

Employers: managing maternity leave

[Business](#), [Employee](#)



Introduction

Women in the workplace have historically struggled to be on an equal footing with men both in terms of pay and positions that they could achieve. In the U. K, where women are the majority population (51%) (ONS 2011), efforts to ease workplace discrimination and to provide equal opportunities have become central issues for political policy debates. Maternity laws exist to improve the health of newborn babies and the mother and at the same time minimize the inconvenience of working mothers while they are at such an important stage of their lives. The 2010 Equality Act has provided the legal framework to end workplace discrimination and specifically addresses maternity discrimination. The Marmot review in 2010 that assessed the social determinants of health in the U. K has underscored well paid maternity and paternity leave as important for child and maternal health (Ward 2011). While government policy provides for maternity leave and benefits, availing these benefits have often disadvantaged women at the workplace. This paper will address issues surrounding maternity leave and its implications for women in the workplace.

Maternity Benefits

Late stages of pregnancy and postnatal care are important periods in the life of a woman and maintaining a healthy mind and body during these stages is critical for the baby's health. Maternity leave and the maternity benefits are clearly social policies that help working women strike a balance between work and their parental role. Current policy permits women to take up to a year off from work to take care of their newly born. The regulations also

permit women to return to their same jobs if they chose to within 26 weeks (The Telegraph 2014). The policy also permits women to request their employees for flexible working hours once they return to work. However, one of the stipulations is that women should take maternal leave in one block and are not allowed to break and manage their leave. These provisions are certainly essential from a social policy point of view as the Marmot review points to strong positive association between paid maternal leave and improved child health outcome (Ward 2001). The benefits of such policies lies in the health improvement and the potential savings on the NHS child healthcare costs (Ward 2011).

While the benefits of maternal leave cannot be disputed, the current debate surrounds the continuing discrimination of women at the workplace and how maternal leave and benefits could actually contribute to preferential treatment of men over women in the labor market. Economic recession has also contributed to the increased discrimination against pregnant women. As a recent report from the U. K charity ' Working Families' has pointed out, there are growing number of complaints from women about pregnancy discrimination across the UK labor market (Working Families 2009). Evidence from recent surveys in the U. K of women who availed maternity leave has only confirmed the alleged discrimination against pregnant women. One survey commissioned by Slater & Gordon, one of the leading law firms in the U. K, for instance, reveals that ' women are suffering in silence'. This survey pointed out that women are made redundant while on maternity leave and that one in seven women lost their jobs after availing of the leave. Among the survey participants, 40% indicated that their jobs were changed and

almost half of them revealed that they were either demoted or that their working hours were cut (McVeigh 2013). As Samantha mangwana, an employment lawyer says many big organizations are part of this prevailing discrimination against pregnant women and frequently engage in out of court settlements. “ I see the same major companies again and again and again, writing out these cheques - accompanied, of course, with a confidentiality clause”(McVeigh 2013).

A more recent survey conducted by OnePoll on 1000 women who availed of maternity leave revealed that 30% of the women who rejoined felt that they did not fit in with their workenvironment anymore and that more than 40% felt that they had lack of support and only 3% of them sought legal assistance over maternity discrimination (McVeigh 2013). These surveys clearly point to the existing trend of maternity discrimination in the workplace. An early qualitative study by the ‘ Equal Opportunities Commission’ reported that women on maternity leave were subjected to discrimination in various ways. Some women involved in this study reported that their employees withheld salary increases and bonuses simply because they were on maternity leave. Similarly, several women reported that their employers used the maternity leave period to create changes to their job including demoting them upon return. For instance one of the women in the study said, “ I went from being a regional manager to a store manager and had to take a ? 5, 000 pay cut. While I was on maternity leave they advertised “ my” job and gave it to a man just as they had joked they would” (Davis et. al 2005).

Evidence from these reports and surveys clearly project a worrisome picture

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of maternity discrimination and how availing authorized maternity leave could actually be a stumbling block for women in terms of their career prospects, promotions, pay increases and more seriously, how it could actually engender the risk of losing one's job. A more exact picture of the prevailing scenario is the fact that since 2007 there have been more than 9000 pregnancy discrimination cases against employees across the UK. Speaking of the trend, Maria Miller, the minister for 'Women and Equalities', said, "It's unacceptable that women suffer from discrimination when they become pregnant and yet many are saying that they are treated unfairly at work because of it" (DCMS, 2013). A new national research at the cost of ? 1m has been commissioned to assess and to address the systemic problems that have resulted in the plight for women. It is expected that the findings from this research and further policy reforms would contribute to improving the situation for pregnant working women (DCMS 2013). However, already there is some good development from the legal policy perspective that would ease the situation for women.

New Parental Leave (More Choice)

Given the existing problems and the resultant gender bias in the labor market it is clear that providing maternity leave and benefits as social welfare scheme, though absolutely essential from the health perspective of the newborn and the mother, has only added to the woes of women in the job market. A new and potentially improved social care policy is the proposed 'shared parental leave' policy which is slated to come into effect from April 2015. Under this scheme newborn baby care could be easily

shared between the father and the mother. This new policy permits fathers to take paternal leave just as mothers could up to 50 weeks and also permits them to take the leave in a discontinued pattern so that mothers and fathers can alternate in caring for the newborn baby while at the same time balance their work and family. This provides an opportunity for women who want to return to work a little early not to be overly concerned or stressed out about the baby care as the father could equally share the care of the newborn.

Conclusion

Maternity leave and maternity benefits are indispensable provisions from a pure social care perspective. These policies are in place to provide support to working women and to improve the health standards of the child and the mother. However, employers who are under pressures of poor economy are often discriminatory against pregnant women as the cost of maternity payments and the long leave of absence from work are considered to be unnecessary and avoidable costs to the company. This has resulted in women availing maternal leave to be left redundant and replaced by others. Those who return back to work are also forced to compromise their work status and compensation resulting in poor career prospects for the woman. Though maternity benefits are government policies and legal recourse is an option against maternity discrimination, barely a small percentage of affected women take that route to justice. The government has however instigated more research and has also come up with a novel and well balanced solution to the problem with the introduction of the draft for the 'shared parental leave'. This new provision is certainly a positive step in not

only balancing the gender divide but also in avoiding discrimination against women at the workplace as it provides more options for the parents to balance their time between work and baby care.

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