

## Introduction

Chwarae Teg exists to deliver our vision of a fairer Wales where women achieve and prosper. We work with women, businesses, influencers and decision makers to build a society that values, supports and benefits women and men equally.

Despite equality legislation being in place for a number of years, women continue to face pregnancy and maternity discrimination and having children still shapes the career and life choices of women to a far greater extent than men.

Ultimately this remains an issue for women due to persistent stereotypical ideas about men and women's role in society. The assumption that women will take on the primary caring role in a household is the foundation of continued discrimination and disadvantage that women face once they have children.

## Key messages

1. While legislation and regulation are important to protect women from pregnancy and maternity discrimination, sustainable change will only be achieved if we are able to shift culture and attitudes so that care is no longer seen as a women's issue and our workplace structures enable parents to effectively balance work and care.
2. The Welsh Government have limited powers to directly address instances of discrimination in the private sector but can take action to deal with the underlying factors that make this such an acute issue for women. This includes tackling stereotypes, improving childcare, supporting women returners, supporting the development of inclusive and flexible workplaces and driving culture change.
3. The new childcare offer, Economic Action Plan and Employability Plan all have the potential to support women, particularly those with children, if implemented well. Close monitoring of these policies will be crucial and the inclusion of gender specific evaluation criteria could further ensure that the aims and objectives of the policies track through to delivery.

## Detailed Response

## Section One: How the Welsh Government is taking action on the findings of the EHRC review into pregnancy discrimination (Question One)

1. The 2016 EHRC report on pregnancy and maternity discrimination is the most comprehensive investigation of this topic for some time.<sup>1</sup> The findings highlight a number of areas that might be prioritised for action in Wales:
  - 1.1. It would be worthwhile investigating why Wales and Scotland have a lower proportion of women reporting negative experiences than England, although at 77% there remains a need for action in Wales. It's possible that the existence of additional equality duties in Wales and Scotland have supported greater awareness of legal requirements and lessons could be taken from this approach to improve the performance among the private sector.
  - 1.2. Wales' performance lagged behind the UK in two key areas. A higher proportion of employers in Wales reported that it was difficult to facilitate the statutory right to protect employees from being treated unfavourably because they are pregnant or on maternity leave and Wales also had the highest proportion of establishments that offer no flexible working at 10% (England 4%; Scotland 3%). These should be prioritised by government and other actors in Wales.
  - 1.3. While 84% of employers say that it is in their interest to support those on maternity leave, 77% of mothers report bad experiences. Furthermore 70% of employers think that women should declare upfront whether they are pregnant and a quarter think it's acceptable to ask women about their plan to have children at recruitment. This disconnect could suggest a lack of awareness or understanding of what supporting those on maternity looks like, which could be addressed in part by provision of further resources and training for employers.
  - 1.4. Some sectors and occupations performed particularly poorly with women more likely to report poor experiences and employers more likely to display negative experiences. Perhaps unsurprisingly the sectors that perform worst are those that are known to have a lack of women in the workforce. This is likely to be both a cause and consequence of the under-representation of women. These sectors should be prioritised for action.
  - 1.5. The private sector consistently performs worse than the public and third sector in terms of employer attitude, with 74% of private sector employers stating that women should declare upfront if pregnant compared to 58% in the third sector and 45% in the public. It is worth noting however that there was no significant difference in the proportion of women reporting negative experiences across the public and private sector.
2. Legislation alone will not deliver the sustainable change we need. Not all of the experiences described in the EHRC research fall under the legal definition of discrimination and for those accessing their legal right to work flexibly, 51% report this resulted in negative consequences.<sup>2</sup> Many of the views expressed are rooted in the perception that women are carers first and earners second. For example, 17% of employers believed that pregnant women and mothers were less interested in career progression and promotion.<sup>3</sup> While legislation is needed to ensure protection for pregnant women and mothers, we need to see a shift in broader attitudes and culture if we are to permanently address this problem
3. This enables the Welsh Government space to take action, despite having limited powers to directly influence or respond to instances of discrimination in the private sector. There are three

