

WEN Wales is a representative women's network<sup>1</sup> and human rights organisation working to influence policy-making and empower women to achieve equal status in corporate and civil life. Our charitable objects are to promote equality and human rights with specific reference to women and gender equality in Wales.

### **Pregnancy, Maternity & Work in Wales:**

1. The Equality and Human Rights Commissions' 2017 inquiry into pregnancy and maternity discrimination research findings highlights some real concerns in Wales with regards to how women feel that they are being treated and the attitudinal barriers they face from employers.<sup>2</sup> Of the mothers who were consulted by the EHRC in Wales:<sup>3</sup>

- **71% reported negative or possibly discriminatory experiences**
- **10% felt forced to leave their jobs**
- **15% reported financial loss**
- **46% reported a negative impact on opportunity, status or job security**

2. Coupled with the findings when the EHRC consulted with employers in Wales, there are clearly worrying and contradictory attitudes that require attention. Of employers surveyed and interviewed:<sup>4</sup>

- **87% feel it is in the best interest of the organisation to support pregnant women and those on maternity leave**
- **65% feel women should declare upfront at recruitment if they are pregnant**
- **36% said all statutory rights are reasonable**
- **26% said all statutory rights are easy to facilitate**
- **23% said pregnancy puts an unreasonable cost burden on the workforce**

3. These snapshots indicate that despite the legislation in place to protect the rights of pregnant women and women on maternity leave there are feelings amongst the majority of Welsh employers interviewed that pregnancy and maternity leave: is unreasonably **costly**; it is **difficult to facilitate** all statutory rights; and that **statutory rights go beyond what is reasonable**. It is worrying then that 65% of employers would have women declare pregnancy during recruitment, and presumably through conscious or unconscious bias, these women

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<sup>1</sup> Over 1000 individual members and organisational members, including women's rights and allied organisations from across the third sector, academia, international and national NGOs.

<sup>2</sup> <https://www.equalityhumanrights.com/en/file/10521/download?token=WqAvNfz5>.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

would reap the consequences of the unpopular levels of protection that pregnant women and those on maternity are covered by, in the eyes of the law.

4. Despite this protection afforded by the Equalities Act (2010), discrimination occurs frequently across the UK and must be examined from an intersectional perspective:<sup>5</sup>

- **Under 25 year olds** were found to be more likely to say they were **not willingly supported by employers** and felt increased **pressure to resign** once they had announced their pregnancy, in comparison to older women.
- **Women from Ethnic Minorities** were more likely than White British women to report **financial loss, negative impact on opportunities, status and job security** or have had negative experiences in relation to **breastfeeding**.
- Women with long term **physical or mental health conditions** were more likely to feel **forced to leave their jobs**, in relation to women who did not identify long term physical or mental health conditions.
- **Single women** were more likely to feel **unsupported**, more likely to report **financial loss, negative impacts on opportunities**, under pressure to **resign** and felt that **employers were unhappy** about them going on maternity leave, in comparison to women who weren't single.

5. The EHRC's findings in this area highlight the complex nature of the discrimination that women in the UK are experiencing, not only under the protected characteristic of pregnancy or maternity but also other characteristics covered by the Equalities Act (2010), in addition to other factors such as marital status associated with societal taboos and gender stereotypes.

6. It is then not surprising, along with gender stereotyping and social taboos, that in 2016/17 just 250 men in Wales took shared parental leave, according to HMRC statistics, obtained by BBC Wales.<sup>6</sup> This amounts to less than 1% of new fathers in Wales receiving payment for shared parental leave to look after their new born children, in the first full year since shared parental leave was introduced in 2015.

7. Given that research suggests that the longer the period of maternity leave taken, the larger the impact on the gender pay gap<sup>7</sup> – which is estimated at around 15% in Wales<sup>8</sup> – new fathers may feel that they risk damaging their own careers prospects by taking shared parental leave. PwC's 2018 report 'PwC Women in Work Index Closing the gender pay gap' shows that countries with more generous maternity leave periods have higher gender pay gaps, though the introduction of shared parental leave and encouraging men to take this up could change the effect of paid maternity leave on the pay gap over time.<sup>9</sup> The additional

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<sup>5</sup> <https://www.equalityhumanrights.com/en/file/10521/download?token=WqAvNfz5>.

<sup>6</sup> <http://www.bbc.co.uk/news/uk-wales-40265334>.

<sup>7</sup> <https://www.pwc.co.uk/economic-services/WIWI/women-in-work-index-2018.pdf>

<sup>8</sup> ONS ASHE 2017 provisional results / Welsh Government Priority Sector Statistics 2017.

<sup>9</sup> <https://www.pwc.co.uk/economic-services/WIWI/women-in-work-index-2018.pdf>

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element of encouragement through incentivising men to take up shared parental leave is key and is missing from the current UK Government policy.

