-depth interviews, which were focused on specific problems, there was one question on this issue and therefore only a small amount of information was gathered. In the focus groups this issue was explored in more detail, with a section of the discussion guide focusing on this and related issues. Therefore, this chapter is mainly reliant upon information and views gathered during the focus groups.

Many women, when asked to comment generally on what treatment is unfair, would talk about their own experience of unfair treatment, which had obviously had a profound and lasting impact on their views. It seems that women who recognised the treatment they received as discrimination, saw it as something that happened to them and was dependent upon individual managers within an organisation and not organisational culture. It was rarely discussed in terms of a problem for society as a whole.

You could have an excellent manager in one office who was very upfront with equal opportunities, it just depends on each office really. Basically, there's nothing wrong with the procedure and the policy, it's actually the people that are administering it and it depends on the staff, on the senior managers and managers, how they treat you, and how they run the office really. (Deputy manager in the civil service)

Women who reported few or no problems at work either during their pregnancy or upon returning to work were more able to think in abstract terms and distinguish between their own experience and more general concepts.

There were many areas where there was general consensus that treatment was unfair. These were areas that were usually seen as unlawful and not justifiable in any way. These are discussed in Section 2.1. More complex was the discussion of a number of 'grey' areas where women felt treatment was unfair from the employee perspective but where they could sometimes understand the dilemma faced by employers or where there was uncertainty over whether treatment was unlawful. These are discussed in section 2.2.

2.1 Treatment seen to be clear discrimination

During discussions about what constitutes discrimination, there were some actions which were seen as unacceptable under any circumstances. These included;

- Being made redundant or dismissed because of their pregnancy or maternity leave.
- Giving pay increases to other members of staff but not the pregnant employee:

What I think is unfair is when they treat you differently from other people, basically, like paying less money and giving other people pay rises, and not you when you're pregnant, things like that. Just being treated differently in general. (Dental nurse/receptionist at a dental surgery)

- Refusing an employee a promotion, discouraging pregnant women from applying, or promoting more junior members of staff over their head. This was frequently mentioned in the focus groups as many women had experienced such treatment. Some examples include:

I went for a job that I really wanted, my dream job, and it came up two months after I found out I was pregnant, and I couldn't decide whether to go for it or not. I kind of felt well maybe I shouldn't, it's not the right time. It would be working with the consultant anaesthetists, and one of them, a male, basically said to me don't bother going for the job, come back to me when you've had your baby. (Focus group)

There were some promotions coming up at work and I was going to apply for it but my ward manager put me off the idea that "oh you're going to be off on maternity leave for a long time and you won't get the job", not direct but indirectly, I got negative feedback to stop me from applying. And also, it was thrown in about the amount of sick leave I had had whilst I had been pregnant and how that was going to affect the interview and the possibility of me getting another job. (BME focus group)

- Being given a lower-skilled or lower-paid job after maternity leave.
- Exclusion from meetings or decision making that the individual would ordinarily be involved in.
- Denying women time off for ante-natal appointments:

It is unfair when you have to make up the time because by law it's your entitlement to go for things like check-ups. (BME focus group)

- Lack of training was also mentioned by many women, particularly those in fixed term or temporary contracts and among some ethnic minority women:

They put you on training but they say you won't be back after training for a while so wait until you have the baby, then you get to do that training. That's unfair because you're at work at the moment and you're doing your

job so whatever opportunity everyone else has, you are supposed to be able to do it. Every week the company is doing it, it's a long process, and when your turn is gone it's a long process to wait again for your place to come back. (BME focus group)

These issues were clearly seen as unfair, often because they were viewed as unlawful and therefore discussion of these issues was brief.

2.2 More complex issues

When asked what constituted discrimination or how women are treated differently when they are pregnant, most of the discussion centred around more complex issues rather than the clear discrimination referred to in Section 2.1. Often this seemed to be because women were uncertain as to whether this behaviour was unlawful or because women could sympathise with employers. There tended to be disagreement in the groups over some of these issues and therefore placing reliable estimates on the proportions of women holding a particular view is difficult. We will look firstly at unpleasant behaviour experienced by women and then move on to issues where some women could sympathise with employers.

Unpleasant behaviour

There were several examples of unpleasant behaviour experienced by women whilst pregnant and cited by participants as unfair. However, these tended to involve colleagues, rather than employers. When employers were mentioned, women felt it was the attitudes of individual managers that were to blame rather than the organisation as a whole.

Some of the unpleasant behaviour experienced and seen as unfair included comments from colleagues. Most commonly this involved comments about laziness with colleagues being resentful about what was seen as 'special' treatment. This was mentioned in the majority of groups. Many women who experienced unpleasant comments said that such comments were made in a humorous way but were still unfair.

The team I work with are very good but one of the guys on my section said to me, "it's not fair", he was complaining about the treatment and the support I was getting. It wasn't in a nasty way but he was just saying that I got six weeks off with pay and what did men get? So they sort of think we're being treated special. We're not really, it's just our rights. (Focus group)

I was made to feel very much that I wasn't pulling my weight. I had a lot of comments passed about, "you better just sit and man the phones, that's not too much and, do some photocopying, could you manage that". It was comments ever so slightly humorous, but you know that a point is being

made ... making the point that everybody else is chipping in and you're not. I had a lot of comments that they'd be able to afford to do such and such once I had left, and "we won't be replacing you because it's not like you've been doing everything that you need to be doing", which I did find very, very unfair. (Media worker in a newsroom)

My boss used to make personal comments, for example he would repeatedly say to any woman who was in the office, "oh, you don't want to employ women between the ages of 18 and 45 without getting them to sign on their contracts that they're going to have their womb removed". (Marketing manager for an automotive company)

Related to unpleasant comments from colleagues was the issue of feeling less respected generally and being treated differently because of pregnancy. This was experienced from both colleagues and managers. There seemed to be an overall view that there needed to be a balance between being considerate and making allowances for women during pregnancy but not making assumptions that women could not carry out certain tasks or that they would not be interested in work or a career because they were pregnant. Women have very different experiences during pregnancy and different attitudes towards how they see motherhood fitting in with their job or career. This area seemed to be of particular concern to ethnic minority women, especially Asian women, who felt there were more assumptions made about them e.g. they would go on to have more children or would stay at home with their families.

I think being treated differently to anyone else [is unfair]. It's almost like you've got men, you've got women and then you've got pregnant women. (Marketing executive in the photographic industry)

Some employers or colleagues were insensitive to issues such as morning sickness or the need to adapt the job where a pregnant woman could no longer manage to carry out all of her regular workload.

Well I think being fair is that if you need to take time off because you don't feel well, for instance – it's part of being pregnant. You should feel that you don't feel any pressure or resentment or any sort of discrimination because you say you're not coming in today...your bosses or colleagues sometimes aren't very sympathetic. (Office worker for a distributor/importer)

Women do need a lot of support because some women can have totally fantastic pregnancies, some people are sick one day and have back pain or whatever at different episodes, different problems and I do feel that you should be supported. It's not easy. (Focus group)

Sometimes the staff can be very nasty. There are certain things you can't do, like push trolleys, after a certain month so they'll have to do the harder

work. "It's unfair for me to do the harder work because you're pregnant, I will have to get pregnant also". (BME focus group)

Women generally felt that the kinds of treatment listed above did constitute discrimination but were unsure of what action could be taken. They were unsure whether such situations were unlawful or not and therefore whether it was appropriate to complain about them. They appeared more accepting of these situations than of more direct discrimination such as that described in Section 2.1: saying for example *"it is unfair but that's the way it is"*. They also felt that this treatment could be very dependent upon the place of work and might often be down to one individual rather than organisational culture as a whole.

Grey areas and sympathy with employers

Women in the study mentioned several 'grey' areas where, although the treatment was unfair to employees, they could see that treating pregnant women completely fairly could be difficult for employers when their priority was the business. However, there was also disagreement within groups as to the extent to which there should be sympathy for employers.

The area that caused most debate was whether an employer should be allowed not to recruit a woman purely because she is pregnant and, despite recent changes to the law, there was considerable confusion over whether it was lawful or not. It was generally thought to be unfair although some women could sympathise with the need of employers to recruit someone who would not go on maternity leave in the near future.

If you're asking us as employees, then if you're going for a job then I'd say it's unfair if they didn't employ you because you're pregnant because at the end of the day you still need a job. But if you're not going to be there for six months... you can see both sides of it. (Focus group)

I can see an employer's point of view. What's the point of employing you now when you're 12 weeks pregnant or whatever, in a few months time you're going to be saying "I'm on maternity leave now" and you might not even come back so I can see that point. (Focus group)

Women differentiated between sizes of employers on this issue: several thought that the needs and rights of a pregnant woman should be easier for larger employers to accommodate but could sympathise with the potential difficulties of smaller employers.

I do think it's unfair but if you look at it from the employer's point of view, depending on what their circumstances are, if it's a small company, if it's a very fast moving environment, somebody who has said they're definitely

coming back to work might not come back. So I think it's unfair but it's a grey area. (Focus group)

I can understand the small businesses. I think it is hard for them to employ someone who is pregnant, but large businesses like the big retails and stuff, I don't think there is any reason. (YM focus group)

However, there was also a common view that employers definitely did discriminate on this issue and if a woman did face this type of discrimination, it would be very difficult to prove.

I think they could [not recruit someone because she was pregnant]. I think they could quite easily give other reasons and they can give you any number of reasons as to why not. It would be very hard to prove that it was actually because you were pregnant I'm sure. (Focus group)

I think when you actually go for an interview, some jobs do ask you are you pregnant or are you thinking of getting pregnant in the next couple of years. Places do ask you, I came across it last time I went for an interview, and they actually said that, "can you guarantee you're not going to get pregnant in the next three years?" (BME focus group)

Another 'grey' area was in relation to training. A minority of participants in the study felt that having training delayed (rather than cancelled) could be justified. They argued that it is expensive for employers to organise training and could be seen as a risk if they were not sure if the employee would return. However, women generally felt this decision should be discussed with the employee and not just assumed, and there should be more guidelines on how to deal with issues like this to find a solution that is satisfactory for everyone.

A couple of groups discussed examples of pressure from the employer for an employee to go on maternity leave early if she had been ill. Participants felt that this was unfair but could also sympathise with the reasons for the employer requesting this.

The final area that was cited as open to question was where employers put pressure on women to return from maternity leave early. Again most women thought this was unfair but some could understand employers' wishes for the employee to return promptly.

3 AWARENESS OF RIGHTS

This chapter examines women's awareness of their pregnancy and maternity-related rights. It begins by establishing whether women were aware of their rights when they first became pregnant and, where this was not the case, explores how they actually found out about their entitlements. The final part of the chapter considers whether women received a risk assessment whilst they were pregnant and explores their views on this.

3.1 Awareness of rights when became pregnant

The majority of the 35 women interviewed had a vague awareness of their rights at the beginning of their pregnancy. They knew that they had rights as pregnant women at work but were unclear as to what exactly those rights were.

I vaguely knew of the statutory things we were entitled to. (PA for venture capitalists)

I had a very basic idea that you have certain rights. (Veterinary nurse)

I had an idea but I wasn't particularly sure of them. (Media worker in a newsroom)

Women from the focus groups, including those from the ethnic minority and young mothers groups, were also mostly unaware of what their pregnancy-related rights at work were when they first became pregnant.

Overall, there was only a handful of women (from both the focus groups and in-depth interviews) who felt they were well-informed as to their rights, and these were mostly those who had previously, or currently, worked in personnel-related occupations. These women either had the information close to hand or actually had responsibility for that area of work.

I knew about it already. When I worked as the practice manager in the personnel department I sorted out all the employment law and paperwork stuff, so I knew. (Office temp. for a council)

3.2 Information on pregnancy- and maternity-related rights

Employers

The majority of women from both the in-depth interviews and the focus groups received little useful help from their employer about their rights. On the whole, women reported that when they approached their employer for advice or to establish what their entitlements were, they found that their employer's knowledge of the area was patchy and in some cases misleading or '*just wrong*'.

I asked my manager who's had two children of her own while working for the same company and she said "I don't know, I think it's all changed I haven't got a clue"...She just couldn't be bothered. So I asked the personnel manager who didn't know anything about it. I was sent to the accounts manager to see if she knew anything about it and she didn't, so in the end I phoned Head Office and asked to speak to this woman, but she was on holiday, so I couldn't get answers from anybody. (Focus group)

I'd actually been advised wrongly on what time I could give up work ... [I was told that] I couldn't give up working until 36 weeks. (Bookkeeping/manager for a voluntary organisation)

One or two women from the focus groups and in-depth interviews mentioned that they had actually had to go and find out the information for themselves and then pass it on to their employers.

