



## Pregnancy and Maternity Digest

This paper is one in a series that informs service and policy planning. These papers provide available research evidence relating to different equalities characteristics protected under the Equality Act 2010. They provide a top-level view of each subject area, identifying resources for people who would like more detailed information. Much of the information given is only available at the national or regional level. We provide data for Poole where it is available.

### Structure of this Paper

Equality and Diversity Digests contain 4 sections. For each protected characteristic:

- **Terminology** – gives the definition of relevant groups with guidance about language.
- **Population** - indicates the size of related equalities groups within Poole.
- **Key Issues** – For other papers, this section is structured using the 10 domains, identified by the Equality and Human Rights Commission in their Equality Measurement Framework. However, The Equality Act 2010 applies more limited protections to 'Pregnancy and Maternity'. These protections apply in the workplace and guard against 'unfavourable treatment' by certain services. We therefore provide information on the 'Productive and Valued Activities' and 'Standard of Living' domains only.
- **Sources** - highlights relevant research reports and signposts readers to other sources of information.

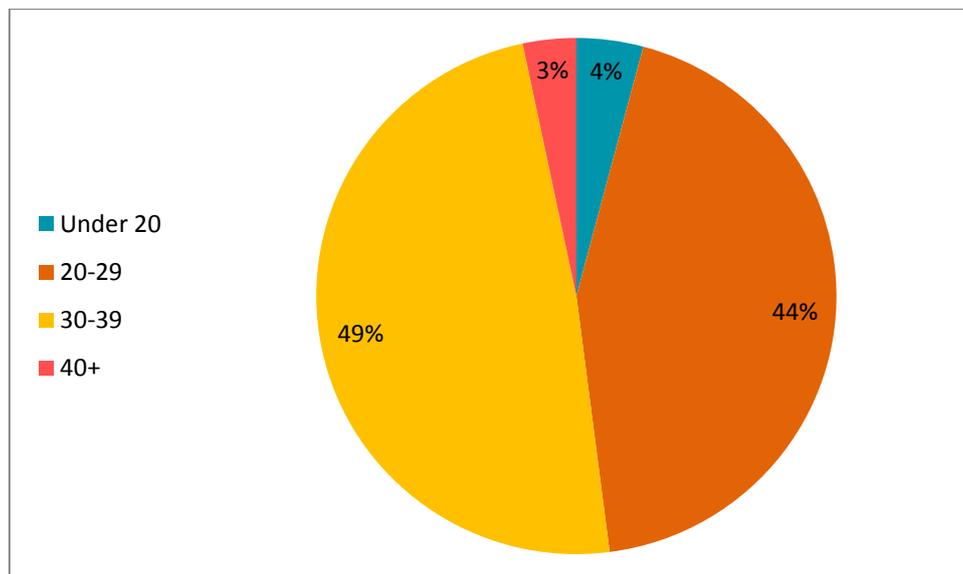
## 1 Terminology

- According to the Equality Act 2010, this protected characteristic applies to women who are pregnant or have a baby under 6 months old (for employment purposes, it applies up until the end of her maternity leave).
- There are also protections for new mothers once babies are older than 6 months, for example, in relation to breastfeeding.
- A woman is protected in relation to this characteristic when her pregnancy results in a live birth or if her child is stillborn anytime after 24 weeks of pregnancy.
- Pregnant women are also sometimes referred to as expectant mothers.

## 2 Population

- In 2015, there were 1,568 live births in Poole<sup>1</sup>.
- When looking at these births, mothers were most commonly aged 30-39 (49%).

