

Maternity Action – Scarlet Harris

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Protection from redundancy in pregnancy

Each year, there are over 500,000 pregnant women in the workplace, many of whom go on to take a period of maternity leave before returning to work. According to EHRC research, one in every 20 of these women is made redundant during their pregnancy, maternity leave or on their return, equivalent to 6% of all pregnant women and new mothers at work. This is more than double the rate of redundancy for all women in employment (ONS).

While there are currently protections against unfair dismissal in pregnancy (Regulation 10, Maternity and Paternity Leave etc Regulations 1999), EHRC research and Maternity Action's anecdotal evidence from women using our advice services suggest that these regulations are routinely ignored or disregarded by employers.

Maternity Action is supporting a cross-party private members' bill (the [Pregnancy and Maternity \(Redundancy Protection\) Bill 2019](#)) which would effectively prohibit making a woman redundant during pregnancy and during the six months after giving birth.

This model is loosely based on the German Maternity Protection Act (Mutterschutzgesetz – MuSchG) which makes it unlawful for employers to make a woman redundant during pregnancy or for 4 months after giving birth except in exceptional circumstances such as the business closing. This protection is also extended to mothers who have had a miscarriage after week 12 of pregnancy. A woman in this situation cannot be dismissed for a period of 4 months after such miscarriage.

The German legislation is still relatively new so it is too early to say whether this policy has been transformative. However, it is hoped that a similar approach in the UK will have a transformative effect on women's job security and the high rates of pregnancy discrimination in this country.

Maternity, paternity, and parental leave policies

The UK has relatively long entitlements to maternity leave and shared parental leave but paid at low rates compared to many other EU countries.

https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/annual_reviews/Leave_Review_2018.pdf

The Coalition Government's introduction of Shared Parental Leave in 2015 but the take up has been extremely low (2% of eligible parents). Some suggested reasons for this are:

- Low rates of statutory pay makes the leave unattractive to fathers
- Cultural barriers and stigma attached to fathers prioritising childcare
- The complexity of the regulations which are poorly understood by both employers and employees
- Gaps in eligibility
- And the fact that there is no reserved period of leave for fathers/partners (rather it is all based on the model of the woman transferring her maternity leave to her partner)

Several Nordic countries provide examples of transformative policies which have demonstrably led to greater sharing of care between mothers and fathers.

It is important to note that where these policies have been successful they have been part of a wider context of policies to support children and families, including carer's leave, financial support for stay at home parents, and free, high quality childcare.

For instance, in Finland maternity, paternity and parental leave are paid as income-related benefit (90/70 %) until child is about 11 months old. Parents can also access care leave and home care allowance (flat-rate €338/month) until child is 3 years old. Children also have a right to early childhood education and care from the point at which their parents end their parental leave (20 hrs if parent is unemployed or on parental leave).

https://finlandabroad.fi/documents/384951/405231/presentation_slides.pdf/e83fa02a-c3bb-e93b-ed0a-73cdd5d40d4e?t=1548965309721

Examples of the transformative impact of reserved periods of leave for fathers:

In Germany, uptake of parental leave by fathers rose from 3.3 per cent in 2006 to 29.3 per cent in 2012 after the introduction of a two month individual entitlement (European Parliament 2014). In Iceland and Sweden, uptake has doubled since the introduction of the daddy quota (OECD 2016). Outside the EU, Norway's leave quota was followed by an increase in the uptake of paternity leave from 3 per cent (1993) to 70 per cent (2000) (Rege & Solli 2013).

Examples of the transformative impact of incentives for both parents to take leave:

In Sweden, for example, parents receive a cash bonus on top of the daily allowance if parental leave is equally divided between parents. This bonus is only granted if both parents take the full 240 days of leave, not the two months for each parent that is reserved and non-transferrable. In the Italian region of Piedmont, fathers receive a bonus of €400 per month on top of the existing 30 per cent compensation of previous income if they take parental leave during the child's first year. This rises to €540 per month if they take at least three months (Eurofound 2015b).