

Pregnancy and Maternity Discrimination Working Group

Tuesday 7 March, 10.00 – 12.00

Minutes of the second meeting of the Pregnancy and Maternity Discrimination Working Group, held at Acas, West George Street, Glasgow.

Members Present:

Jamie Hepburn (JH) Minister for Employability and Training (Chair) (JH)
Hayley Barnett, COSLA (HB)
Frank Blair, ACAS (FB)
Clare Craig, Police Scotland (CC)
Ann Henderson, STUC (AH)
Susan Love, FSB (SL)
Mark Lundie, Police Scotland (ML)
Helen Miller, EHRC (HM)
Paula Smith Carpetright (PS)
Nikki Slowey, Family Friendly Working Scotland (NS)
Kate Wallace, CCPS (KW)

Guests:

Ros Bragg, Director of Maternity Action

Scottish Government (SG) Officials:

Andrew Boney (AB)
Lynn MacKinnon (LM)

Apologies

Kenneth Small, NHS (KS)
Chris Oswald, EHRC (CO)

1. Welcome and Introductions

JH welcomed everyone to the meeting, introduced Ros Bragg to the group, and provided an overview of the agenda for the meeting. A group photograph was taken, which was subsequently tweeted. It also appeared the following day on Scottish Government websites alongside a blog written by Ros for International Women's Day.

2. Minutes of the Last Meeting and Action Points

LM agreed to amend the wording of the minutes to include small organisations and charities, rather than 'SMEs.' Otherwise, the minutes were approved. HB said she hadn't yet provided examples of the buddy system and line manager training within local authorities as there is a wider piece of work currently taking place which is gaining momentum. COSLA's Heads of HR are linking with the private sector to share good practice; they will prepare a report, which Hayley will then share with the group.

Action Points:

- LM to amend wording of the minutes around SMEs.
- HM to find out how the different sectors were engaged in the research work (carried forward).
- HB to provide examples of the buddy system and line manager training within Local Authorities (carried forward) and to share report in due course by Heads of HR.

3. The Role of Acas – Frank Blair

Frank Blair gave a presentation on the role of Acas. Key points included:

- Acas helps to resolve 170-200 collective disputes per year.
- The most common call received by the Acas Helpline is around discipline, dismissals and grievances (36%), which include pregnancy and maternity. The top ten types of issues rarely change.
- Acas can support employers and representatives in implementing pregnancy and maternity policies. However, significantly more pregnancy and maternity-related calls are received from employees than employers.
- During 2016 there were 276,390 guidance downloads from the Acas website relating to pregnancy and maternity (Maternity/ Ante natal/ Maternity Pay)
- During 2016 there were three pregnancy-related e-connects issued to 35749 recipients; and 30 tweets to 12426 people.

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

- Suggestion that the Working Group could promote access to guidance through existing networks. FB offered to consider inclusion of our message (once developed) as required in Acas's monthly e-connects.
- Pregnancy and maternity is not always seen as a workplace issue.
- Devolution of tribunal fees to the SG is on-going; FB is a member of a working group (led by Annabel Ewing) to improve the customer journey.
- PS is currently involved in the rebranding of Carpetright, which is seeking to attract more women and part-time working. Looking into how to engage with line managers around this.

4. Maternity Action – Ros Bragg

Ros Bragg gave a presentation on the role of Maternity Action. Key points included:

- Focus on maternity rights: employment, benefits, vulnerable migrants.
- Online information, telephone advice, casework service (pilot). Could provide a breakdown of the types of calls received from Scotland.
- Second tier advice and training.
- Policy and campaigning.
- Women in higher skilled jobs often face difficulties returning to work following maternity leave.
- Help women with psychological barriers to exercise their rights.
- Health and safety: the absence of strict regulations and enforcement has led to some very poor employer practice. Important that general risk assessments are made more effective.
- Information and advice for women: Most women don't know their rights and there are gaps in the information available, with some women not reached. RB is in favour of hard copy information at midwife appointments, such as tear-off sheets. There is a signposting role for government. A wider awareness amongst healthcare professionals of maternity and employment rights should be supported and resourced.
- Information and advice for employers: Need awareness of how to comply and pay attention to the material available. Single website bringing together advice from key organisations. Toolkit is a useful model.
- Improving employer practice: evaluation of retention rates upon return from maternity leave; encourage a 'flexible by default' approach to all roles.

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

- RB is very pleased with SG decision to abolish tribunal fees when the powers to do that are devolved.
- RB provided very positive feedback on the work of the Working Group so far; pleased to see the Work Plan contains lots of actions. RB would be happy to link in where appropriate.
- The communications plan will be a very important piece of work for the group. Need to communicate the wider benefits (eg to the community and the economy) of good practice. The resultant health benefits will also yield positive returns for employers.
- Exploration of retention rates will be interesting as childcare issues are still a problem, especially during the first two years. Benchmarking retention rates against other organisations would open the door to further analysis and conversations.

5. Group Discussion on Work Plan

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

- Policies should be communicated to *all* employees regardless of grade and role; this will dispel any issues around perception and reality (e.g. around entitlement to flexible working).
- Need to communicate to employers the economic benefits of *retaining* pregnant employees. A blanket approach won't work as it's impacted by employers' frequency in having to deal with pregnancy and maternity. SL agreed to circulate a diagram – SIPA's Model of Compliance – to help understand and tackle organisations' reasons for non-compliance. Most will be attributable to confusion rather than maliciousness. Understanding will help to inform the communications strategy.
- JH commented that the Work Plan should be a standing item on the agenda.

Action Points:

- SL to circulate SIPA's Model of Compliance
- KW will look into designing a CCPS survey exploring barriers to good practice, with support from HM around survey questions.
- HM will look further at EHRC's SME findings and cross-reference organisation size and sector.
- KW and AH will work together on health and safety issues.
- RB will share outcomes from Maternity Action's Just In Time campaign.

6. AOB

- Police Scotland has updated its pregnancy and maternity processes and is piloting projects in some local policing divisions. Police Scotland is also participating in an EHRC research project focused on the relationship between pregnant employees and their line managers. It will conclude in March and an update will be provided in due course.
- STUC's affiliated unions have produced good guidance on migrant workers and precarious work.

7. Date of Next Meeting

JH announced that the next meeting will take place on 7 June 2017 in Glasgow, at a venue to be determined in early course. *Post-meeting note: Date changed to 14 June.*

JH thanked FB and RB for their presentations and members for their participation. He then closed the meeting.