I actually printed the legislation off the Internet and handed them a copy. They didn't even have a maternity policy in the employee handbook, so I didn't even know what I was entitled to. They just made me feel really uncomfortable and awkward about asking what was actually my right. (Focus group)

External sources

Due to the poor quality of information from employers, the majority of women relied on finding information about their basic rights from external sources. The main sources of general advice on entitlements were: friends and family; colleagues; midwives, in particular a book that was given to them during their pregnancy; GPs; Trade Unions; and the Citizen's Advice Bureau.

3.3 Risk assessments

Employers are required by law to take a number of steps to protect the health and safety of women when they are pregnant, breast feeding or have recently given birth. This includes carrying out a 'risk assessment' of any processes, working conditions or agents that could put the health of the woman or her baby at risk. However, the majority of women in this study indicated that their employer was unaware or neglectful of this duty. Most of the women who took part in the in-depth interviews and focus groups could not recall having a risk assessment conducted, regardless of the type of job they were in.

I know he should have done (a risk assessment), but I don't think he did because working in a dental surgery you've got mercury and amalgam and stuff like that around and they didn't warn me from going near it. (Dental nurse/receptionist at a dental surgery)

They didn't do a risk assessment... I did ask my manager for one but he never processed it and asked for it. I don't think he understood what a risk assessment was, to be honest. He heard 'risk' and that was it, he was off down the corridor. (Office temp. for a council)

One or two women in caring professions reported that they did not have a risk assessment conducted even though they had to lift patients and work with hazardous materials.

We were working with a lot of hazardous substances and there is a lot of heavy lifting, and I was also working with patients with infected diarrhoea but nobody ever assessed such things. (Focus group)

When I first found out I was pregnant, I worked in the theatre recovery room, so we're obviously in contact with the anaesthetic gasses and such like, which can be hazardous, but there wasn't really anything directly from the bosses. (Focus group)

Women who took part in the young mothers' focus group also reported that they had not received a risk assessment whilst they were pregnant. In fact, one woman from the group was actually surprised that her pregnancy had gone well considering the amount of heavy work she was still doing towards her final months.

I actually thank God that everything came out okay because when I think about the stress plus having to work as well, because I had to work till I was eight months or nine months, something like that, ...sometimes I would have to bend low or carry heavy things...If I had to carry something I would ask people but most of the time I would do it myself because it was quicker. (YM focus group)

Reasons why risk assessments not conducted

There were mixed opinions as to why risk assessments had not been carried out. Some of the women we spoke to were unaware that they were entitled to risk assessments from their employers, whilst others were too stressed at that time to pursue the matter.

I never really looked into it, I just, I got to the stage where you know I was quite heavily pregnant and I was feeling quite tired and the pressure of work was getting to me that I just thought I'd leave it. (Advertising sales for a communications company)

A handful of women from the focus groups, mostly nurses, put the lack of risk assessments down to lack of time and resources or lack of knowledge by their employer that they should be carried out.

Many women from the ethnic minority focus groups were working for agencies or in temporary work which seemed to be more problematic when it came to rights and entitlements such as risk assessments. These women felt that because they were in temporary positions they were not entitled to the same benefits, (such as risk assessments) as permanent staff.

I think it's all to do with if you work for an agency, usually the benefit you get with an agency is not much because you are only temporary. Once you're in a permanent job they have to do certain things (like risk assessments) forever, so it has to do with the job you're in. (BME focus group)

Overall views of risk assessments

The minority of women that could recall having a risk assessment conducted at work mainly reported that they had been satisfied with it. However, there were a number of cases where the risk assessment itself, or the actions following on from it were far from satisfactory. One woman, a psychiatric care assistant, said that she was very unsatisfied as although she had received a risk assessment, no changes of any kind were made.

I had one [a risk assessment] ...and she said I was fine to do everything still, that's when she said "you're pregnant, not ill"... I should have been given lighter duties as some of the residents can be violent and I feel she should have put me on with people who weren't violent, you know, so I wouldn't be at risk. Well I wasn't, I got twelve people in my group and everyone was violent. (Psychiatric care assistant in a private elderly care home)

Similarly, a handful of women reported that they were still doing heavy lifting even though a risk assessment had been completed. These women referred to the fact that they were sometimes the only ones working and therefore had no choice but to perform tasks that might have put their child at risk. This was especially the case for one woman who was a veterinary nurse:

No, there was no risk assessment, there was no sort of, like, health and safety person, but I knew what the risks were, so I knew not to do x-rays and stuff like that, touch certain drugs. I did do them though because there were times when you just had to, you know, an animal came in and it had been run over and it had a broken back or a broken neck or whatever and you're the only person there then you have to deal with it. (Veterinary nurse)

Another woman, a hotel receptionist, commented that she felt her risk assessment had taken part as a mere formality rather than as an exercise to make sure she and her baby were not at risk. Her job involved standing for long periods and after the risk

assessment she was given a chair. However, a couple of weeks after the assessment they took the chair away from her as they said she didn't need it.

At my risk assessment they said to me "you can have a chair out in reception and when the hotel's not too busy you can use it". So I'm given this chair to sit down and do my paperwork and then somebody (a manager) would walk past and say "you can put that chair back in the office, you don't look busy". (Focus group)

4 EXPERIENCES AT WORK

This chapter explores the problems that women involved in the study faced during and after their pregnancy. It begins by looking at negative experiences whilst pregnant at work and goes on to examine any issues experienced during maternity leave.

The chapter draws mainly on material from the in-depth interviews. These women were identified through previous research as having faced a problem at work which they believed to be due to their pregnancy or absence on maternity leave (see Appendix C for details). The women who took part in the focus groups had not necessarily faced any form of discrimination or problem, although where they did, this is noted under the relevant section.

Pregnancy and maternity related discrimination is a complex issue and there are many ways in which discrimination can be defined and understood (see for example the interpretations of women involved in the study given in Chapter 2). For the purpose of this report we have categorised discrimination into ‘Unpleasant Behaviour’ and ‘Potential Discrimination’. The table below lists the different types of treatment that have been categorised under these headings.

Table 1 Types of discrimination

Unpleasant Behaviour	Potential Discrimination
General change in attitudes/less respect	Being sacked
Being left out of decisions/ lack of consultation over changes to accommodate pregnancy	Changes to the job/denial of promotion during pregnancy
Inappropriate contact during maternity leave	Being made redundant
	Deterioration in pay or conditions or denial of maternity rights
	Being obliged to start leave early
	Verbal abuse of a sexual nature
	Changes to job whilst on maternity leave
	Employer lack of flexibility concerning arrangement for return to work

It should be noted that the different types of treatment reported here are taken solely from the accounts of the women involved, and so we have not attempted to say whether or not a particular experience *actually* constituted unlawful treatment. Instead the categorisation is based on an assessment of which actions could *potentially* be seen as amounting to unlawful discrimination.

4.1 Problems experienced at work during pregnancy

Women in this study reported experiences during their pregnancy that ranged from relatively subtle unpleasant treatment such as a change in attitudes on the part of managers or colleagues or being left out of decisions in which they would previously have had a say; through to potentially discriminatory behaviour by the employer such as denial of promotion opportunities, sexual harassment and dismissal.

Unpleasant behaviour

The unpleasant treatment experienced by many women - both interviewees and focus group participants - was often not explicit but contributed to a general feeling that they were less respected, valued or welcomed in the workplace as a result of their pregnancy. In other cases employers made changes to women's work, for reasons associated with trying to assist their circumstances whilst pregnant but these were made without proper consultation with the woman concerned.

General change in attitudes/less respect

One of the most common situations women reported was a general change in attitude on the part of employers and colleagues once their pregnancy was made public. This change of attitude was often of a subtle nature, but women felt that it indicated less respect and ignorance on the part of their employer and colleagues.

... it was just completely different from the minute I found out I was pregnant, the attitudes of people, I don't know, I just felt like an outsider, I'd worked there all them years with all the people I knew and I just felt pushed out, to be honest. (Psychiatric care assistant in a private elderly care home)

Because it's quite a male dominated environment I felt as if I lost a bit of respect for my position because I was pregnant. It was a sort of 'I was pregnant and I was going to leave work' kind of attitude, rather than I was still here, a professional member of staff, still doing my job. (Focus group)

Many individuals reported that colleagues and employers became intolerant towards them once they informed them of their pregnancy. These women felt that they were now seen as a burden.

I'd worked for him before I was pregnant, and obviously when I'd just become pregnant, so it was the first three or four months, and he made my life intolerable, he was just bullish, saying I wasn't doing my job properly any more ... In the end, it got so bad, he just kept complaining about my work, and he'd never said anything about it before, and kept saying I had loads of times in the toilet where I've been throwing up and he felt I wasn't pulling my weight in the office, and he found it difficult to work with me now because he never knew when I was going to shoot off to the toilet and throw up. (Office temp. for a council)

One or two women from the ethnic minority groups also cited occasions where their colleagues and employers made comments about them 'not pulling their weight':

People think you're not doing your job, that you're not capable of doing it anymore because you're not doing it as much as what they are yet you're getting paid the same rates. (BME focus group)

In particular, one individual from the ethnic minority focus group felt that as an Asian woman she had experienced more problems in terms of being seen by her employer and colleagues as not putting in enough effort when she was pregnant:

I think being Asian it affects us more, because if you are working where English people are working, they will definitely think well why is she just sitting on her backside when we're doing all the work and she's getting paid for that job. (BME focus group)

A chef and occasional waitress in a pub restaurant told us how the nature of her work became increasingly arduous as her pregnancy progressed. Despite this, her manager showed no concern:

He put more responsibility on me because he wanted me to run a restaurant and run a kitchen. I said to him, "it's impossible - even if I wasn't pregnant I couldn't do it". So he asked me if I would do him a favour and actually work in the restaurant till they found a new breakfast waitress ... I said I would until they found someone. Well, the weeks went on, and on. My feet were swelling so much, my shoes were cutting into my feet ... I'm getting more stressed and more stressed, and basically getting up in the morning and crying before I went to work. I said "I need somewhere to sit down"; because I wasn't getting a break. I was working from half six to half two and not even sitting down, because I was on my own. So I asked them if I could change my job, basically, go back to what I was doing, or I said, "you have to let me sit down for half an hour". His answer to that was, "we're not going to change the rota just for you". (Chef in a pub restaurant)

One marketing manager told us how she reported her pregnancy to her manager but was asked to keep it to herself until a very late stage of her pregnancy :

I told him at 22 weeks, and he asked me not to tell anybody. He asked me not to wear maternity clothing and not to tell anybody else in the company, and at 22 weeks it is beginning to show. I actually had to write him a number of times. I wrote him an email after an additional four weeks saying "I am now 26 weeks pregnant, I really need to start wearing some more comfortable clothing, I really need to start being able to tell people because I want to start recruitment for my maternity cover". So, we were at 26 weeks and I wanted to have somebody in place by 34 weeks, and he put me off again because he hadn't had a chance to discuss it with his boss. I actually got to in excess of seven months pregnancy before he told

anyone else in the office, and during that time he had asked me not to wear maternity stuff. (Marketing manager for an automotive company)

Feeling left out of decisions

Some women reported how they felt left out of meetings and decisions once they informed their employers that they had become pregnant. Again, this was often subtle to start with.

I wasn't involved in meetings ... and I didn't notice it, well, I did notice it but I trusted them, I really trusted them. I really thought there'd be reasons for that, I thought maybe they were talking to others about something that I didn't need to know about, or maybe they'd tell me later. And I kept trying to assert myself, but it wasn't really for me to go in there and say don't forget about me, don't treat me differently because I'm pregnant! (Advertising executive for a publishing house)

Employers' unilateral decisions over pregnancy-related work changes

A number of women reported incidences where employers had made changes to their work to accommodate pregnancy. In some cases the employer may have intended these as benign changes, but the women concerned were shocked by the lack of consultation. These women reported that their employers had made decisions based on their interpretation of the woman's needs: rather than enter into a discussion with the woman concerned, the employers had decided what would be 'best' for them, given their pregnancy and their need to balance work and family.