► **Figure 1: The proportion of 2015 live births in Poole to mothers of different ages** (Office for National Statistics, 2015)



<sup>1</sup> Office for National Statistics (2015) Births by mothers' usual area of residence in the UK, Available at: <http://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/livebirths/datasets/birthsbyareaofusualresidenceofmotheruk> [accessed 18/11/2016]

## 3 Key issues

### Standard of Living

#### Unfavourable Treatment outside of work

- The Equality Act 2010 prohibits treating a woman unfavourably because she is pregnant or breastfeeding.
- This applies to anyone providing services and public functions, premises for the public, further or higher education bodies and associations (with more than 25 members). Coverage therefore includes: parks or sports/leisure facilities, public transport, public buildings, shops or restaurants and colleges or universities, amongst other places.
- There are no statistics on the prevalence of this form of discrimination. However, there is anecdotal evidence of its existence.
- Examples of Pregnancy and Maternity discrimination in these settings could include<sup>2</sup>:
  - Refusing to provide a service
  - Providing a service at a lower standard
  - Providing a service under different terms
- It is against the law to ask her to leave a public place unless she stops breastfeeding, even if other users have complained.
- Although not legally-defined discrimination under the Equality Act 2010, the physical inaccessibility of buildings, transport and services for those with prams and pushchairs can also be a key obstacle for new parents.

### Productive and Valued Activities

#### Employment

According to Governmental guidance<sup>3</sup> on Statutory Maternity Leave:

- Pregnant women qualify for Statutory Maternity Leave as long as they give their employer the correct notice.

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<sup>2</sup> Citizen's Advice (2016) Pregnancy and Maternity discrimination - <https://www.citizensadvice.org.uk/discrimination/what-are-the-different-types-of-discrimination/pregnancy-and-maternity-discrimination/> [accessed 24/11/2016]

<sup>3</sup> GOV.UK (2016) Maternity Pay and Leave - <https://www.gov.uk/maternity-pay-leave/leave> [accessed 17/11/2016]

- Pregnant employees can take up to 52 weeks of Statutory Maternity Leave. This is made up of two parts: Ordinary Maternity Leave (the first 26 weeks) and Additional Maternity Leave (the last 26 weeks).
- New mothers aren't required to take 52 weeks but they must take at least 2 weeks' maternity leave after their baby is born. They must take 4 weeks' maternity leave if they work in a factory.
- The earliest Statutory Maternity Leave can start is 11 weeks before the baby is due, unless the baby is born early.

## Earnings

According to Governmental guidance<sup>4</sup> on Statutory Maternity Pay:

- Pregnant women qualify for Statutory Maternity Pay if:
  - They earn at least £112 per week.
  - They have worked continuously for an employer for at least 26 weeks up to the 'qualifying week' (the 15<sup>th</sup> week before the expected week of childbirth).
  - They give correct notice and provide proof of pregnancy.
- Statutory Maternity Pay (SMP) is paid for up to 39 weeks. It is paid in the same way as a claimant's wages (e.g. monthly or weekly), with Tax and National Insurance deducted.<sup>5</sup>
- An alternative form of payment, Maternity Allowance, is often paid where a pregnant woman is: employed but doesn't qualify for Statutory Maternity Pay, where they are self employed or where they have recently stopped working.
- On the 31<sup>st</sup> May 2016, there were 52,700 current claims of Maternity Allowance in England. Of these, 5,400 claims were from pregnant women living in the South West<sup>6</sup>.

## Workplace Discrimination

- In the workplace, pregnant women and new mothers are protected from direct discrimination and victimisation. Employment tribunals determine what is legally classed as discrimination.
- As shown in Figure 1, in England and Wales, in 2015/16, there were almost 1,300 employment tribunal discrimination claims related to Pregnancy and Maternity, making