8. At a UK Government level, there is also a clear lack of leadership as demonstrated by UK Minister Andrew Griffiths' admission on BBC Radio 5, that despite launching the campaign 'Share the Joy'<sup>10</sup> to encourage take up of shared parental leave in the UK, he himself – an expectant father – firstly would be unable to take shared parental leave, because ministers were not eligible. More shocking though, was his admission that he had not even considered the possibility of having the rules changed so that ministers could take shared parental leave. Instead, he insisted that he planned to be the first minister responsible for parental leave to take their full two weeks of paternity leave.<sup>11</sup>

**9. With current electoral reform considerations taking place in the National Assembly for Wales right now, there is a clear opportunity for Assembly Members and Welsh Ministers to change the rules to ensure that they themselves are eligible to take shared parental leave and can champion equality in relation to gender equality when it comes to shared caring responsibilities, unlike in Westminster. WEN Wales recommends that the Committee calls for changes to eligibility for elected ministers in Westminster and the National Assembly for Wales with regards to shared parental leave.**

10. It's worrying that so few men in Wales have taken up the offer of shared parental leave since the policy came in in 2015. It is worth examining the details of parental leave in comparison to Sweden, whose approach to shared parental leave, coupled with guaranteed, affordable childcare for all children over the age of 12 months encourages equal co-parenting and parents to have the affordable choice of returning to work.

11. UK shared parental leave:<sup>12</sup>

- **Allows parents to share 50 weeks of leave - with 37 paid.**
- **Parents can take time off separately or together for up to six months.**
- **This is paid at £140.98 per week or 90% of parents' average earnings (whichever is lower).**
- **It must be taken between the baby's birth and first birthday (or within a year of adoption).**
- **It can be taken in one block or split into blocks (up to 3 blocks) with periods of work in between.**
- **In addition to shared parental leave, fathers can take two weeks paternity leave and mothers must take two weeks compulsory maternity leave after the birth of a child. This time is not deducted from shared parental leave allowance.**

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<sup>10</sup> <https://www.gov.uk/government/news/new-share-the-joy-campaign-promotes-shared-parental-leave-rights-for-parents>.

<sup>11</sup> <http://www.bbc.co.uk/news/uk-politics-43034292>.

<sup>12</sup> Ibid.

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12. Swedish shared parental leave:<sup>13 14 15 16</sup>

- Parents are entitled to 480 days (around 16 months) of paid parental leave when a child is born or adopted.
- This leave can be taken by the month, week, day or even hour.
- This can be taken any time before the child's eighth birthday.
- On average, women take most of the days, with men taking around one-fourth of the parental leave.
- For 390 days, parents are entitled to nearly 80% of their pay (up to around £2,900 per month) with the remainder paid at a flat daily rate (approximately £15).
- Those who are not employed are also entitled to paid parental leave.
- Parents with twins or more have the right to additional paid parental leave (180 days extra).
- 90 days of leave are allocated specifically to each parent and cannot be transferred to the other (the "use it or lose it" system introduced in 1995 and extended in 2002).
- In addition, one of the parents of the new born gets 10 extra days in connection with the birth (20 days for twins).
- During the first 3 months of the new baby's life, the father is entitled to be home for 10 days. These days are in addition to the 480 parent days.
- A single parent is entitled to the full 480 days (with sole custody).
- Employers do not pay the cost for parental leave, instead it is paid by the Swedish Social Insurance Administration.
- To be eligible parents must be legal residents of Sweden.
- Companies, in addition to the 480 parent leave days per child, are also entitled to allow parents to reduce their working hours by an additional 25%.
- It is possible to work part-time and take parental leave the remainder of the time.
- Children are guaranteed a place in childcare from the age of 12 months for a very modest sum, making it possible for women to return to work.

13. In Sweden, women currently claim about 75% of parental leave, compared with 99.5% when it was introduced in 1974. About 80% of children in Sweden have two working parents, but only 40% of women work full-time compared with 75% of men, according to 2013 statistics. Official figures from Eurostat show that 77% of women in Sweden had a job in 2014 – the highest level in the European Union.<sup>17</sup>

14. In Wales, there does not seem to be join-up between shared parental leave in the first year of an infant's life – which according to the UK Government, allows "mothers to return to work sooner if they wish to" which "can contribute to [employers] closing their gender pay

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<sup>13</sup> <https://sweden.se/society/gender-equality-in-sweden/>

<sup>14</sup> <http://www.yourlivingcity.com/stockholm/work-money/maternity-paternity-leave-sweden/>

<sup>15</sup> Ibid.

<sup>16</sup> <https://www.theguardian.com/world/2015/may/28/swedish-fathers-paid-paternity-parental-leave>

<sup>17</sup> Ibid.