One woman started her maternity leave only to find that her second-in-command had been promoted without her knowledge to a job that was effectively her own. She was told that she had been given another job that would be better for her, but doubted the value of this:

... basically it was just worded differently, it was another token title, it was their way of getting around it legally, and I effectively didn't have a job to come back to. They had promoted him, and they acknowledged it by saying "we've got a better job for you". Which wasn't really the point because they'd completely shafted me out of my position for no reason. They then said of course I'm quite welcome to go back to my old job but would I really want it because the one they've got is so much better, and shall we just leave [him] doing that because your new one is fantastic? She said "well yes, you can have your old job back, of course you can, but we thought you'd like to do this one more because it suits your needs, it's 4 days a week, it's 2 days at home, a lovely, shiny new BMW". And I was thinking right, do I sue them or do I take this, because they're clearly buying me off. (Advertising executive for a publishing house)

Many women complained of unwanted changes to their roles once they told their employers of their pregnancy. These women talked of changes ranging from those

that were felt to be unnecessary to those that were unwanted. It is clear that some employers made changes for health and safety reasons, yet the way in which it was implemented was ill-thought out. One woman spoke of her job which involved travel abroad, which presented a problem when she became pregnant:

Everybody is given the opportunity to go out to Africa [but] that was never offered to me ... I was just told I had been ruled out because I was pregnant and because of the insurances and things like that. I was four or five months at the time. They said it was because of the insurance issues, and that I wouldn't be able to carry the equipment. (Media worker in a newsroom)

Potential discrimination

Women in the study faced a wide range of treatment during their pregnancy which could have amounted to unlawful discrimination if tested in a tribunal. These included unilateral changes in status and removal of promotion opportunities; denial of maternity rights; being forced to start maternity leave early, sexual harassment and dismissal or redundancy.

Changes to status and denial of promotion opportunities

A handful of women faced changes to their jobs which could not be justified in terms of health and safety considerations:

I had my first child at the end of '98. I told them I was pregnant again in 2000. Then it all got a bit frosty. I think they felt, she's done this on purpose. She's done it a second time ... One was a kind of a novelty, and two was just taking the Mickey. That's how I felt. As soon as I told them I was pregnant for a second time, then my duties were taken away, gradually eroded. I joined [company] as a Store Manager. By the time I was pregnant with my first child, I was Regional Manager ... Then it went down again. By the time I went back after having my second child, I found myself as the Store Manager of the smallest store again. (Regional manager in retail)

In some cases, employers denied women promotion opportunities when they were pregnant or on maternity leave. One woman described how during her maternity leave, a job that she had been acting up to was advertised and recruited to without her knowledge, despite the fact that she had been training and striving for the promotion for some time. She reported how the management failed to see that this was a problem for her:

You only want a part-time job, you don't want all the hassle, you go and have a little bit of pocket money, that's how they thought, and they didn't see what the problem was, they thought they were doing me a favour and they didn't see that they hadn't taken my basic right. They genuinely thought, hang on, we've done everything, you know you can come back in

your old job, you'll have less to do, you can make tea, and you get paid the same, what's your problem? (Marketing executive in the photographic industry)

Another described how at her workplace there were three members of staff at a similar level when an opportunity came for a promotion. She had been offered the promotion but as soon as they found out she was pregnant her promotion was taken away from her:

They interviewed me and they selected me as head nurse and then once I told them I was pregnant, they took it away from me. They said "well you can't possibly physically be able to do it, we need somebody, a stable member of staff who's not going to be off sick or anything, someone who is going to be able to be there to see through the continuing of the practice", and then they actually said, "well you know, we can't really offer it to you in your present circumstance, so we're offering it to someone else". (Veterinary nurse)

Pay, conditions and rights

Another of the most common themes mentioned in both the in-depth interviews and the focus groups were problems with employee's rights during pregnancy, many of which were related to pay and conditions. Some referred to circumstances that appeared not to be the result of deliberate behaviour by the employer but which may have been more to do with administrative errors:

It was all about my sick pay. I didn't get any pay for 11 days [after being off sick with pregnancy-related illness]. (Manager at a security company)

It was a struggle getting the maternity money, getting paid from them... I think they had a few problems sorting it out. (Office worker in a nursing home)

However, in other cases employer behaviour appeared to be in direct contravention of the rights of pregnant women at work. For example receiving their proper entitlement to ante-natal appointments was a problem for a handful of women. One woman was told that all her appointments relating to her pregnancy had to be in her lunch hour or else she would have to make the time up. She was made to take other visits out of her annual leave entitlement; she knew this was unlawful so she pursued the matter with her HR department who agreed that this was wrong. Two other women were also expected to have ante-natal appointments in their own time. For example:

I had to take time off at their convenience. Most of the time I only worked in the afternoons so I just took it in the mornings. I worked half days [i.e. took half days holiday] here and there later on when it came. (Bookkeeping/manager for a voluntary organisation)

One woman had problems with the amount of sick leave due to pregnancy-related illness:

Towards the end, before I left for my maternity leave ... there was just extra pressure and I was just less able to cope with it really. I went to see the doctor and she was good. The doctor signed me off for a couple of weeks, she said, "look you just need to chill out, you know, your blood pressure's getting high and you're getting stressed" and she had me off for a couple of weeks and when I was taken in to the office and told "you've got to hit your targets", sickness was another thing they brought up because I'd just had this two weeks off and I can't remember what the sickness allowance was, but they were just saying "well, you're getting close to your sick leave allowance ... and you can't have any more time off". (Advertising sales for a communications company)

Another woman felt that her employer had withheld her salary increase intentionally, because of her pregnancy:

I saw some wage slips one day and I realised that a dental nurse who was doing exactly the same job as me had suddenly got a pay rise, and I hadn't. I went to them and said, "this isn't fair, why aren't I treated exactly the same?" He wouldn't answer me, he just went red in the face, and you could almost see the smoke coming out of his ears, and he said, "what I do with my staff is nothing to do with you". I said, "I understand staff confidentiality, but as far as I'm concerned you should treat all the staff the same". I just felt he didn't put my money up because I was pregnant and I was going to be on maternity leave soon anyway. (Dental nurse/receptionist at a dental surgery)

One marketing manager told us how her employer wanted to use her upcoming maternity leave as an opportunity to both make her redundant and withhold her bonus. She explained:

My boss made comments to me all the way through the pregnancy "can we make you redundant while you are on maternity leave". He was asking my opinion - are we allowed to make you redundant during your maternity leave? In the end, he said to me "we can afford not to give you your bonus because you've got three children so you are not very easily movable around the work. You know you're not going to leave us because nobody else is going to want to employ you because you've got three small children". He actually went on to say "whereas if you were a man, you would be able to move around companies really easily and we'd know that we couldn't afford to lose you, and so we wouldn't do that". (Marketing manager for an automotive company)

Starting leave early

Three women reported how they were put under pressure to start their maternity leave early even though they would have preferred to work as late as possible as this

would mean they could return to work later. One woman worked in a health care environment and described a very delicate situation where she caught a parasite at work which was untreatable whilst she was pregnant:

I was healthy and I wanted to work until as late as possible to have the time off with my baby afterwards but I caught a parasite and ...I assumed it was from work. I rang the boss and, in confidence, I said "I don't want this to go out but I've got a parasite, I'm pregnant, I can't take any treatments for it". They were absolutely appalled by it and told everybody and had a big meeting, the Health & Safety, Environmental Health, everybody involved in it, which was quite embarrassing but it was handled really appallingly. I was basically told not to go near the place. It was an awful situation . . . They told me that I couldn't continue working there and to take early maternity leave, which I didn't want to do. (Care worker for a county council)

Another woman had been subjected to jibes and unpleasant comments throughout her pregnancy and felt that the stress of this left her no choice but to start her maternity leave early:

So I just put up with it - I actually finished when I was only about six months pregnant just to get out. I had to. It was bad enough being tired, being pregnant, being sick and then having to go to work ... It ruined my pregnancy actually. (PA for venture capitalists)

One call centre employee described how she was under constant pressure at work and was expected to work extra non-contracted hours despite requesting not to because of her pregnancy. After being threatened with a written warning she felt she had no option but to leave:

In the end I just sort of stuck at it for a couple of weeks and then I called my line manager in, and said "right, can I bring my maternity leave forward?" And I think they knew how unhappy I was and I felt like it was an extra shove, I think they wanted me to bring my maternity leave forward, because it just meant that it was less time that they had actually go to pay me - that's the way it felt to me ... I think they knew I was vulnerable and just pushed that button to get the result they wanted really. (Advertising sales for a communications company)

Verbal and physical abuse of a sexual nature

A couple of women referred to receiving offensive comments of a sexual nature and/or unwelcome physical contact from their manager or other senior colleagues. For both women quoted below, the comments included references to physical changes in the women's bodies resulting from the pregnancy, as well as references to having had sex.

He made quite a few dirty comments towards me. (Chef in a pub restaurant)

My sales manager was the cause and the management allowed him to get away with what he said to me and how he treated me. He said some horrendous things in public in front of higher management ... and you look at them and you think well, there's his boss standing next to him and he's not saying anything when he says [something offensive]. ...He said it in front of another manager and I just stood there in shock, I didn't know what to do. Another time he came up from behind and held my stomach and you know, I was in a meeting and he didn't agree with what I said so his response was "oh, ignore her, she's soiled goods now". One time he came back from holiday and I was sat at my desk working and he came up behind me and put his hands around my throat and said "oh I've really missed doing that", and walked off. Up to this point it had always been verbal abuse basically, I had ignored it as best I could, not maybe internally, but visually, and then he touched me. I know it wasn't in a sexual nature, whatever, but it really upset me and I just broke down. I broke down and couldn't handle it. (Marketing executive in the photographic industry)

Being sacked

Three women reported that they were sacked after becoming pregnant. Two of these had jobs that required physical activity and as they were not able to do this whilst pregnant they were both sacked for no longer being able to carry out their job descriptions.

The other woman was sacked under quite different circumstances; she became embroiled in a dispute with her employer over some annual leave she had taken at short notice, as well as the reimbursement of some expenses that she was owed. She was newly pregnant at the time, and after the dispute had escalated into an argument she found herself sacked. Although officially she was told that this was because of the argument, she thinks the employer used this as an excuse as they wanted to get rid of her because of the pregnancy.

Being made redundant

Three women found themselves made redundant, one quite early on in her pregnancy and the other two after pregnancy-related disputes. (A fourth was also made redundant when her company went into liquidation during her maternity leave). For example, the first of these, a woman in an office-based job, told her employers she was pregnant at three months. A month later she was told that her job was suddenly no longer available and her contract had expired:

I was sick a lot, pregnancy didn't suit me at all. They felt as if I was taking time out, having a break, but I wasn't, I was being sick. I was pulling my weight even though I was expecting. I got over it, I pulled my weight, and I

don't think they liked it, really, because towards the end they said "we're going to have to let you go", I didn't even have to work my notice, they just said "you don't need to come in any more" ... I think it was just the fact that I was expecting and they didn't want to give me the maternity pay. (Office worker for a manufacturing company)

One woman, who had been demoted during her maternity leave and had been pursuing her claim to be reinstated, told us:

I went back down to London in a couple of weeks to hear the outcome of my grievance. Surprise, surprise, it was that there was no job there for me. They couldn't uphold any aspect of my grievance and, by the way, I was redundant. (Regional manager in retail)

4.2 Problems experienced whilst on maternity leave

Most of the negative treatment experienced by women once they had left the workplace and were on maternity leave appeared to be of a potentially discriminatory nature; with the main kind of 'unpleasant behaviour' relating to inappropriate employer contact whilst they were on leave.

Unpleasant behaviour

A lot of women in the study felt unduly pressured by their employer whilst they were on leave; however for other women there was a sense that they were ignored by their organisation once they had gone on leave.

Contact during maternity leave

Many women, from both the in-depth interviews and the focus groups complained of inappropriate contact from their employer during their maternity leave. Some felt that they were put under pressure to think about their return to work and felt that at such a stressful time of their life, with a new-born baby to look after, this was not acceptable, especially in situations where the arrangements could and should have been sorted out prior to the maternity leave.

When I was on maternity leave she would start phoning the house to see whether I was coming back to work; constantly harass me. When I was on my first maternity leave she started hassling me a couple of weeks before I was due back, about these courses and things that she'd put me on ... And then when I came off with my second child, she was wanting me to return to work and my maternity leave hadn't even finished. Constant hassle, hassle ... My GP ended up, he had to phone personnel at work to tell her leave me alone, stop phoning me. It was just ridiculous ... it was my GP that did it because at that stage I really wasn't fit. (Nurse in an NHS hospital)

In one case, constant harassment by her employer led a woman to bring a tribunal case against her employer. This particular woman worked in an accounts office and

had tried to sort out arrangements for her return to work but it had not been resolved prior to starting her maternity leave. During her leave she was contacted constantly by a manager asking her to come in to work to discuss her return. She described how she felt after one of the phone calls:

After I came off the phone, I was shaking. I'm not that sort of person at all. I will not be pushed around. I will not put up with it. But I was absolutely shaking. I felt that he was almost bullying me, and I refused to discuss it. In the end I just said, "look, I'm on maternity leave. I'm really not prepared to come in just yet, I don't feel I'm ready, and I'm perfectly within my rights not to". I did point out to him that I had actually tried to sort all this out before I went on maternity leave. (Accounts assistant in a waste management company)

In the end, the woman felt she had no option but to seek legal advice and start tribunal proceedings against her employer:

I went to the solicitor. He said, "resign". It had got to the stage where I said I didn't want to go back there afterwards. Because I really felt that he was putting me in a corner and he was bullying me, and there was just something not very nice about it, and I said I just didn't want to go back there. So he told me to resign. So that's what I did. (Accounts assistant in a waste management company)

However, in a few other cases, women said that *more* contact from their employer would have been appreciated as they felt isolated or that their employer did not care about them.

