



The Pharmacists' Defence Association's Response to the BEIS PREGNANCY AND MATERNITY DISCRIMINATION Consultation on extending redundancy protection for women and new parents

25th January to 5 April 2019

About the Pharmacists' Defence Association

The Pharmacists' Defence Association (PDA) is a not-for-profit organisation which aims to act upon and support the needs of individual pharmacists and, when necessary, defend their reputation. It currently has more than 28,000 members. The PDA Union was inaugurated in May 2008 and achieved independent certification in 2011.

The PDA is the largest pharmacist membership organisation and the PDA Union is the only independent Trade Union exclusively for Pharmacists, in the UK.

The primary aims of the PDA are to:

- Support pharmacists in their legal, practice and employment needs
- Represent the individual or collective concerns of pharmacists in the most appropriate manner
- Proactively seek to influence the professional, practice and employment agenda to support members
- Lead and support initiatives designed to improve the knowledge and skills of pharmacists in managing risk and safe practices, so improving patient care
- Work with like-minded organisations to further improve the membership benefits to individual pharmacists
- Arrange insurance cover for individual pharmacists to safeguard and defend their reputation.

Summary of the Consultation (from the consultation document)

Matthew Taylor's review of modern working practices outlined an ambition for all work in the UK economy to be fair and decent - and for employers to offer opportunities that give individuals realistic scope to develop and progress.

Pregnancy and maternity discrimination has absolutely no place in that vision. It is unlawful - but the research that the Department for Business, Energy and Industrial Strategy and the Equality and Human Rights Commission published demonstrates that it is still far too prevalent. As the Women and Equalities Select Committee made clear in its report on pregnancy and maternity discrimination, pregnant women and new mothers continue to feel forced out of work.

In 2016, BIS and EHRC published a report examining the prevalence and nature of pregnancy and maternity discrimination in the workplace. It found that 11% of mothers felt forced to leave their job, either by being dismissed, made compulsorily redundant or treated so poorly that they felt they had to leave their job.

An inquiry by the Women and Equalities Select Committee highlighted particular issues for mothers returning to the workplace. Protections against pregnancy and maternity discrimination at work are contained in separate pieces of legislation. This creates a difference in legal protections between pregnant women and new mothers returning to work to those on maternity leave, who have greater protection.

Greater consistency of redundancy protection across pregnancy, maternity and for a short period following return to work will help tackle redundancy discrimination in the workplace and the particular issues arising around a new mother's return. The BIS/EHRC report found that overall three in four mothers surveyed reported a discriminatory or possibly discriminatory experience during pregnancy, maternity leave and/or on return to work. Greater consistency of protection would make it easier for individuals to understand and

exercise their rights. Furthermore, this would create greater clarity for businesses around their obligations and responsibilities regarding pregnant women and new mothers.

This consultation document takes its lead from the key issues raised in the Women and Equalities Select Committee 2016 report and, more recently, the Taylor Review of modern working practices.

Questions

Question 1: To what extent do you agree that protections against redundancy for a period following return to work should be aligned with those already in place during maternity leave?

Answer 1: Strongly Agree

Question 2: Please give reasons for your answer

Answer 2: Despite there several pieces of legislation being in place to provide protection against redundancy following pregnancy there would appear to be evidence that some employers are either ignorant of regulations or chose to ignore them.

Stronger legal protection, with greater penalties would go some way to act as a deterrent to the employers who flout the law. However, in granting any extension in the law it must be accessible and readily available to claimants.

Question 3: What costs do you believe the extension would bring

- a) For individuals
- b) For businesses

Answer 3 : Unable to comment

Question 4: What benefits do you believe the extension would bring

- a) For individuals
- b) For businesses

Answer 4: For individuals.

- The benefits are apparent, especially If you were one of the one in nine women (according to BEIS research) that had been fired or made redundant when they returned to work after having a child, or were treated so badly they felt forced out of their job. This survey was carried out by the Business Department and their research also suggested that 54,000 women may lose their jobs due to pregnancy or maternity every year.

- The benefits are apparent, especially if you are one of the 96% of women surveyed in 2018 by Mumsnet who said that having children affected their careers for the worse.

Jane van Zyl, Chief Executive of work-life balance charity Working Families, said:

"We hear from women struggling with pregnancy and maternity discrimination every single day on our helpline. The proposals should go a long way toward reducing the shocking number of women who lose their jobs due to pregnancy and maternity discrimination."

Answer 4: For businesses

Matthew Taylor's review of modern working practices outlined an ambition for all work in the UK economy to be fair and decent - and for employers to offer opportunities that give individuals realistic scope to develop and progress. Such an investment in people is an investment into the biggest asset employers have. The LRD research shows that companies who invest in their staff show better returns when compared with those companies who practice churning their staff using any method available to them. The Business Department research also supports this

Question 5: Do you agree that 6 months would be an adequate period of "return to work" for redundancy protection purposes?

Answer 5: Yes

Question 6: Please give reasons for your answers

Answer 6: It removes the difference in legal protections between pregnant women and new mothers returning to work to those on maternity leave, who have greater protection.

Question 7: If you think a different period of "return to work" would work better, please say what that should be and explain why.

Answer 7: Agree with 6 months

Question 8: Should pregnancy for redundancy protection purposes be defined as starting at the point a woman informs her employer that she is pregnant in writing?

Answer 8: Agree

Question 9: Do you think a different reference point should be used?

Answer 9: No

Question 10: If yes, please say what that should be and explain why

Answer 10: N/A

Question 11: Do you agree that the most direct equivalents to return to work from statutory maternity leave (on the basis that they are forms of leave that can potentially be taken by parents of either gender for longer periods) are:

Answer 11:

- a) adoption leave - Yes
- b) shared parental leave - Yes
- c) longer periods of parental leave – Yes

Question 12: If other, please explain your reasons.

Answer 12: N/A

Question 13: Supposing that the additional redundancy protection afforded by MAPLE is extended to mothers returning to work after maternity leave, to what extent do you agree that the same protection should be extended to those groups?

Answer 14: Agree

Question 14: Please explain the reasons for your answer.

Answer 14: The extension of protection will ensure a consistent approach to this problem and will be a positive step and fulfil some of the aims of the Taylor report.

Question 15: Are there other forms of leave which should be considered for additional redundancy protection on return to work?

Question 15: Not at this stage – the problems that occur with regard to pregnancy and maternity discrimination need to be addressed first.