

Pregnancy and Maternity Discrimination Working Group

Tuesday 6 December 2016, 10.00 – 11.30 am

Minutes of the first meeting of the Pregnancy and Maternity Discrimination Working Group, held at BT, Alexander Bain House, Glasgow.

Members Present:

Jamie Hepburn (JH) Minister for Employability and Training (Chair) (JH)
Frank Blair, ACAS (FB)
Clare Craig, Police Scotland (CC)
Gavin Gray, Scottish Government (GG)
Ann Henderson, STUC (AH)
Mark Lundie, Police Scotland (ML)
Helen Miller, EHRC (HM)
Chris Oswald, EHRC (CO)
Nikki Slowey, Family Friendly Working Scotland (NS)
Kenneth Small, NHS (KS)
Kate Wallace, Visualise KW)
Hayley Wotherspoon, COSLA (HW)

Guests:

Robert Cole, Interim Head of Diversity and Inclusion, BT Scotland (RC)
Mark Dames, Head of Public Affairs, BT Scotland (MD)

Scottish Government (SG) Officials:

Andrew Boney (AB)
Lynn MacKinnon (LM)

Apologies

Susan Love, Federation of Small Businesses (SL)
Paula Smith, Carpetright (PS)

1. Welcome and Introductions

JH introduced himself and welcomed everyone to the meeting. He thanked BT's Robert Cole and Mark Dames for kindly hosting the meeting and agreeing to share information about BT's pregnancy and maternity practices. JH explained that he had just had an informative meeting with three female BT employees who had benefited from these policies during their careers.

JH thanked members for agreeing to participate in the Working Group and said he will be grateful for their input to this important agenda. He explained the background to the establishment of the Working Group, explaining that it was a commitment in the Programme for Government in response to the research published in 2015 by the Equality and Human Rights Commission (EHRC).

JH conveyed apologies from Susan Love and Paula Smith then invited the group to do a round table of introductions. He then provided an overview of the agenda for the meeting.

2. EHRC Overview of Key Research Findings

HM delivered a presentation on the key findings of the EHRC / BIS research, which was conducted across Great Britain. The research revealed that Scotland was the least discriminatory place to live in Great Britain. HM outlined the recommendations, which included leadership for change. The EHRC is keen to support employers and managers and encourage best practice. The EHRC also has lots of resources and would like to discuss how best to publicise these.

HM invited comments and questions from the group, which included the following:

- Police Scotland is currently involved in some work with the EHRC. Further information will be provided during a future meeting.
- It was noted that a culture shift will be required to meet the recommendations, rather than a change in the legislative framework.
- There is a role for collective bargaining and workers have a role as well as employers. There could be scope for developing joint initiatives.
- When asked about the experiences of isolated workers such as migrants or those in precarious work, HM said that less positive experiences were reported by younger women and those working in non-unionised workplaces. HM also noted that the EHRC has a guide available for Trade Union representatives.
- Similar experiences were reported across the public and private sectors, though fewer women working in the public sector reported feeling forced to leave their jobs. Women also perceived the public sector to be better. Some industries are better than others. HM said the survey didn't examine the different sectors in detail, though she offered to look into how they were engaged.
- The work around Scotland's new Labour Market Strategy has identified certain gaps in data which this working group could possibly feed into.

Action Points:

- HM to find out how the different sectors were engaged in the research work.

3. BT's Pregnancy and Maternity Practices

Robert Cole, BT's Interim Head of Diversity and Inclusion, provided an overview of BT's pregnancy and maternity policies and guidance. This included:

- Maternity benefits such as flexible working;
- Ensuring all employees thrive (eg flexible locations);
- BT's track record for women;
- Maternity leave returner rate of 85.9% exceeds the national average of 77%.
- Maternity leave and pay;
- Salary sacrifice;
- Encouraging managers to be supportive (eg Line Manager handbook);
- Flexible working options;
- Founding member of EHRC's Working Forward initiative;

- Maternity handbook;
- Vibrant Gender Equality Network (formerly known as the Women's Network).

A discussion took place which included the following comments and questions:

- JH commented that when he met BT's female employees earlier it was interesting to learn how BT's pregnancy and maternity discrimination policies had evolved.
- Employee retention is measured a year after the employee goes on maternity leave and progression is measured by looking across the workforce as a whole.
- When asked about training for line managers on BT's pregnancy and maternity policies. RC said that there was a handbook for line managers but acknowledged that managers needed more awareness of BT's policies. It is important to make Diversity and Inclusion training easy for line managers and not come across as preaching to them. Include useful interventions.
- Upon being asked whether peer support can address negative comments from colleagues, RC said BT helps to identify it through line manager training and tackles it through the networks. The group discussed the benefits of a 'buddy system' where practical, usually in larger businesses. HW said that buddies and line manager training works well in local authorities and offered to find some examples to share.
- It was commented that Equality Trade Union representatives have a role in promoting positive pregnancy and maternity policies.
- With regard to Keeping in Touch (KIT) days, a discussion took place around the wording in the title of the Parenting at BT handbook. It was felt it could be better worded to be more inclusive; eg 'your life with BT' rather than 'back at'. RC acknowledged that BT still has more work to do around encouraging staff to keep in touch. RC offered to stay involved with the work of the Working Group if that would be useful.