They didn't get in touch with me or send me a card.. they just didn't show an interest in what I was doing. (Focus group)

My boss asked me to do work during my maternity leave. They'd only been in contact to do work. They'd not contacted me for any other reason at all. No flowers when the baby was born, absolutely nothing. (Marketing manager for an automotive company)

Similarly, one woman from the ethnic minority focus group felt that once she had gone on maternity leave she had been completely forgotten about, which made her feel '*unhappy and quite miserable*'.

My manager called once. They just want the work done, they don't care about you. (BME focus group)

Potential discrimination

The potential discrimination faced by women on maternity leave included denials of pay increases or bonus; unilateral changes to the job amounting to demotion; and

refusal by employers to consider part-time or other flexible working alternatives for the woman's return to work

Pay, conditions and rights

A handful of women reported that salary increases had been withheld whilst they were on maternity leave.

I kept finding letters about me on the desk and I missed out for two years on a pay rise, everybody had a pay rise apart from me, because I was on maternity pay. I didn't receive a salary increase and in fact had to fight to keep my salary at the level that it was at. When I returned, I returned into a lesser job than I originally worked in and it was suggested that I take the same rate as that job, that level of job, but I didn't have to remind them that they had sent me to college on HR and I did know what my rights were so I did have to actually very firmly say that if they wanted me to do, to go into another position then I needed to go on my original hourly rate. (Veterinary nurse)

Another woman had had to fight to get her bonus paid to her whilst she was on maternity leave. She had met all her performance criteria, but her manager was adamant that she was not entitled to it, implying that she would not be able to do anything about it because she needed the job.

Changes to job

Many women referred to their employers using the maternity leave period to make changes at work which affected their job. Some women felt that their employers saw it as an opportunity to demote them.

When I was on maternity leave with my second child, I felt that they used the time that I was away to change things, shuffle everything round and bring new people in, and when I came back there wasn't a place for me. I actually asked to go back with adjusted hours. Retail is really long hours anyway. When I went back I was at the store at about half seven, quarter to eight in the morning, and I'd leave about four o'clock, half four. They felt that that was part-time. (Regional manager in retail)

The reason that I took them to tribunal was that after my maternity leave, instead of going back as marketing executive but doing the marketing manager's role three days a week, as I had been doing, they had employed a marketing manager above me a week after I had left on maternity leave. They didn't give me an opportunity to apply for the position, they didn't tell me about it, they didn't let me know at all. They expected me to come back as marketing executive but report to the marketing manager, who would have been doing my job. (Marketing executive in the photographic industry)

After consultation with a lawyer, one woman who worked as a store manager was offered a position either in Scotland or on the south coast of England, despite being based in South Yorkshire prior to her maternity leave. They compromised with a position in Edinburgh, the woman's home town, so the whole family had to move back there. She told us:

It was a still a demotion – I went from being a regional manager to a store manager and had to take a £5,000 pay cut. I didn't see why I should let them win and leave so I took the offer. While I was on maternity leave they advertised "my" job and gave it to a man just as they had joked they would. They told me they assumed I would not be coming back even though I had said nothing to give them that idea. (Regional manager at an opticians)

Lack of employer flexibility

A number of women felt that their problems were focused around the arrangement for returning to work after their pregnancy and a lack of willingness on the part of employers to accommodate their wish to work reduced hours or to have some other kind of flexible working arrangement.

Several women felt that requests for reduced or altered hours were dismissed automatically even though they could have been accommodated within the existing working structures of their employers. In some cases, the message from the employers was mixed with individuals saying different things.

I was working five days a week. I don't want to work five days a week with three children and a small baby. So at the time I approached my line manager and she said that she didn't think there'd be a problem getting the reduced hours. Then she went to see her line manager and it was her that said no, that the School Nursing Service needed a nurse Monday to Friday, five days a week - she was overruled by the manager above her. The girls in the office said, "well, there's no reason why you shouldn't work three days a week. It's not rocket science and there's plenty of people to pick up the other work when you're not here". (School nurse)

In another case:

They wanted me to return to work in a full-time capacity, which I couldn't do with a young baby, they weren't flexible for me to go back part-time or anything like that which is why I had to leave, really. They didn't offer me anything, any flexibility on return. It was like a set thing; you either come back full-time or that's it, which was disappointing actually. (Assistant office manager for a software company)

One woman was granted the right to come back part-time but was given a different post from the one prior to her leave. Her new job had previously been done by a full-

timer and there was no additional support. She was put under pressure to return to full-time working and eventually had to leave as she could no longer cope:

... this went on and on and in the end it all got to me and I left. (Customer services manager in the manufacturing industry)

Another woman who worked in a very stressful environment of a call centre, with constant pressure on targets and outputs, told us how her right to return to work on a part-time basis was threatened if she did not agree to work overtime during her pregnancy:

Towards the end [of the pregnancy] when I started to get a bit more tired and I found the pressure a bit more difficult to cope with and they were asking me to do extra hours to make up for other teams and things like that and I was saying, you know, "I really don't want to do this overtime"... They started to get very off with me, and even threatened a written warning if I didn't stay and do all these hours that they were asking everybody else to do....[they said] if I didn't help bring the other teams up to date, if I didn't bring my target up to date there would be a chance that I would have a written warning and if I did receive a written warning then I wouldn't be able to go back part-time after having the baby. (Advertising sales for a communications company)

Finally a further woman, who had fought for the continuation of a part-time home-working arrangement and had been forced to return to a newly created job, found that her new job became, eight months down the line, subject to redundancy:

I wasn't missing targets, I wasn't slow, I wasn't late, there was nothing to complain about. So I made sure I kept my head up and kept everyone happy because it all just felt too good to be true you see, from day one ... my boss said to me that she'd had word from above that they want me in the office four days a week, they want to take away the two days working from home. And the only reason they could come up with was that it doesn't look good if there's not bums on seats. People are wondering where you are. I said "then tell them I'm working from home" ... I had no staff reporting to me, it was an autonomous role which meant I could work from home. That's why they introduced it, it was a brand new role, it had never existed before. But as a brand new role I was succeeding, it was working, and everything they wanted they got, and more ... I said "no, I'm not changing the hours, these were promised to me". I said "I'll come in three days a week and work one day from home". And I carried on doing that, then in April I was given notice of redundancy ... they used it as an excuse, because the guy there right now, is doing my job. Exactly word for word my job, and in fact he's driving my car ... they took the car back, they took everything back. I was given notice, they did offer me a new job but it was full-time, it was five days a week in the office. (Advertising executive for a publishing house)

5 ACCESS TO ADVICE

This chapter examines the type of external advice women accessed in relation to the pregnancy-related problems they experienced (see Chapter 4). It considers the quality of the advice received and whether it could be improved. The chapter goes on to examine whether women took their complaint further and whether they would have taken it further if other help was available.

As outlined in previous chapters our analysis divides negative treatment of pregnant women into two categories: unpleasant behaviour and potential discrimination. This chapter will examine access to advice in relation to both of these categories.

5.1 Types of advice accessed

Because of the problems encountered accessing help and advice from their employers (see Chapter 3), most women (from both the in-depth interviews and the focus groups) cited a range of different external sources they had used with regards to their particular problem or complaint. These sources included: Citizen's Advice Bureau (CAB); solicitors; EOC; Trade Unions; Maternity Alliance; and ACAS.

There were no major differences between the different groups of women, although women who had taken part in the young mothers' focus group seemed less likely to have accessed any external advice with regards to their experiences at work. Although most individuals in the ethnic minority groups had not contacted any external sources (because they had not necessarily experienced any problems) they did mention that if they had to, they would have been likely to contact the Citizen's Advice Bureau or their Trade Union.

Unpleasant behaviour and potential discrimination

Women who had experienced unpleasant behaviour tended to contact only one source for advice such as the CAB, their GP or their union at work. These women used these sources to find out where they stood in terms of pregnancy-related rights and sometimes went on to confront their manager with the information. Many women reported that they chose not to pursue the matter (see Section 5.4 for reasons why).

Women who had experienced potential discrimination were much more likely to have contacted more than one external source for advice. Many started by contacting the CAB, referred to as '*a good starting point*', and then went on to contact a solicitor, ACAS or the EOC. One woman who had experienced problems with changes made to her job and verbal abuse of a sexual nature whilst she was pregnant reported the fact that she had contacted a variety of sources before she finally took the decision to take it further:

I went to see the Citizen's Advice people initially and then phoned different people up. I got in touch with ACAS, the EOC and then I paid for half an hour with a solicitor in the end. (Chef in a pub restaurant)

However, most of these women did not take their complaint beyond the initial enquiry and this is discussed in Section 5.4.

5.2 Satisfaction with external advice

On the whole, the majority of the women who had accessed external advice (whether it was about unpleasant behaviour or potential discrimination) were satisfied with the information and help they had received.

I was very happy with the advice I received. (HR position in a logistics company)

I phoned the union and the lady was really helpful and she sent me round all the leaflets and stuff of what I was entitled to and any action I needed to take if I was treated unfairly. (Focus group)

However, three women did mention that they had had problems with one of their local external sources. They felt that on occasion it had been hard to get hold of someone they could talk to about the problem, and when they did speak to someone the person they spoke to did not seem to know much about maternity issues or did not know enough to help them with their specific problem.

5.3 How could external advice be improved?

As most women were happy with the advice and guidance they had received from external sources, only a few individuals mentioned areas that they felt might further help women. These were:

- A dedicated free-phone telephone number. This could be used specifically for pregnant women to find out about their rights at work and what to do if there are any problems. One women suggested this as she felt it would be an easy and very quick way for women to find out about their rights.
- More sign-posting and information from health clinics and midwives on pregnancy-related rights and what to do if problems are experienced. A couple of women from the ethnic minority focus groups mentioned this as midwives are usually one of the first people pregnant women have contact with:

Health visitors, midwives and health clinics could all provide some help with more information on rights from the beginning. (BME focus group)

- Booklets and information on pregnancy-related rights should be available in other languages and not just English. Two women from the ethnic minority groups mentioned this:

The booklet they [midwives] give out in English may not be the right language for everyone. (BME focus group)

- More one to one contact between the external advisory source and the employer. Two women from the general focus groups felt that this would be beneficial. They felt that an employer would not always listen to them and would be more likely to take notice of an official body such as a union or other outside representative.

The problem was that my manager didn't believe me when I told her what ACAS had said about my rights. It would have been useful if there had been more direct contact between ACAS and my employer. (Focus group)

- Better advertising of any changes in legislation for pregnancy and maternity related rights. One or two women from the ethnic minority focus groups felt that changes in legislation for pregnancy and maternity rights should be better advertised using television and radio campaigns 'like the tax credit adverts' rather than booklets that many people just do not read.

5.4 Whether would have taken the complaint further

Although the majority of women were happy with the external advice they had received regarding their complaint, only six women from the interviews (none from the focus groups) took their complaint further and started proceedings against their employer. These were all women who had reported that they had experienced potential discrimination. Of these:

- One women won her case: she had suffered verbal abuse of a sexual nature, and was expected to do extra hours without a break.
- Three women settled out of court (one had been fired, the other two had suffered from sexual discrimination). They felt that at the time it was easier and less stressful to do this than go through a lengthy court process. For example:

I accepted it was easier... Financially I'd covered my loss of earnings, my solicitor's fees and because of what had just happened in my life anyway, I wanted shot of it. I just wanted to put it in a drawer, shut the drawer and forget about it, and move on. (Accounts assistant in a waste management company)

...doctor advised me to try and reach a settlement rather than go to court as I was very stressed. (Assistant at a nursing home)

- One woman lost her case, (about a change in job when she informed them of her pregnancy), and felt that the chair of the employment tribunal was biased towards employers.
- One woman had an appeal about a sex discrimination case that was still on-going at the time of the research.

Reasons for not taking a complaint further

There was little evidence that conflicts were resolved internally and/or informally as most women felt that by resigning or not returning after their maternity leave, the need to resolve their situation formally was removed. Only six women pursued the matter externally (see above).