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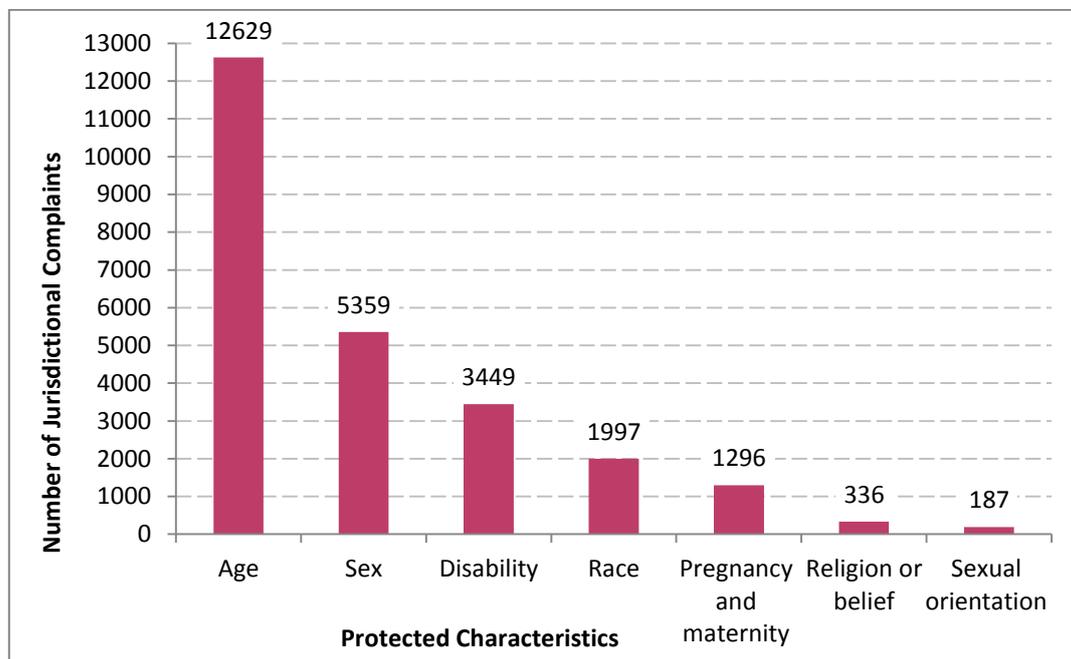
<sup>4</sup> GOV.UK (2016) Maternity Pay and Leave - <https://www.gov.uk/maternity-pay-leave/leave> [accessed 17/11/2016]

<sup>5</sup> Same as Footnote 4

<sup>6</sup> Department for Work and Pensions (2016) Maternity Allowance: quarterly statistics: March to May 2016. Available at: <https://www.gov.uk/government/statistics/maternity-allowance-quarterly-statistics-march-to-may-2016> [accessed 18/11/2016]

it the 5<sup>th</sup> most common type of protected characteristic discrimination claim<sup>7</sup>. It is not clear however how many of these claims were accepted as valid.

► **Figure 1: Types of Employment Tribunal Discrimination Claims in England and Wales in 2015/16** (Ministry of Justice, 2016)



## Perceptions of Workplace Discrimination

- Recent national research<sup>8</sup> surveyed mothers and employers to investigate the potential prevalence and character of Pregnancy and Maternity discrimination. This study focused on negative and potentially discriminatory experiences. Importantly, these things may or may not have been confirmed as legally-defined discrimination in an employment tribunal. Key findings for the two sections of research are provided below. For more details of the research and its findings, please read the full report.
- Key findings from the research with mothers were<sup>9</sup>:
  - Over three-quarters (77%) of mothers surveyed said that they had a negative or possibly discriminatory experience during pregnancy, maternity leave and/or on their return from maternity leave.
  - 11% of mothers surveyed reported that they felt forced to leave their job.