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<sup>1</sup> EHRC

<sup>2</sup> Ibid

<sup>3</sup> Ibid

broad areas in which the Welsh Government could take action to address some of the broader factors that result in pregnancy and maternity discrimination still being so acute an issue for women:

### **Recommendations to support parents**

1. Continue to closely monitor and evaluate the pilots of the new childcare offer to ensure that it delivers on its aims, has good coverage across Wales and support is available to those who need it most.
2. Investment in care infrastructure and the workforce must be a priority to increase capacity and capability so there is adequate provision to support parents to work but also to address poor terms and conditions within in the sector, including poor support for those accessing maternity.
3. Wrap-around childcare provision for children outside of the 3-4 age bracket must be improved. Affordability and flexibility should be the core principles that shape further development of childcare in Wales.
4. Specialist support should be developed for women returners within the new Employability Delivery Plan, which includes support with childcare and is tailored to address the barriers this group face, such as a lack of confidence.

### **Recommendations to drive culture change**

1. Ensure that the public sector leads the way in eradicating pregnancy and maternity discrimination and supporting women to return and progress in work following any career breaks. Signing up to the EHRC *Working Forward* pledge is a good starting point.
2. Support and promote schemes like Agile Nation 2, Fairplay Employer, Stonewall Workplace Equality Index and others that support businesses to develop more inclusive workplaces.
3. Work with business representatives to promote examples of best practice in relation to managing pregnancy and maternity from both the public and private sector and challenge negative attitudes.
4. Encourage businesses to support women **and** men to work flexibly and share caring responsibilities by showcasing examples of best practice, including consideration of inclusivity in procurement and calling on the UK Government to evaluate and improve the current Shared Parental Leave scheme.

### **Recommendations to tackle stereotypes**

1. Ensure that ongoing educational reforms, including curriculum reform and changes to initial teacher training and inspections, contribute to an educational system that effectively tackles gender stereotypes.
2. Ensure that the education and careers workforce are supported to develop the skills and knowledge to effectively challenge stereotypical attitudes and behaviour.
3. Build on campaigns such as “This is Me” to contribute to an ongoing public dialogue that challenges gender stereotypes.
4. The recommendations from the Sex and Relationships Expert Panel, including making Sex and Relationships Education a statutory element of the curriculum should be taken forward.

## **Section Two: Current Welsh Government Policies (Questions Two, Three and Four)**

#### 4. Strategic Equality Plan

- 4.1. The gender pay gap for all workers in Wales currently stands at around 15% but there is significant variation across different parts of Wales and different sectors with a pay gap of around 30% in some areas.<sup>4</sup> While the pay gap has been reducing, the pace at which this is happening has slowed. There remains a need for targeted activity to address the causes of the pay gap.
- 4.2. The recent Annual Report on Equality from the Welsh Government summarises some of the activity being undertaken to deliver Objective Three – to identify and reduce the causes of employment, skills and pay inequalities related to gender - including ongoing work to consult on the details of the new childcare offer.<sup>5</sup> The decision to tailor this policy to benefit women who wish to return to work and families on low incomes should be particularly helpful in relation to pregnancy and maternity. Our views on the childcare offer are detailed in section four.
- 4.3. Our ESF and Welsh Government funded Agile Nation 2 project is working with women and employers specifically to address the causes of the gender pay gap, including issues faced by mothers. Our work with employers is particularly important in relation to this topic as we support them to develop effective equality and diversity strategies, implement processes that prevent discrimination and bias in relation to recruitment and progression, implement flexible ways of working and drive culture change to ensure an inclusive workplace.