All the women who took part in the in-depth interviews were asked if they would have liked to have taken their complaint/claim further and why they had not done so. Interestingly, the majority of women (whether they had experienced unpleasant treatment or potential discrimination) reported that they would have liked to take their complaint further but felt they were unable to do so because of the other concerns they had at that time (i.e. pregnancy) and the fact that it might damage their reputation as an employee.

Most women referred to the fact that the timing of the grievances or disputes coincided with very stressful periods of their lives and they felt that they could not cope with any further pressure. For some, this was cited as the main reason for not pursuing action against their employer.

I wanted to take the case further but because I felt that the stress would have been too much for me. I had had a miscarriage before and I was scared that stress would lead to a similar situation. (Assistant at a nursing home)

...I decided that I didn't want the stress because it was my first pregnancy. (Designer for a conservatory manufacturer)

I don't know whether I should have done more, but at the time I found it very difficult being pregnant and having two children at home and to be battling with this woman at work as well. (Media worker in a newsroom)

The need to maintain a good reputation and to preserve good references from employers was mentioned by a number of women. For some, thinking ahead to how

it might impact on their future job options, or indeed their current job, was enough to stop them taking further action against their employer.

I spoke to them about it and checked it out, and they said I would have had a case to either get the money or to go ahead and confront him about it, and they said they'd write letters, and I thought about it and spoke to my husband, and in the end we decided not to because of the fact it would just make things difficult for me in the practice as well. (Dental nurse/receptionist at a dental surgery)

I didn't want my name dragged through the papers, which could have happened. I didn't want to lose my job because I was thinking then what would I do, I would have to go for interviews. (Advertising executive for a publishing house)

They told me there was not a job anymore because my contract had expired but, to me, it hadn't expired and I thought don't make a fuss here, you want to leave on good terms because you're going to have to fall back on these people for when you want a reference for your next job. So I thought there's no point in being nasty about it. They were quite shocked because my boss said to me we thought you'd be abusive, you'd be angry but you're quite mature about this. (Office worker for a manufacturing company)

I complained to my line manager about the treatment that I had received, but nothing was done about it and I didn't want to take it any further in case I was sacked and it might make it difficult to find another job. (YM focus group)

The experience of one woman would seem to support these concerns: she felt that she was now stigmatised as a 'kind of troublemaker' as she had brought, and lost, a tribunal case against her employer:

I must say it's a stigma that I don't know how to get rid of. I am going to have to go to work but I don't know how people are going to react to this. I don't want people to know that I took my employer to court because they might think I am that type of person. (Train manager)

6 IMPACT OF THE INCIDENT

This Chapter explores the impact on women of the negative treatment described in Chapter 4. It examines both the immediate impact of the experience and the longer term effects. Most data for this chapter are drawn from the in-depth interviews which explored in detail, how women and their families had been affected by the treatment that they had faced.

6.1 Impact at the time

The immediate effects of negative treatment during pregnancy were experienced in various ways by women in the study, including impact on their mental well-being, impact on their wider family, financial pressures and health effects.

Emotional impact

Most women said that their experience had some kind of immediate emotional impact on them. Some described this as feelings of stress while other descriptions were of more general unhappiness or of anger. However, very few spoke of a straight forward single impact; rather the effects were usually more complex, with for example the worry or upset of the incident leading to stress and/or concerns over finances, home life or health. As might be expected, women who experienced the most severe potential discrimination cited the greatest emotional impact, but all incidences had some effect on the women concerned. For example a woman who had been demoted said:

I just lost weight completely. I was just so stressed ... When I was trying to organise the paperwork for my grievance, for example, that was such an extra pressure ... I was tied up in a knot trying to get it all together. I was so tired, I wanted to get to bed and it was very stressful. (Regional manager in retail)

Another who had had changes to her job description forced upon her reported:

It was all very stressful and very tiring ... I don't have the words to describe how horrible it was really. I am still shell shocked at what happened I think. The fact that they were able to get away with it. (Train manager)

For some, the emotional impact also had physical ramifications (see Section 6.4 below) and cases that weren't easily resolved intruded into home life (see Section 6.2). One woman in advertising described how her problems had started just two weeks into her maternity leave when there were queries over whether or not she had a job to go back to.

They manipulate you when you're vulnerable. I was terribly vulnerable because all the way through maternity leave I hadn't had the peace and the time to enjoy it ... And it was so stressful, really stressful ...I didn't enjoy my maternity leave at all and I really resent that company for making me go through that. I'm so angry with them for making me have five months of pure stress. (Advertising executive for a publishing house)

Feelings of anger were cited by other women too, as was feeling unhappy and miserable at the situation, with references including "...it was a shocking experience" (a kitchen hand who was fired when pregnant), "... I was absolutely miserable" (a media worker in an unsupportive environment) and "... it ruined my pregnancy" (a PA with enforced changes to her terms and conditions). Other references to emotions included betrayal, feeling vulnerable, being cheated or hurt and to the breakdown of relationships at work.

Others noted how the stress of any situation at work was heightened by the timing. Some referred to the general emotional upheaval of pregnancy, while for one woman, who was preparing to take her employer to court for constructive dismissal and sex discrimination, the situation coincided with other stressful events in her life:

Oh, it was horrible. Absolutely horrible. I was actually preparing to get married as well. I remember, the morning of the wedding I was getting ready here, and the postman came and there was a letter with something to do with the tribunal. And that was on my wedding day! So when it all ended it was just a huge big sigh of relief. (Accounts assistant in a waste management company)

Impact on the family

For many women it was inevitable that such stressful times at work would have additional impact at home. While some women managed to keep their problems at work, others found that the worry of it encroached on their home life. Perhaps inevitably, partners bore the brunt for some, including the nursing home worker who was fired during her pregnancy; she described an "*intense environment*" at home which led to rows with her husband. Similarly, a veterinary nurse who had multiple complaints with her employer including health and safety considerations, being demoted and ante-natal rights, explained how the situation impacted on the relationship with her husband:

I'd come home ranting and raving about it and I was telling my husband about it and he could see it had upset me and it was stressing me out and he said, "look, just forget about it" ... I used to come home and cry ...my husband got fed up of me coming home and got fed up of me telling him about my day. (Veterinary nurse)

Others described similar scenarios, showing the relationship between the incident and its effects such as financial concerns:

It was hard for my husband because I was always talking about it, constantly talking about it, constantly on websites looking for my rights, constantly speaking to the Equal Opportunities Commission, and then marking things and showing him when he got home, and it also made my husband very angry but of course he was worried about the financial side of things. (Advertising executive for a publishing house)

However, other than general concerns the impact on other members of the family was less evident, with just two women citing respectively the relationship with their baby, and with an older child in the family:

I didn't have any time to relax and appreciate being off work ... I did suffer with postnatal depression. It could have had an effect on it because I certainly didn't feel like I had time to nest and bond and relax when I was pregnant. (Bookkeeping/manager for a voluntary organisation)

With my older daughter it did [have an impact] because I just used to come home and cry and cry and cry. She's a very tearful child, she'll cry over anything, so whether that rubbed off on her, I don't know. (Psychiatric care assistant in a private elderly care home)

Financial impact

A number of women referred to the financial impact of their treatment, particularly those who found themselves without a job, or had disputes over maternity pay. For a handful of women, the financial situation was very serious. One woman, a chef, found herself sacked from a very well paid job when she was five months pregnant:

I thought god, that's it, I'm going to be homeless, and I'm going to be homeless this week! I'd just had all this stuff delivered from my friend, cots and mountains of baby stuff, and I was totally distraught. And I went to the council offices here, like the council housing, and said "oh my god, I'm pregnant and I've just been fired!" Reality really hit, and my rent was £250 a week which I could very easily afford last week! I was so completely distraught, and they took me off and gave me a cup of tea, and I was really upset. I was saying "oh my god, I should have an abortion, I can't afford to have this child!" (Chef in a private household)

Financial impact was also felt in other ways such as general concerns over resultant debt, and influencing the decision to pursue or to drop a legal case. One woman with a senior position in the advertising industry, took legal advice following a redundancy notice after her return to work – she explained to us how the financial pressure stopped her from pursuing her case in the courts:

I had no job and I had no redundancy money until this was solved, so for six months I'd have no income unless I went and got a job then. And they could also withdraw redundancy money altogether, so it was such a stressful time, and I had a young baby that needed looking after, and just one wage from my husband, so I took it [redundancy money]. (Advertising executive for a publishing house)

The financial pressure of having to stay in, or return to, an unsuitable workplace led to two women - working in HR and a dental surgery - feeling trapped by their current circumstances:

I was beginning to think to myself, well what's the point in going back, can we afford for me to stay off, and I started having those types of conversations with my husband. But at the end of the day we couldn't really afford for me not to be working at the time ... we needed the second salary. (HR position in a logistics company)

I was worried, thinking I'm going to have this other baby, if I don't stay in this job then I'm not going to have any money. It's almost like being backed into a corner, I thought my boss was thinking "I know you need this money, I know you're not going to do anything else, so you'll do as I say". (Dental nurse/receptionist at a dental surgery)

Physical impact

Six women explicitly mentioned impacts on their health, citing stress at work and/or anger at their situation as the reasons for physical symptoms such as increased blood pressure, migraines or effects on the health of their baby. For some, a vicious circle followed, with resultant concerns about the health of their baby causing more stress.

I did suffer quite a bit with health issues, I ended up with high blood pressure and I never recovered from my kidney infection and ... the growth of the baby was weeks and weeks and weeks behind what it should have been ... I should have been going to the midwife every month and I was going every week, and then that worried me as the months and weeks were going on that, you know, the baby wasn't healthy and I was losing weight. (Veterinary nurse)

6.2 Longer-term impact

The interviews also explored any longer-term effects of the incidents that women had faced. The clearest impact of this nature was on the employment preferences and future decisions about work.

Confidence

In addition to the impact at the time of the incident, there was evidence of some longer-term impact, particularly in relation to the labour market choices made.

Individual women referred to effects such as regret at not pursuing the case further, or the lasting memory of the stressful situation. The most common effect, however was of the negative experiences influencing women's confidence about returning to the labour market. This was cited explicitly by some women:

It did knock my confidence, hugely ... at the time and right up until I went back to work. Once I'd got my foot in the door, I was fine. But I was very, very nervous about going back to work. (Accounts assistant in a waste management company)

I'm very nervous, actually [about returning to work]. I'm really nervous because I haven't worked for so long; I'm so nervous and almost claustrophobic. What am I going to be like? (Office worker for a manufacturing company)

I could go back to work and now for me is the right time to go back and I... can't. I have a real problem stepping out, you know there's this fear, I'm, as soon as I start thinking, I look through the local papers and I just have this feeling of that trap comes back to me and... I don't think I can go and work for somebody again. (Marketing executive in the photographic industry)

As well as such explicit statements, the impact on confidence was alluded to by many more women and the complexity of such emotions means confidence levels could be related to other labour market decisions such as opting to take lower-level work. The three women who said they would prefer to return to jobs which they were overqualified for had all previously been in higher level jobs. One woman, a train manager who suffered enforced changes to her job description because of her pregnancy, explained how she subsequently "lost trust" in others and had begun to doubt her abilities, even "wondering at some stage if I had postnatal depression or if there was something wrong with me". She decided that she would definitely not get a senior job again and would instead opt for a stress-free environment such as a supermarket that didn't matter to her. She summarised the extent of the damage by saying:

My union said to me "look you have got a case" ... they said "what do you want in compensation?" I said "I have no idea what could compensate for the damage they did to me personally, to my confidence". (Train manager)

Two other women (a senior advertising executive and a marketing executive) also wanted a lower level job with the underlying assumption that it would be less stressful or require less commitment:

I said to my husband "I swear I'll never go back to a blue chip. I'd happily work in Pizza Hut rather than go back there, I really would". (Advertising executive for a publishing house)

I'll start looking for work then. [What kind of work? Same as before?] No, I can't ... I don't believe I could do the role I was doing... something part-time, office based. [Lower level?] Yes, because I can walk away easily. (Marketing executive in the photographic industry)

At least one other woman had already returned to lower level work; she had left her previous job following a dispute over her entitlement to fringe benefits whilst on maternity leave. She described her current job as paying a “fraction” of her previous wage, but being more flexible and less stressful by way of compensation.