Action Points:

- HW to share examples of the buddy system and line manager training within local authorities.

4. Group discussion of Remit, Terms of Reference, Draft Work Plan

LM provided an overview of the Work Plan, emphasising that it is in draft format as comments are welcomed. It was recognised that the Work Plan will change and evolve as the meetings and actions progress.

A discussion took place which included the following comments:

- The Working Group is likely to focus on small businesses and organisations as they had greater difficulty with the issues raised through the EHRC research. In addition, most of Scotland's businesses are small or medium.
- The recommendations won't require a lot of work to implement. Simple changes – for example around health and safety – could make a big difference. Reporting mechanisms should be kept simple and existing tools used.

- It was suggested that some small businesses / organisations could link together to make certain changes, for example introducing a buddy system.
- FB stated that the recommendation in the Work Plan around ACAS's role in monitoring progress is quite aspirational. Many employers will do the minimum that they can as they tend to focus on the cost perceptions of implementing positive pregnancy and maternity practices, rather than the benefits to women. LM explained that the ACAS recommendation in the Work Plan stemmed from the report *Government Response to recommendations made by the EHRC on Pregnancy and Maternity-related discrimination and Disadvantage in the Workplace*, where the ACAS recommendation was accepted. However, it was agreed that this inclusion in the Work Plan can be amended if not feasible. FB said that the numbers of Early Conciliation cases involving pregnancy and maternity could be published but it is important that the culture beneath the figures is considered. It was noted that cases dropped 72% when tribunal fees were introduced. FB offered to give a presentation at the next meeting on the role of ACAS.
- It was noted that the psychology of language is essential; the aim should be re-worded to focus on the positives – to encourage best practice and partnership working.
- The group questioned how the Working Group can share and engage with all organisations; large employers are easier but more difficult with smaller organisations. It was suggested that it needs to be pitched in the context of the labour market as the time people spend working is longer than that spent raising families.
- It was agreed that LM would amend the Work Plan and circulate by email for further comments and agreement.
- Discussion took place around the need to improve related services around issues such as perinatal care and post-natal depression. Improvement in services is required as well as improved advice. AH referred to STUC's work with the Royal College of Midwives. Healthy Working Lives could be consulted. Other issues include how to cover maternity leave, and the prevalence of discrimination among Modern Apprenticeships. How many young women are leaving these? Scottish Union Learning could offer good and bad examples. JH commented that we wouldn't wish to broaden the remit of the Working Group too widely as this would hinder progress. KS commented that such services are already supported by specialist services, specific working groups and national planning forums. It was agreed that as this Working Group progresses it would refer to other groups where they exist and where the need is apparent.
- It was noted that the Construction industry has pregnancy and maternity discrimination issues and the Living Wage has shifted the market in an unforeseen way.
- It was noted that the Work Plan is currently one big message and that smaller messages will be required for different sectors to get these employers to listen in the first place. The Group will need to consider how to communicate the benefits of good practice as the key to progress eg work around the Living Wage. A communications strategy will be needed to convey different messages to different industries. Consideration will also need to be given to who should impart the message. FB committed ACAS to using its mechanisms, which will reach 20-30,000 employers monthly, of approximately 300,000 in Scotland. Healthy Working Lives could attend a future meeting to share best practice around communicating messages.

- It is important to tackle skills shortages as organisations can't afford to lose people. If attracting and retaining women they will encourage a wider demographic of skills.
- It was agreed that answers to these questions will emerge as the Working Group develops. It will be important to address issues such as collective bargaining and contract pricing as they arise. The Group will also link in with the Fair Work Convention.

Action Points:

- FB to give a presentation at the next meeting on the role of ACAS.
- LM to amend the Work Plan's terms of reference and circulate by email.
- All to comment, amend or agree the emailed Work Plan.

5. AOB

None.

6. Date of Next Meeting

JH announced that the next meeting will take place on 7 March 2017, which is the day before International Women's Day. It was agreed that the meetings will take place in central locations such as Glasgow or Edinburgh and it would be good to hold them in different venues. FB offered to host the next meeting at ACAS in Glasgow. It was agreed that the agenda will include presentations from Maternity Action and ACAS. A presentation from Healthy Working Lives was also suggested; however JH advised that we shouldn't include too many as the meetings are intended to be action-focused.

JH thanked HM, RC and colleagues for their presentations and members for their participation. He then closed the meeting.