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gap<sup>18</sup>, and the unaffordability of childcare in the UK, which has one of the highest rates for childcare in the world.<sup>19</sup> While the Welsh Government is proposing a policy of 30 hours per week for free early education and childcare for working parents, this applies only to children over the age of 3, which shows a clear gap between ages 1-3 which is not covered by either policy. This gap is even longer when, for example shared parental leave is taken by both parents for the first 6 months or one or both parents return to work before their child's first birthday.

**15. WEN Wales would therefore recommend that childcare is offered from 6 months, rather than from 3 years and is not limited to those who meet the current employment requirements. This clearly disadvantages families and their children who do not meet these requirements. When such a large proportion of pregnant women feel pressured into resigning posts while pregnant this is highly problematic as it imposes the double burden of ineligibility for parental leave (whether maternity or shared parental leave) and childcare, which could allow women to get back into jobs.**

16. With regards to the Welsh Government 30-hour childcare scheme being piloted in some areas, the law that stops childminders receiving funding for looking after relatives (e.g. their grandchildren) must be changed, as has been highlighted by the Future Generations Commissioner Sophie Howe.<sup>20</sup> Fully qualified childminders should not be disadvantaged, nor should parents be forced to seek additional childcare provisions with strangers. It adds an unnecessary and counter-intuitive burden to both childminders and working families. It is currently estimated that 12.5% of the 2,000 childminders registered in Wales have had issues caring for a relative who does not live with them, while 38% expected to provide childcare to a relative in the future.

17. There is also a real societal and attitudinal issue around care work – both paid and unpaid in the UK generally. The UK have a high reliance on 'informal' childcare (such as relying on non-official care from relatives or friends). Over a third of parents - 36.9% - use this kind of care for children aged 3-5. In France it's 19.6% and even lower in Denmark, where it's 0.1%.<sup>21</sup>

18. It is imperative that a 'caring economy' is created in Wales that does not rely on unpaid or underpaid, undervalued and disproportionately women-driven responsibilities of caring for children and vulnerable adults.

19. Women remain the primary carers for children with 94% of UK child benefit claims paid to women<sup>22</sup>. In Wales, almost half of mothers say they are solely or mainly responsible for child care (compared with just 4% of fathers).<sup>23</sup> The heavy reliance on women's unpaid work

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<sup>18</sup> <https://www.gov.uk/government/news/new-share-the-joy-campaign-promotes-shared-parental-leave-rights-for-parents>.

<sup>19</sup> <http://www.bbc.co.uk/news/uk-42966047>.

<sup>20</sup> <http://www.bbc.co.uk/news/uk-wales-43147701>.

<sup>21</sup> <https://www.theguardian.com/news/datablog/2012/may/21/child-care-costs-compared-britain>.

<sup>22</sup> Fawcett Society (n.d.) Benefits. <http://www.fawcettsociety.org.uk/2013/02/benefits/>

<sup>23</sup> Chwarae Teg (2013) A Woman's Place. <http://chwaraeteg.com/a-womans-place/>

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in this regard has a huge impact on women's careers, ambitions and aspirations. With an aging population and austerity measures putting statutory services under greater strain, increased pressure on care givers in Wales will inevitably have detrimental effects on the Welsh economy and the health of the people of Wales as more and more is being expected of them, while the UK Government and Welsh Government provide inadequate support for huge sections of the population.

#### **WEN Wales Recommends:**

- **Welsh Government to challenge attitudes of employers in Wales which clearly show a disconnect between understanding the importance of supporting employees to take maternity, paternity and shared parental leave – and the lived experience of women who have voiced negative or discriminatory treatment from employers. Also, to see the connection between the treatment of women taking maternity leave and the knock on effects that this has with regards to men's willingness (or lack thereof) to take shared parental leave and their fair share of caring responsibilities.**
- **Welsh Government to ensure that there is guaranteed flexible, affordable and subsidised childcare for all parents from the age of 6 months (rather than from 3 years for parents currently in employment).**
- **Changes to the law so when rolled out, the Welsh Government's 30 hours of free child care scheme allows registered childminders to care for their relatives.**
- **Welsh ministers to call for changes to the current UK shared parental leave system available to Welsh parents, to better incentivise fathers' uptake of increased parental leave and caring responsibilities for their children. The changes WEN Wales would like to see are:**
  - i. **Fathers must have access to twelve weeks of non-transferable paternity leave at 90% of their salary**
  - ii. **increased flexibility of the model to better suit families**
- **Require employers in Wales to carry out equality impact assessments in relation to the retention of staff after parental leave.**
- **Committee and Assembly Members to push for eligibility for shared parental leave, in connection to current inquiry being conducted around Creating a Parliament for Wales, that includes provisions such as job-share so that male and female AMs can lead by example. In addition, encourage UK Government to do the same so that MPs are also eligible to take shared parental leave.**

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*WEN Wales would like to thank the National Assembly for Wales' Equality, Local Government & Communities Committee for the opportunity to contribute to their inquiry into Pregnancy, Maternity and Work in Wales.*

*If you have any further comments or queries, please get in touch.*

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