Changed attitudes towards work

Four women reported that their experiences had changed their attitudes towards work. An administrative assistant who had had a dispute over her entitlement to maternity pay explained that her job and the situation at home were equally important, and she described this as a “need to balance your houses”. Similarly, one woman described her current part-time work as a breastfeeding advisor for the NHS as suiting her at this stage of her life, despite having a lower status than her previous sales job. Two other women, one who worked for a logistics company and one who worked for an importer, said that their attitudes had changed:

It's perhaps made me think twice about positions that I'm going for and perhaps what we need to do as a family. My husband works longish hours, his job's quite demanding, he's in a responsible position, so, and I do believe that you need to have one sort of parent that needs to be available to the children, so I'm quite happy to take step back while they're at that particular age. (HR position in a logistics company)

To be quite honest, it made me think, when it comes to employers, sometimes it's not always fair to give your pound of flesh because it doesn't pay off. Obviously, as a member of staff you're paid to do a job [but] sometimes you should just stay within your boundaries and maybe not try to do too much ... I just think I wouldn't put myself out the way I did before, no way, I wouldn't do it. (Office worker for a distributor/importer)

6.3 Personal impact

In one particularly severe case a women reported how difficulties on returning to work after the birth of her first child had contributed to the decision to terminate a subsequent pregnancy. She had experienced difficulties with her right to return to work and had been demoted to a much lower level, and to a different part of the country, resulting in the whole family having to relocate. She contested the decision and reported that it was an immensely stressful time for her:

I wasn't really thinking straight at the time, I was close to having a breakdown and I felt suicidal at times. The impact was huge, and what

should have been the happiest time of my life was a nightmare. (Regional manager at an opticians)

She told us how her stress contributed to problems with the baby's health and she suffered additional pressure because of financial implications, and having to move home and start a new job. She is still with the same company and when she fell pregnant again recently, she worried that her mental health would deteriorate again. She explained how her fears contributed to her decision to have a termination as she couldn't cope with the idea of reverting to such a stressful situation.

7 CURRENT CIRCUMSTANCES AND FUTURE PLANS

Women involved in the research were asked to tell us about their current circumstances and their future plans for work and the family. This chapter explores in particular, what those women who had experienced negative treatment during their pregnancy would now be looking for in a future employer. It shows that even where women did not specify that one of the impacts of their experience was on their future labour market decisions, in almost all cases, negative treatment had affected their attitudes towards future employment.

7.1 Current circumstances

Those currently not working

Almost one in three of the women involved in the study were not working at the time that the research was conducted. Most of these had made a conscious decision not to work while their child/children were young, but a handful were job hunting, retraining for a career change, or on maternity leave again. Most, did, however plan to return to work at some point, often choosing to coincide this with their children reaching school age. However, a handful voiced concerns about returning to work:

Unless it's totally changed, I probably wouldn't go back [to work]. I just thought I don't want to have to choose between my daughter and the work. Deep down you know these places are different, all employers are different but at the time I just couldn't face going back to anybody like that, so to find another job was totally out of the question ... I decided to sit back and just watch my daughter grow up. (Manager at a security company)

Similarly, an assistant in a nursing home who had been fired when pregnant, reported how she would find it difficult to start working again because she would always worry about what would happen if she were to become pregnant again. She felt that:

... companies don't want to pay maternity leave, they care more about money than people. (Assistant at a nursing home)

Others were looking to change their career. For one veterinary nurse, the experience of working through pregnancy was enough to encourage a career change, hopefully to a more sedentary and family-friendly job. For similar reasons, another woman had already started to retrain from her previous occupation in retail.

Now, I'm studying to be a dietician ... I want to be in a clinical setting and then start incorporating freelance work, because I just don't feel that I could work in the private sector again. [That way] I can do what I want. I can work whatever hours suit me. (Regional manager in retail)

Those currently working

The majority of women interviewed, almost two out of three, had subsequently gone to new employers. These included a small group who have opted for self-employment, such as the woman who set up her own dressmaking business because she was “*fed up with the lack of support with having a young son*”. One woman who had been made redundant whilst on maternity leave described how, despite all the stress and unhappiness, something good had come from the situation as she had taken the redundancy package on offer and used the money to set up her own mail order company from home:

So I took the redundancy and set up my own business, and if truth be known I'm happier now than I've ever been ... I'm just glad to be out of it [previous job], but it's taken all my trust away ... working for myself is the best thing because I know I'll look after my best interest. And that's the only thing I'm grateful for, is that they made this possible - it's something I wouldn't have had the nerve to do, I would never have left work and followed a dream. (Advertising executive for a publishing house)

Those who chose to find new employers after maternity leave gave a variety of reasons. Some left for reasons related to the discriminatory episode, while others returned initially to their original employer and moved on shortly afterwards to take up new career opportunities or to work in more flexible family-friendly environments.

Those in new employment were asked whether they felt they had made a good move or a bad move, and whether their new job made as good use of their skills and abilities as their previous job. Here, opinion was divided: although almost everyone felt that it had been a good move overall, fewer felt it made equally good use of their skills. Some had clearly opted for work of a lower level (see also Section 7.2) while others felt that the need to balance work with family commitments meant that other criteria became more important than traditional career priorities. Balancing part-time work with childcare was seen as the ideal solution by some including a care worker, who told us “*I don't want to sacrifice my love for my daughter for the sake of a career, so I'm quite happy working part-time*” and a foster parent who described fostering as a job which “*balanced income with time to spend with my children*”. Others referred to advantages in their new jobs such as acquiring new skills, having fixed working hours, and not having to commute too far.

The remainder of the interviewees, a minority, were with the same employer with a few on reduced hours or with altered roles.

7.2 What is looked for in a future employer

All interviewees, regardless of whether they were currently working or not, were asked what they would look for in a future employer. Virtually all felt that their

experiences contributed to clear preferences about the sort of employer they would choose to work for. Here it was evident that there was an element of the 'grass being greener' elsewhere, as preferences were often the exact opposite of employers where they had had difficulties.

I definitely think it's the smaller companies that have got a problem, they just don't know the employment laws and how it works, whereas the bigger companies know everything and give you the maternity leave, give you everything you need. (Dental nurse/receptionist for a small employer)

I've always felt more comfortable at smaller companies rather than the big sort of multi-nationals, you seem to get more involved, you just seem to be a number in the big companies ... you're not really part of anything, you're just there to do your job and they don't really care about you, as long as you do what they want you to do. [And] I would never ever go back to tele-sales ... I wouldn't touch it with a barge pole, even if they were offering me fifty grand a year to work one day a week... no. (Advertising sales in a large call-centre)

I feel like I would never work in the private sector again. I feel like I wouldn't trust anyone in the private sector ... I think you do get a bit more freedom in the NHS, from what I've seen of it. (Regional manager who was in retail but at the time of the research was retraining to work in NHS)

A preference for public sector employment, particularly with local councils, was voiced explicitly by nine women, however none said that they would prefer private sector employment. It was felt that public sector employers were likely to be "better" than those in the private sector, not just in terms of maternity rights and attitudes, but also because of their approach towards flexible working and family-friendly policies which were seen by many as being vital (see below).

I would actually actively seek government posts because I believe if they can't get it right then we really are in big trouble, because my belief is that maybe they are equal to not just pregnant women but to everyone, so everyone gets a fair deal. Flexible time and equal opportunities is very important. The kind of job I've got into at the council, most of the places do have equal opportunities and they are a bit better than the normal private organisations and I think they are more flexible. (Marketing executive in a private sector company)

Flexible attitudes towards working and a good work-life balance culture were the most frequently cited characteristics looked for in a future employer. Around half of the women in the study specifically mentioned flexible working, understanding about the demands of family life and equal opportunities policies. One woman who had worked for a media company with a poor understanding of flexible working told us what she would look for in the future:

I would never work for anybody that didn't have a system whereby I could leave at two in the afternoon if I needed to, on the understanding that I would make up the time, if for example it was the children's sports days ... And I would play the game and I would go back in and if I owed three hours on a particular day, I would make up those three hours, and probably more than. But anywhere that I worked would have to be able to do that ... it's critical. I couldn't work for somebody that said, I'm sorry it's your daughter's school play this afternoon, but you can't go. (Media worker in a newsroom)

Around half a dozen women felt that they would be able to ask explicit questions about what prospective employers had to offer in “*proper written down policies*” (as described by a customer services manager) and would use this information as part of their decision about working there:

This time I must admit one of my driving forces for looking for a job was the family-friendly policies that employers have and I actually asked questions at interview about what the policies are and how would they feel if I were to take time off if the children were sick - you have to ask those type of questions and also make employers aware that you are in a situation where that could happen. (HR position in a logistics company)

If I was to go to a job tomorrow, and they said, yes, fine, we're going to take you on as our team member, we'll give you the job, then I would ask them questions, how would they feel about maternity leave and other issues because I'm a parent. (Office worker for a manufacturing company)

However, the general culture of the workplace was more important than any specific policies for two women: one marketing executive and one accounts assistant:

I'll be looking for an employer with equal rights, that treats all people the same ... I'm not necessarily that interested in their policy and I won't go and sit there and read it, but I'd want to have a real clear understanding of the atmosphere and the whole ethos of the company, is it equal opportunities? (Marketing executive in the photographic industry)

I would go on my gut instinct, I think that tells you a lot. There wasn't anybody [at my new job] who I felt intimidated by. It's just a very friendly company. (Accounts assistant in a waste management company)

Other requirements in a new employer that were mentioned by some individuals included a workplace with trade union representation (because “*I can't face having to go through a similar situation again*” - a nursing home assistant who was fired when pregnant); a location that is easy to get to because of childcare arrangements (“*so I don't have the stress of getting to and from work, with the traffic and everything*” - a woman made redundant whilst on maternity leave from an import company); and being reticent about working again in a domestic situation for private household

employers with no knowledge of employment law (a chef who had been sacked when pregnant).

8 CONCLUSIONS

This report explored the experiences of pregnant women at work, during maternity leave and following their return to work. It is based on findings of qualitative research combining in-depth interviews with women who had reported experiencing problems when pregnant at work, plus focus groups of other women who had been at work during a recent pregnancy but who had not necessarily experienced any difficulties.

Although the research was conducted with women from a wide range of backgrounds and social groups, the experiences reported were largely similar. With a qualitative study of this nature, it is misleading to draw conclusions about particular groups, but there was little evidence to suggest any differences in the shared experiences of the women.

The study revealed some degree of agreement amongst these women as to what constitutes discriminatory treatment of pregnant women at work: redundancy; dismissal; denial of pay increases; refusal of promotion; returning to lower paid work; exclusions from training; and refusal of time-off for ante-natal care were all widely seen as discriminatory. However there were several areas where there was less consensus, in particular some women felt that it might be legitimate for small employers to refuse to recruit a pregnant woman.

This research would indicate that women are often only vaguely aware of their employment rights when they become pregnant and that in many cases employers have as little understanding of the entitlements of pregnant women. As a result, women in the study often had to seek advice from external sources in order to find out about their rights.

Women from the in-depth interviews had experienced a wide range of negative treatment, ranging from a subtle change in the attitudes of colleagues and employers, to denial of promotion opportunities, unfair selection for redundancy, sexual harassment and dismissal. In many cases they sought initial advice on what to do about this treatment, commonly going to a Citizen's Advice Bureau as their first source of assistance. Most were happy with the advice that they received but only a small proportion went so far as to take proceedings against their employer as a result of the complaint. Some later regretted not taking further action, but felt they had been prevented from doing so by other pressures and strains associated with pregnancy or by a concern that taking a stand would harm their future employment chances.

Women in the study who had faced difficulties at work said that their experience had had some immediate impact upon them. These included emotional distress,

pressures on personal relationships, financial hardship, or physical illness arising from the stress caused by the incidence. In almost all cases there was also evidence of a longer-term effect, particularly on the attachment to the labour market and future employment choices of the women concerned: some women were put off returning to work, others lost confidence in their abilities and skills and moved to lower-paid, less demanding work. Almost all said that their treatment meant that family-friendly policies and culture would be key particular characteristics that they would look for in a future employers.

APPENDIX A

REVIEW OF LITERATURE

Introduction

In recent decades, the participation of women in the labour market has increased considerably and has come close to that of men. This upward trend has been particularly notable among mothers of dependent children, who increasingly return to work after childbirth (Dench et al., 2002). In 2001, 57 per cent of women with children aged under five were economically active, compared with 48 per cent in 1990 and these trends have implications both for women and for their employers (Callender, 1997). The Department of Trade and Industry (DTI) (2001) estimate that there are around 1.5 million employers in Great Britain of whom around five per cent (some 70,000 employers) will have a pregnant employee in any year.¹

According to analysis by the Institute for Employment Research (IER) using data from the Millennium Cohort Survey of women who had a live birth in 2000-2001, 63 per cent were working as employees while pregnant and an additional four per cent were self-employed. The analysis indicated that 75 per cent of women returned to work after their maternity leave.