#### 5. Economic Action Plan

- 5.1. The Economic Contract requires those receiving funds to demonstrate fair work. Depending on the definition of fair work this could ensure that public money only goes to employers that have inclusive workplaces and where pregnancy and maternity discrimination is not an issue. If the economic contract does not deliver the change that is desired, consideration could be given to adding in an additional Call to Action that specifically focuses on gender.
- 5.2. The focus on care as a foundation sector could also be beneficial by addressing the lack of adequate care provision and tackling poor working terms and conditions, which may include issues around maternity based on the findings of the EHRC report.<sup>6</sup> Investment in this sector must cover both the infrastructure (i.e. increase provision) and the workforce (i.e. improving pay, conditions and progression opportunities).
- 5.3. The Action Plan includes a commitment to build capacity and capability across the childcare sector beyond the roll-out of the 30 free hours offer. Further development of the sector must be a priority and should be informed by the needs of parents. Affordability of provision will need to be a central focus as well as improving availability.
- 5.4. The thematic and foundation sectors include a number that perform poorly in the EHRC report.<sup>7</sup> This could be used as an opportunity to get to the root of the problem in these industries and ensure that women get fair and equal treatment within them.

#### 6. Employability Plan

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<sup>4</sup> ONS ASHE 2017 provisional results / Welsh Government Priority Sector Statistics 2017

<sup>5</sup> Welsh Government *Annual Report on Equality 2018*

<sup>6</sup> Care, leisure and other services was a sector highlighted as having a particularly high proportion of women reporting poor experiences.

<sup>7</sup> Manufacturing, construction, financial services utilities and transport and communications are all highlighted as sectors where there is either a high proportion of women reporting bad experiences or a high proportion of employers expressing negative attitudes.

- 6.1. The adoption of a broad definition of employability that takes account of structural and individual barriers as well as skills is an important foundation. Coupled with a commitment to ensuring an individualised approach to delivery, services should be able to flex to different needs, including those of mothers.
- 6.2. An explicit focus on developing inclusive and flexible workplaces, a commitment to carrying out an equalities review of all programmes and a requirement for all delivery partners to demonstrate a commitment to equality, diversity and inclusion should all further strengthen delivery from a gender perspective and effectively support women into work and to progress in work.
- 6.3. In support of actions listed in the Economic Action Plan, there is also a focus on childcare, which we know has the potential to be hugely beneficial. This includes delivery of the PaCE programme and the new childcare offer, exploring solutions for elder care and working to improve working conditions and progression opportunities in the care sector.
- 6.4. As well as adequate childcare and ensuring availability of flexible, well-paid employment there may also be a need for specialist support to enable women to return to work following a career break, particularly support that focuses on building confidence. It may be worth considering developing specialist services for women returners as part of the new employability delivery plan.

## **7. Childcare and support for women**

- 7.1. Access to childcare is crucial in supporting women into work and to progress in work. This has been recognised by the Welsh Government and the focus remains on rolling out the childcare offer of 30 free hours per week.
  - 7.2. We have held a number of engagement events with parents to discuss childcare in Wales. Broadly speaking parents welcomed plans to increase free provision in their area, with many mothers noting that they would return to work without question if this were available to them. This provision needs to be flexible and there was some concern about how to ensure support went to those who need it most.
  - 7.3. There are concerns about the lack of adequate wrap-around childcare with many making use of after school clubs in place of more suitable childcare. These often finish at 5pm, can be expensive to access and parents can face difficulty if after-school provision for children is in different locations.
  - 7.4. Pilots of the new childcare offer should be closely monitored to ensure good coverage across Wales can be delivered, that services are accessible to those who need them most and offers opportunities to build to ensure an increase in wider provision of children of all ages. To be clear, it's our view that 'those who need it most' should be parents for whom access to affordable and flexible childcare is the primary barrier preventing them returning to meaningful work. If the pilots and the new childcare offer does not meet the needs of parents needing to return to work in Wales then Welsh Government should consider amending the policy within this Assembly term.
8. These policies all have great potential, but implementation is key. Delivery must remain sensitive to gender impacts and agile enough to respond where improvements might be required. One way to ensure delivery maintains this focus is to include gender explicitly in evaluation indicators. This might include using gender disaggregated data from service delivery as well as broader national indicators including the gender pay gap, economic activity and inactivity rates, average hours worked and average time spend on unpaid work in the home, to assess impact on change at scale.