

Pregnancy and Maternity Discrimination Working Group

Thursday 22 January 2019 11:00 – 12:00

Minutes of the eighth meeting of the Pregnancy and Maternity Discrimination Working Group, held at ACAS, 151 West George Street, Glasgow, G2 2JJ.

Members Present:

Frank Blair, ACAS, (FB)
Kathy Cameron, COSLA (KC)
Susan Love, FSB (SL)
Sulina Leadbitter, Lloyds Banking Group (SLe)
Nikki Slowey, FFWS (NS)
Katherine Wainwright, CCPS (KW)

Scottish Government (SG) Officials:

Victoria Beattie (Chair) (VB)
Andrew Boney (AB)

Apologies:

Jamie Hepburn, Minister for Business, Fair Work and Skills (Chair) (JH)
Lynne Brown, Lloyds Banking Group (LB)
Lorna Glen, STUC (LGI)
Clare Hussain, Police Scotland (CH)
Linda McAulay, Incremental Group (LMc)
John Wilkes, EHRC (JW)
Lindsay Edgar, Scottish Government (LE)

1. Welcome and Introductions

VB welcomed everyone to the meeting and thanked FB for hosting. VB gave apologies from JH who was unable to chair the meeting due to parliamentary business. VB informed the group that Louise Lissaman had stood down from the group and welcomed Kathy Cameron as the new COSLA representative; and that HM had left the EHRC and JW was due to represent them at today's meeting but was unable to attend. Apologies were noted; SLe confirmed that she would now be representing Lloyds Banking Group.

VB then provided an overview of the agenda for the meeting.

2. Minutes of the Last Meeting and Action Points

Action Points:

1. LE to circulate to the group a copy of the published PSED report when received - *Completed*
2. NS to prepare a crib-sheet to allow businesses to be consulted on pregnancy and maternity discrimination and share it with the group - *Completed*
3. LE to tweak the Top Ten tips for Young Scot to circulate – *Completed; with Young Scot*
4. NS to approach the Chief Nursing Officer about including questions on pregnancy and maternity discrimination in a survey for Heath Visitors – *In progress*
5. AB to circulate to the group the agreed recommendations from each of the gender pay gap thematic workshops – *Completed – draft Gender Pay Gap action plan was circulated to the group before the meeting*

3. Feedback from ACAS employer training events

FB gave an update on the ACAS employer training events on pregnancy and maternity discrimination. Key points included:

- An e-Connect invitation to the events was sent to 13,000 employers twice and 80 delegates participated in the events. These were better delegate numbers than expected.
- The main topics covered were shared parental leave options; arranging cover for maternity leave for people on temporary contracts; a returning to work induction plan; having reasonable time to attend appointments; and support for both parents if the birth was premature.
- Delegates were mainly from small and medium-sized enterprises (SMEs) from across a variety of sectors.
- KW asked whether cost implications were a factor affecting attendance. FB said that they would have had the same number of delegates if the events were free and that time was more of a factor than cost.
- FB said that employers were not wanting to get the approach to pregnancy and maternity leave wrong. There can be significant risks to a small businesses if their approach to pregnancy and maternity leave was done wrongly.
- SL commented that the opportunity/support should be available to check on complex issues for small businesses.
- KC said that COSLA could arrange a meeting for SG with Business Gateway and FSB to discuss how local authorities are approaching pregnancy and maternity leave. VB agreed that would be useful.
- VB asked whether ACAS would run the training events again next year. FB said that ACAS wouldn't run the sessions again next year as cost factors would be an issue. The advice on pregnancy and maternity leave was also available on the ACAS website.
- SL said that there was a conversation to be had about business advice on pregnancy and maternity support; in particular for SMEs who don't often think about it until a member of staff informs them.
- KW asked whether webinars could be used for the training. FB said that ACAS could run webinars if they had the capacity to do so.
- FB said that including wider policy, such as family friendly policy, could attract more delegates to training sessions. Larger employers needed to see the benefits of retaining employees on maternity leave.
- VB commented that the legislation requiring large companies to publish their gender pay gap figures could have an impact on their approach to pregnancy and maternity.
- KW said that some employers had more traction just now around labour shortages and that Brexit was a factor.
- NS commented that companies with large numbers of women employees were more concerned about flexible working arrangements.