These trends were undoubtedly influenced by the introduction and enhancement of maternity rights legislation. Research using the General Household Survey has shown the link between the introduction of maternity rights and the increased rates of employment amongst those with very young children (Gregg et al., 2003). Maternity rights legislation in the UK is designed to provide a minimum standard of protection to help women reconcile their work and family responsibilities. These rights have seen minor changes over the years (since 1979) but have been significantly strengthened in more recent years. In April 2003, a wide range of new rights for both parents were introduced (Wade, 2003). The key features of this new legislation are:

- an increase in the length of maternity leave;
- an increase in the level of maternity pay;
- the introduction of adoption and paternity leave;
- a new right for employees to request a more flexible working pattern.

¹ i.e. 5 per cent of employers in GB will make SMP payments in any year, according to information from employers' end of year returns.

The research of Gregg et al. indicates that one outcome of these improvements may be an increase in the number of women staying in work when pregnant and returning to work immediately after the maternity leave period.

Women's participation in the labour market has attracted a large body of research. Publications such as the DTI's *Work and parents: competitiveness and choice* (2000) provide a good summary of research on parents in employment and combining employment with family life. Research looking at the relationship between pregnancy and motherhood in the workplace and in society, from both the perspective of the individual and of the employer, is less extensive. A series of Maternity Rights Surveys conducted by the Policy Studies Institute has focused on maternity rights and provision from the perspective of mothers, fathers and employers (Daniel, 1980; McRae, 1991; Callender et al., 1997; Hudson et al., 2002). Other work, such as that of James (2004) has provided a review of pregnancy discrimination in the workplace with a focus on the legal perspective.

This short review concentrates on areas identified by the EOC which have attracted less attention, such as women's access to justice, costs and benefits to employers and individuals, and factors surrounding women's decision to return to work.² This, in conjunction with the prominent research such as the Maternity Rights series, sets the scene for the qualitative research covered in the rest of this report.

Women in the workplace

Assumptions about women employees

Despite progress in the provision of family-friendly working environments, negative assumptions about employing mothers persist. James (2004) provides a good summary of employers' attitudes towards working parents and highlights numerous studies that point to issues such as staff being late, unreliable, or unable to do overtime due to childcare commitments, and increased levels of absenteeism to accommodate childcare problems.

A survey of companies conducted by Professional Personnel Consultants (PPC) found that 'almost a third of SMEs (small and medium enterprises) would not employ, promote or train women of childbearing age' (PPC 1996). More than half the employers said they had they had suffered some inconvenience due to maternity absence, although only six per cent had experienced 'considerable difficulty'. The

²See the Bibliography and Appendix C for an outline of the methods used and sources consulted

survey summarised employers' reluctant attitudes towards employing potential mothers by reporting:

A third of SMEs that had experienced absence related to pregnant employees said they would be 'selective/discriminate' against women of childbearing age in recruitment. Around 16 per cent of SMEs said they would be more cautious with regards to promoting women of childbearing age and just under 10 per cent said they would probably spend less time on training them". (PPC, 1996 reported in press release)

Research by Kennelly (1999) reinforced the idea that employers see women employees as mothers rather than as women. Her research with employers noted that:

... women's family responsibilities are one of the primary concerns employers had about women workers. Forty two per cent of employers, without prompting from interviewers, brought up images of motherhood and family when they talked about women. Employers often made these characterisations of women as mothers without empirical knowledge of their actual family situations. (Kennelly, 1999)

Women as part-time workers

There has been considerable debate and research over gender segmentation in the workplace and continuing gender pay gaps. A recent report by the Industrial Society³ (2000) summarises the situation and highlights the influence of the high level of part-time working amongst women

Part-time work is less well rewarded than full-time work – for men and women. This is because employers only open lower-status jobs up to part-timers. So the fact that there are three part-time women for every man exacerbates the pay divide. (Industrial Society, 2000:4)

The Industrial Society Report goes on to say that employers' discrimination against women employees will persist as long as the burden of childcare arrangements is borne by women, even in the situation where both parents are working. The Society's own research supported this by confirming that even in families where both parents worked full-time, mothers were five times more likely than fathers to be called at work when their child was sick, and four times more likely to be the one who stayed home with them. Women generally had responsibility for the morning and evening childcare hand-over and for remembering doctor's appointments and school closure days.

³ Now the Work Foundation

Women's access to justice

In spite of the increase in women returning to employment after childbirth, there is evidence that some employers do not comply with their basic obligations under legislation on pregnancy and maternity rights. In 2001, the number of potential tribunal cases involving pregnancy and maternity-related discrimination was 1,434 (HSE, 2003). However this probably only indicates a small part of the problem. The EOC itself has found that the area of pregnancy- and maternity-related discrimination is the most common source of enquires to the commission from the public. A report by the National Association of Citizen's Advice Bureaux (NACAB) suggests that 'tens of thousands' of women seek advice on maternity rights at work each year (NACAB, 2001)⁴.

Although not specifically focusing on maternity related disputes, Knight and Latreille (2000) undertook analysis of the 1998 Workplace Employee Relations Survey (WERS) in order to investigate the rates of disciplinary sanctions and dismissals and the incidence of unfair dismissal complaints to employment tribunals in the UK. They identified a number of employee characteristics which might increase their likelihood of experiencing dismissal or discipline, such as being in workplaces with a high proportion of manual and lower skilled workers (since such workers have lower associated costs of hiring and firing) and being in workplaces with a larger proportion of younger workers (since their lower labour market attachment makes them more vulnerable to both discipline and dismissal). The authors noted however that the situation with regards to gender is less clear. They summarised this by saying:

If women exhibit a higher level of compliance to workplace discipline, this will lower the need for enforcement sanctions. As far as dismissal is concerned, however, the lower cost of firing women workers (because of shorter tenure and lower pay) makes them more vulnerable to dismissal, but greater compliance to work discipline and flexibility has the opposite effect. (Knight and Latreille 2000)

They also noted that the presence of trade unions in the workplace was influential suggesting that:

...both dismissal and disciplinary sanction rates are lower when unions have a more significant presence... Despite the erosion of collective activity in the workplace ... unions still play a major role in the resolution of disputes between individual employees and their employers. (Knight and Latreille 2000)

⁴ See NACAB (2001), and James (2004) for a more thorough review of incidence rates and the legal framework.

Costs and benefits to individuals/employers

Costs of losing staff

When an employee leaves their job, regardless of the reason, this leads to costs to the employer which can take many forms. Research in small and medium enterprises (SMEs) by Bevan (1990) examined the costs associated with labour turnover and identified a number of different types of costs. These were grouped into four main areas: the administrative costs of separation such as pensions, payroll, and exit interviews; temporary replacement costs which might include overtime or allowances for another staff member 'acting-up'; recruitment and selection costs both in terms of direct costs and indirect costs of management time spent; and induction and training costs, again both direct costs and the indirect costs of pay during the initial unproductive stages of work.

Opportunity Now (1999) calculated that the cost of replacing an employee can be up to almost 50 per cent of their yearly salary (reported in Women and Equality Unit 2001). Likewise, a recent survey estimated the average recruitment cost to be £3,500. They identified that higher costs are associated with higher qualified employees, estimating over £5,000 for a professional employee, falling to £900 for a graduate trainee and £750 for an unskilled manual/craft worker. (CIPD, 2004).

The costs of losing staff in different industries are likely to vary, reflecting the differing amounts of investment in training for different occupations. For example, Jones and Causes (1995) undertook research with 60 female technical professionals in the electronics sector. They quoted estimates from McRae (1989) that the cost to a company of training a Chartered or Technician Engineer was £40,000. Other research from the Engineering Council estimated that it normally took about five years to recover the investment and that if the engineer left during this period then the company did not get a full return (Engineering Council 1985, quoted in Jones and Causer 1995). Their research went on to say:

They were highly educated, 93 per cent of the sample holding an undergraduate degree, with a significant number having or studying for postgraduate qualifications. As technical professionals there is a considerable investment, by both the women themselves and employers, in their careers. (Jones and Causer 1995)

In addition to the areas of costs identified above, Bevan and Hayday (2001) highlighted other less tangible 'opportunity' costs of losing staff such as lost sales, lost customers and the inability to take on new contracts.

Despite the dearth of reliable and current cost estimates that can be applied to all types of occupations, it is clear that failing to retain women workers during pregnancy

or after maternity leave can result in costs to employers. This is particularly true for women employees who are highly skilled or whose jobs are of a specialist nature, although there are associated costs with all types of occupations.

Costs of compliance

In addition to cost savings, there are also costs to employers involved with maintaining an awareness and understanding of the current legislation (and any changes), as well as ensuring that the company complies with this (generating policy, record keeping etc.) (DTI, 2000). In addition to obvious costs such as maternity pay above the level which is reimbursed by the state, there are also costs of providing cover whilst an employee is on maternity leave (or paternity leave or parental leave) and any one-off costs associated with, for example, introducing flexible working, such as management or implementation time. For example, a press release by the Confederation of British Industry (CBI) estimated that the changes to employment law as of April 2003 would result in firms facing annual extra costs of £300 million for parental employment rights. (CBI, 2003). The DTI's own figures from their regulatory impact assessment are similar with recurring annual costs for maternity, paternity and adoption leave estimated to be between £327 and £353 million, plus additional one-off costs of £49 million. (DTI, 2001).

Benefits of flexible working

As well as benefits to employers because of lower costs due to reduced staff turnover and recruitment, research has shown that there are other benefits to retaining staff and implementing family-friendly working practices. In fact, research from the DTI (2000) concluded that "employers who have introduced measures to support working parents find that they are beneficial (or at least neutral) in cost-benefit terms".

Studies (Bevan et al. 1999) into SMEs showed that benefits included reduced casual sickness absence, since most employers felt that staff were no longer using sickness absence to allow for sudden caring responsibilities. In turn, employees felt that they were more able to be honest about absence that was due to dependants' illness. Other benefits included improved retention, improved productivity, improved recruitment, and improved morale and commitment.

These findings were confirmed by a DTI study which also identified more concrete benefits such as those to recruitment.

Employers ... get more people applying for jobs and better quality applicants. To this extent, the existence of these policies is attractive not just to applicants with domestic commitments, but to all applicants: they provide a signal about the support that employees can expect from their employer. (DTI, 2000:72)

The DTI survey of small employers found that 78 per cent of employers could specify a benefit from offering flexible working and leave arrangements, with employee morale and good management-employee relations being identified more frequently than other benefits such as sickness absence, recruitment or retention.

Whether to return to work or not

The Maternity Rights Survey (Hudson, 2002) found that 80 per cent of the women surveyed had returned to work some 13-17 months after giving birth, and noted that this proportion had risen since the previous MRS surveys of 1996 and 1988.⁵ The report concluded however that the increasing propensity for women to return to work had slowed down in recent years:

While the propensity for women to return to work after childbirth continued to increase in the second half of the 1990s and early 2000s, it did so at a slower rate than had occurred in the late 1980s and in the first half of the 1990s. (Hudson, 2002: 112)

The decision regarding whether and when to return to work is a complex one, which will be different for each woman, since it involves reviewing a combination of work, family and home circumstances. Nevertheless, research has endeavoured to identify some common factors and to isolate personal motivations from workplace circumstances.

Returning to work

A DfES study by Woodland et al. (2002) looked at some of the motivations and reasons underlying the decision about whether to return to work. Mothers who had already made the decision to return to work were asked their reasons and the most common responses were:

- enjoyment of work (reported by 69 per cent);
- financial autonomy (51 per cent);
- need of money (44 per cent);
- to get out of the house (40 per cent).

These findings varied according to women's characteristics, e.g. women in couples were more likely than single mothers to report that they worked for the financial autonomy (with the opposite being true for the need of money). Looking at

⁵ Direct comparable figures are not available due to different timescales being used in each of the surveys.

educational qualifications, women who were higher qualified were more likely to report a positive attachment to work.

The survey (Woodland et al., 2002) also looked at the relationship between work-related reasons and childcare-related reasons and asked respondents which had been the most important in enabling their return to work. The findings were very divided:

- half (50 per cent) thought work-related reasons were more important;
- 42 per cent thought childcare-related reasons were more important;
- the final eight per cent were undecided.

Multivariate analysis of the 1996 Maternity Rights Survey (Deraniyagala and Lissenburgh, 2000, quoted in DTI, 2000) examined influences on women returning to work after a period of maternity leave. This analysis showed that women who had been employed in higher paid jobs and/or managerial or professional jobs were more likely than other women workers to return to work. Other factors which increased the likelihood were working in the public sector (rather than the private sector) and long length of service/job tenure (rather than shorter). Non-work-related circumstances that increased the likelihood of returning to work included being married, being older, having a low-earning partner, and being in receipt of extra-statutory maternity pay.