<sup>7</sup> Ministry of Justice (MOJ) (2016) Tribunals and gender recognition certificate statistics <https://www.gov.uk/government/collections/tribunals-statistics> [accessed 11/11/2016]

<sup>8</sup> HM Government and Equality and Human Rights Commission (2016) Pregnancy and Maternity-Related Discrimination and Disadvantage: Summary of key findings, Available at: <https://www.equalityhumanrights.com/en/managing-pregnancy-and-maternity-workplace/pregnancy-and-maternity-discrimination-research-findings> [accessed 18/11/2016]

<sup>9</sup> Same as Footnote 8 above

- A fifth of mothers said that they had experienced harassment or negative comments related to pregnancy or flexible working from their employer or colleagues at work.
- 10% of mothers said that they had been discouraged from attending antenatal appointments.
- Of those who submitted a flexible working request following their pregnancy, 75% stated that they had had it approved. However, around half (51%) of these mothers said that they felt it resulted in negative consequences.
- The three sectors where mothers were most likely to report positive experiences in relation to pregnancy and maternity were: 'Education', 'Public administration' and 'Real estate and business'.
- Mothers were most likely to report negative experiences in the 'Utilities' and 'Transport and communications' sectors.
- Experience also varied by size of company with mothers working for medium-sized employers (those with 50-249 employees) more likely to report having a negative or possibly discriminatory experience.
- Key findings from the research with employers included<sup>10</sup>:
  - Most employers (84%) reported that it was in their interests to support pregnant women and those on maternity leave. The main reasons they gave for this were improved staff retention (58%) and better employee morale (20%).
  - The two sectors, in which employers were most likely to have positive attitudes or behaviours in relation to pregnancy and maternity, were 'Public administration' and 'Real estate and business'.
  - Sectors with the most negative attitudes or behaviour in relation to pregnancy and maternity were 'Finance' and 'Manufacturing, Construction, Agriculture, Fishing and Mining'.
  - Employer attitudes also varied by the size of the business with small employers (those with under 50 staff) less likely to feel that it was in the interests of their business to support pregnant women and those on maternity leave.
  - More small employers also reported that they had low awareness of pregnant women's rights.

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<sup>10</sup> HM Government and Equality and Human Rights Commission (2016) Pregnancy and Maternity-Related Discrimination and Disadvantage: Summary of key findings, Available at: <https://www.equalityhumanrights.com/en/managing-pregnancy-and-maternity-workplace/pregnancy-and-maternity-discrimination-research-findings> [accessed 18/11/2016]

## 4 Sources

- **Advisory, Conciliation and Arbitration Service (ACAS)** – provides guidance to employers and employees on all aspects of workplace relations and employment law. They offer specific guidance on pregnancy and maternity discrimination - [www.acas.org.uk/](http://www.acas.org.uk/)
- **Citizen's Advice** – a free, independent, confidential and impartial advice service, offering advice to everyone on their rights and responsibilities. - [www.citizensadvice.org.uk/](http://www.citizensadvice.org.uk/)
- **Equality and Human Rights Commission (EHRC)** - an independent statutory body with the responsibility to encourage equality and diversity, eliminate unlawful discrimination, and protect and promote the human rights of everyone in Britain. It also offers a toolkit for employers on managing pregnant women and new parents at work. - [www.equalityhumanrights.com/](http://www.equalityhumanrights.com/)
- **Government Statistics** – a portal to access official statistics from UK Government departments. - [www.statistics.gov.uk/](http://www.statistics.gov.uk/)
- **Maternity Action** – a UK charity seeking to end inequality and improve the health and wellbeing of pregnant women, partners and young children. It offers a number of information sheets on rights during pregnancy and maternity leave. - <https://www.maternityaction.org.uk/>
- **Neighbourhood Statistics** – allows you to find detailed statistics for a range of specific geographic areas including Local Authority, Ward and Lower Super Output Area. [www.neighbourhood.statistics.gov.uk/](http://www.neighbourhood.statistics.gov.uk/)
- **Office for National Statistics (ONS)** – The Office for National Statistics produces independent information to improve our understanding of the UK economy and society. - [www.ons.gov.uk/](http://www.ons.gov.uk/)
- **Poole Family Information Service** – provides information on local activities, childcare and services, including information on Poole's Children's Centres. <http://www.poolefamilyinformationdirectory.com/kb5/poole/fis/home.page>

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