4. Gender Pay Gap Working Group and Action Plan

VB summarised the themed workshops that had taken place during 2018 which have fed in to the draft Gender Pay Gap Action Plan; a copy had been circulated to the group before the meeting. JH had spoken on the development of the Action Plan at the National Economic Forum in November and at a Scotland House event attended by stakeholders in December last year. The Gender Pay Gap Working Group had submitted their draft recommendations. The actions in the Action Plan had been drafted and were going round portfolio Ministers for comments. An analysis paper was being developed which included a logic model.

Comments and views made:

- KW said that it was good that the Action Plan was looking to the long-term. She thought that social care procurement should be emphasised more. VB said that the Fair Work Convention had done a lot of work on social care in developing the Fair Work Action Plan.
- KW commented that Employability was a short section in the draft plan. VB said that the main reason was that SG reviews on employability hadn't yet been published.
- KW said that, in the social security chapter, some emphasis was needed on the impact of welfare cuts on people. VB said that the SG were intending to send a letter to the UK Government on a range of reserved issues which had been raised during the development of the Action Plan, and that we would consider using this as another opportunity to outline the impact welfare cuts have had, particularly on women.
- SL said the SG's Economic Strategy should take account of the importance of the care sector as part of the growth strategy. It was important to value the new sectors including care.
- FB commented that the aspiration and direction of travel in tackling the gender pay gap were both important. Having low-level gains/wins on the pay gap was also significant.
- NS told VB that she would send some comments on the action plan. It was good that the emphasis was on childcare as this would affect working women.
- SL commented that the section on social care had an emphasis on child care. SL also said that the social care lines may fit better in the economic development chapter.
- NS said that FFWS would like to engage with colleagues on the workforce aspects of childcare.
- VB thanked the group members for their comments and said that she would be grateful for any additional comments from the group members within the next two weeks.

5. Work Plan

VB summarised the progress on the Work Plan:

SG Commitment 1

- Exploring opportunities with CIPD (Chartered Institute of Personnel and Development) - VB and LE have been liaising with staff at CIPD, most recently on the UK Ethnicity Pay Reporting Consultation. A meeting has been set up for February to discuss further opportunities.

SG Commitment 2

- Members to provide examples of good practice (an agreed format to be collated) - LE has been liaising with SG staff in the Business Pledge Team and it is hoped a template can be circulated in due course.

SG Commitment 3

- Seek feedback from the UK Government on their review of their webpages - LE is chasing an update from UK Government.
- Seek to add Top 10 tips onto young Scot webpage - LE had compiled a draft version which had been circulated to the group and comments had been incorporated. Further comments were made in discussion:
 - KW said that tips 4 and 6 weren't accurate as they stated that pregnant women employees would be entitled to claim Statutory Sick Pay (SSP) and Statutory Maternity Pay (SMP). Entitlement to SSP and SMP wasn't automatic and was dependent on earning levels and service length. VB said that the wording of those tips would be amended.

SG Commitment 4

- Work with the SG public bodies to identify options for promoting available advice and guidance to public bodies - this is a project as part of the Gender Pay Gap Action Plan.

SG Commitment 5

- Members to share work plans, explore cross overs and proactively share with respective groups – this is ongoing as no responses have yet been received and members were reminded to send them to LE.
- New Women in Rail group – the group carried out a survey throughout December. Responses are being collated and any feedback will be circulated. They have been asked to attend the next meeting.

SG Commitment 6

- Explore the possibility of using software to monitor pregnancy & maternity leave, approaching developers to target the inclusion of this – this has been discussed with Edinburgh Council and they will work with other Local Authorities on discussion with software.

Additional points were:

SG Commitment 3 - Work with the STUC on possible training for Union Reps;

SG Commitment 6 - An STUC-led survey to the reps of affiliated unions on the main issues

- STUC representation is being taken forward by LGI who was unable to attend. An update on these actions will be carried forward to the next meeting.

6. AOB

No additional issues were raised by group members.

7. Date of Next Meeting

The next meeting will be held at 10-11.30 a.m. on Tuesday 30 April 2019 in the premises of Turning Point in Glasgow (*Update: the timing has since been changed to 09.30-11 a.m. on 30 April*).

8. Close of meeting

VB thanked FB for hosting the meeting and members for their participation. She then closed the meeting.

Meeting Action Points:

1	KC to arrange a meeting for VB and LE with Business Gateway and FSB to discuss how local authorities are approaching pregnancy and maternity leave.
2	Group members to give VB any comments on the draft Gender Pay Gap Action Plan by 9 February.
3	LE to meet with Health Directorate official to discuss including questions on pregnancy and maternity discrimination in the survey for Health Visitors.