Marks and Houston (2002) researched the patterns in responses to a number of statements about general and personal attitudes towards work, motherhood, childcare and combining work with motherhood. They compared responses from 119 women by the respondents' current work situation and concluded that there were differences in attitudes towards work commitment and motherhood from three distinct groups of women: those who worked full-time, those who worked part-time, and those who were not doing any paid work. Perhaps unsurprisingly, those who chose to combine motherhood with paid work scored higher than other women on the attitudinal scales around work commitment ('Being a worker is important to me' and 'It is important to me to be a competent worker'). The authors suggest that:

... it could be argued that it is difficult for women who are not in work to maintain high levels of work commitment because they have relinquished their personal identity as a worker. This may be part of the barrier women face when they consider returning to paid employment. (Marks and Houston, 2002: 532)

Career reasons were also identified in some studies. In the Woodland et al. research (2002), 14 per cent of the mothers who had already made the decision to return to work said they had done so for fear that their career would suffer. Research by Hirsh

et al. (1992) cited in more detail below, found that two out of three women felt that their pregnancy would reduce their career prospects (65 per cent definitely or to some extent).

Not returning to work

The *Parents' Demand for Childcare* survey (Woodland et al., 2002) also researched reasons given by women who had chosen not to return to work. The most common reason reported was a lack of work with suitable hours (cited by 28 per cent), followed closely by the demands of the job (20 per cent). Other reasons identified by fewer respondents included the potential loss of benefits, a lack of suitable qualifications and an inability to work due to illness/disability.

The survey also found that 24 per cent of families reported not being able to find suitable childcare when needed. National shortages of affordable and high quality childcare are well documented and have attracted considerable attention from the Government in recent years. High profile initiatives such as the introduction of the childcare element of the Working Families Tax Credit and documents such as the Inter-departmental Childcare Review (2002) and the recently published 10 Year Strategy on Childcare (2004) have backed up the Government's commitment to improve and increase the availability of high quality childcare.

Aside from the difficulties of accessing childcare, a study by Bevan et al. (1999) reported data from the TUC (1996) which identified adverse career effects resulting from lack of childcare. The research showed that 35 per cent of working mothers said a lack of suitable childcare had made it harder to work extra hours and found that 19 per cent of working mothers had been forced to take a career break due to the lack of childcare facilities. Reinforcing some employers' perceptions (see above), 14 per cent reported that lack of suitable childcare had made them appear less reliable and available for work, while a similar proportion had been prevented from seeking promotion.

The 10 Year Strategy on Childcare reinforced that in addition to the availability of childcare, there are clearly other influential factors which have a large bearing on the decision about whether and when to return to work:

Almost half of the parents surveyed felt that there was not enough childcare in their local area. However, findings from the survey suggest that a lack of suitable provision was not the most significant reason why parents were not using childcare services. Parents who did not use childcare were most likely to say that they preferred to care for their children themselves (HM Treasury, 2004)

Staying at home from choice (rather than lack of choice) was also a finding in research by Berryman and Windridge (1997), as part of the Leicester Motherhood Project. The project surveyed 107 women at four stages during their pregnancy and early motherhood. Of these, 33 women were not working one year after the birth of their child. Although almost a third specified problems with obtaining suitable childcare or being unable to find a suitable job, the majority simply chose not to work in order to spend more time raising their child.

Other evidence also shows that many women will choose to stay at home, not because of any barriers to employment, but because of a desire to devote their time to a caring role. For example, in a 1998 nationally representative survey on combining paid work and family life (Bryson 1999), attitudinal questions revealed that:

... roughly 40 per cent of mothers stressed the benefits of caring at home over employment, and about 25 percent took a strong 'primarily mother' standpoint, in that they thought women should not combine mothering and employment and stressed the centrality of motherhood in their lives. (Difficulties in finding childcare and suitable jobs were more reinforcing factors). (Bryson et al. 1999, quoted in Duncan et al. 2003: 317)

What can the employer do?

Research for the Daycare Trust (2000) reports that almost half of all parents say that a supportive employer is important in helping women return to work and a similar proportion feel that working mothers do not receive this support from employers (Daycare Trust, 2000, reported in Women and Equality Unit, 2001). Employer support and understanding is clearly an important factor in the decision to return to work; however IES research on career breaks (Hirsh et al., 1992) identified that factors outside of the employer's remit were often more influential. The research surveyed almost 800 women in professional and managerial jobs who had taken a break in order to have a family, and had then returned to work with the same employer. Respondents were asked to consider and then rate a number of factors which may have influenced their decision about returning to work. The factors which emerged as being the most influential were:

- the ability to organise satisfactory childcare;
- having a healthy baby;
- having the support of their partner;
- the desire to work for their own satisfaction;
- the ability to balance the job with domestic responsibilities;
- and the financial necessity of working.

The authors go on to comment that this might present a problem for employers since the factors really making the difference to women returners are not factors within their reach. Factors which are within the remit of the employer, such as the effective administration of the career break; the general attitude of the employer; knowing other women/role models who had successfully managed a career break and subsequent return; are all seen as less important. However, the authors note that although these factors did not rank in the top reasons, they were nevertheless very significant for a considerable percentage of the sample. For example:

- career break administration was quite or very important to 39 per cent of respondents;
- the general attitude of the employer was quite or very important to 66 per cent;
- the support of colleagues at work was quite or very important to 58 per cent ;
- knowing of other successful role models was quite or very important to 38 per cent.

Respondents were then asked to rate a series of statements about the experience of their career break. Most statements were largely positive, with the most positive being their employers believed they would return to their job as agreed, and the feeling 'as if they had never left' once the career break had ended. Other areas concerning the employers' management of the career break, however, fared less well. Although the majority of women were satisfied with their employer (70 per cent agreed definitely or to some extent that they had good procedures for dealing with their career break) that still left a considerable minority (30 per cent) who did not agree (either definitely not, or only to a small extent). Satisfaction was lowest for:

- level of contact from their employer during the break (46 per cent saying it was not at all or only satisfactory to a little extent);
- receiving adequate updating on their return to work (39 per cent);
- not knowing in advance about the job they were returning to (39 per cent);
- employer having good procedures for dealing with the break (30 per cent).

Hirsh et al. (1992) summarises the message to employers: they should be more flexible and understanding; offer more opportunities for part-time working and job sharing; provide workplace nurseries and crèches; judge people by their performance rather than stereotype women as 'mothers'; treat mothers as equal to their colleagues in areas such as promotion; and offer financial help with childcare.

... many women still feel that the practical problems of managing a job and children need to be hidden from their employers. They would prefer an

environment in which these problems can be acknowledged, discussed and solved rather than hidden. (Hirsh et al, 1992:98)

Disadvantages and implications

Perceived disadvantages of flexible working

Recent research for the DTI (2004) amongst 1001 employees in the IT sector examined the attitudes around work-life balance and flexible working from the perspective of the employee. Although 84 per cent believed that flexible work should be available to all employees, the research revealed that many employees felt that this might come at a cost. Almost three-quarters of respondents agreed that moving to a part-time or flexible career will harm your promotional prospects (74 per cent) and almost as many agreed that there are fewer promotional opportunities available to part-time workers (72 per cent). The image of part-time work being the domain of women workers persists with 81 per cent of respondents agreeing that flexible or part-time work is usually taken up by women (despite a general belief that it should be available equally to both men and women).

The authors summarise that:

The shadow of presenteeism, the perceived inequities that can result when flexible working is not available to all staff, and the association of career success with full-time working, offer employees powerful incentives to stick with the status quo of long working hours. (DTI, 2004)

Consequences of career breaks

The Hirsh et al. research (1992) asked women to consider whether having a family and a career break had altered their career ambitions. A minority of seven per cent said that it had motivated them to be more ambitious than previously, with a more substantial 33 per cent saying they were just as committed as before. Twenty per cent felt that childbirth and a career break meant that their career would have to wait, while 30 per cent felt that their career aspirations were now lower than previously, with the final 10 per cent feeling even more negative about their current commitment.

Implications of combining work and family life

Research for the DTI (2004) into attitudes surrounding work-life balance, referred to what it called 'the uneasy truce between work and home'. Key findings from this include:

- 50 per cent agreeing that they do not get involved with their family as much as they would like;
- 53 per cent agreeing that it is difficult to get involved in school activities;
- 49 per cent agreeing that they miss out on their children's development.

The research notes that although female respondents to the survey tended to rate these factors higher than their male counterparts, there is still a strong feeling that fathers too are missing out. This suggests that:

... these issues are no longer the sole preserve of women in the labour market and that a significant proportion of the male labour force in the (IT) sector are becoming uncomfortable with some of the costs of working long hours and without fully fledged flexibility. (DTI, 2004)

APPENDIX B

SOURCES OF INFORMATION

A number of different search strategies were used as part of the literature review. These included the use of electronic databases and general web-based searching. The key terms or words used included:

- Sex discrimination
- Pregnancy discrimination
- Maternity discrimination
- Maternity rights
- Maternity law
- Maternity leave
- Pregnancy and work
- Pregnancy and employment
- Maternity and employers
- Gender discrimination
- Parental rights
- Motherhood
- Childbirth
- Pregnancy-related unfair dismissal
- Work and family
- Gender advice pregnancy
- Pregnancy and labour market
- Pregnancy employment
- Young pregnancy employment
- Ethnicity pregnancy employment
- Disability pregnancy employment

Databases used in search

A number of electronic databases were searched including:

- Econlit – indexes and abstracts from economic journals, books and papers.
- Psycinfo – contains periodical articles from 1887 and books from 1987 and dissertations on psychology.
- Web of Science – contains journal articles and comprises the Arts and Humanities Citation Index, the Sciences Citation Index, the Social Sciences Citation Index and the Index to Science and Technological Proceedings.
- ASSIA - (Applied Social Sciences Index and Abstracts) which contains references from 650 key social science journals back to 1987.

- Sociological Abstracts - covers an international selection of journals, conference papers, books and dissertations in the social and behavioural sciences.
- ZETOC – contains the British Library’s Electronic Table of Contents database of over 15 million article titles derived from the 20,000 most important research journals in the world dating back to 1993.

Web-based search

In addition to searching the electronic databases, many different websites were investigated for information specific to pregnancy discrimination and women in the workplace more generally. These included:

- Cabinet Office
- Policy Studies Institute
- Citizen’s Advice Bureau
- Department of Trade and Industry
- Women’s Equality Unit
- Department for Work and Pensions
- ACAS
- EOC

We also accessed different on-line library databases such as:

- Sussex University library
- Brighton University library
- The British Library
- The Women’s Library catalogue (part of London Metropolitan University)

Journals hand-searched

Many specialist journals that were felt to be important in this subject area were hand-searched:

- Work, Employment and Society
- IRS Employment Review
- Equal Opportunities Review
- Employment Gazette
- Modern Law Review
- Journal of Marriage and Family
- British Journal of Industrial Relations
- Labour Market Trends
- Industrial Law Journal

APPENDIX C

MATERNITY RIGHTS SURVEYS

A series of Maternity Rights Surveys have been conducted by the Policy Studies Institute which focused on maternity rights and provision from the perspective of mothers, fathers and employers. Surveys were conducted in 1980, 1991, 1997 and 2002 (see bibliography for full references for Daniel, 1980; McRae, 1991; Callender et al., 1997; Hudson et al., 2002).

Sample

IES was provided with data from the Maternity Rights Survey 2002 which consisted of 9,100 respondents. Since the questionnaire contained a number of questions that indicated poor treatment during pregnancy, those who had answered these questions were extracted from the dataset to form a smaller sample.

The five questions most indicative of discrimination or unfair treatment were:

- being treated differently because of the pregnancy, in terms of being treated with less respect by employer/line manager, not having access to training opportunities, lack of promotion or being excluded from meetings;
- being put under pressure to hand in notice;
- experiencing problems with employer about the right to return to work after maternity leave;
- having problems with employer about entitlement to normal terms and conditions of employment during maternity leave;
- making a complaint to an Employment Tribunal concerning unfair dismissal, sex discrimination, the right to return to work, time off for ante-natal care, or any other pregnancy-related reason.

The responses to these questions were combined into a score, with each question scoring one point - some questions were multiple response so in theory a maximum score of 12 could be achieved. All respondents with a score of at least one were drawn from the dataset, resulting in a sample of 305. Of these, the points ranged from one to seven, although two-thirds of the sample scored just one point.

All of the sample were sent a letter explaining the research and were followed up by telephone. The telephone calls were done in order with the highest scoring respondents being approached first in order to maximise the content of the interviews. Thirty five interviews were achieved in total.

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