

In scope

From: [REDACTED]
Sent: 28 November 2017 15:21
To: [REDACTED]@acas.org.uk; [REDACTED]@scotland.pnn.police.uk; [REDACTED]; [REDACTED]
[REDACTED] | Working Families;
[REDACTED]@lanarkshire.scot.nhs.uk; [REDACTED]@carpetright.co.uk; [REDACTED]
[REDACTED]@cosla.gov.uk; [REDACTED]@turningpointscotland.com;
[REDACTED]@stuc.org.uk; [REDACTED] | Working
Families [REDACTED]@WorkingFamilies.org.uk)
Cc: [REDACTED]
Subject: Pregnancy and Maternity Discrimination Working Group meeting - 31 October
2017: Minutes & presentations



Meeting 4 -
31.10.17 - Minut...

Please see attached the minutes of the Working Group meeting on 31st October which have been cleared by Mr Hepburn.



Pregnancy and
Maternity Discri...



NEM PPT.PPT



[REDACTED] Matern...

Also attached are the three presentations from the meeting:

- Findings of the CCPS survey *Exemption Section 30(c) Section 27(1)*
- New and expectant mothers within Police Scotland/Scottish Police Authority
- *Growing Up in Scotland* report

<https://vimeo.com/244813490>

A link is provided to a Police Scotland video which was used when the health and safety survey was started – the password is [REDACTED].

Finally, to confirm that the next meeting will take place from 10 a.m.-12 noon on Tuesday 20th February 2018 in EHRC, 151 West George Street, Glasgow G2 2JJ.

Thanks and regards

[REDACTED]
Policy Executive
Scottish Government
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workforce Equality Team

6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

[REDACTED]

0844 412 1234

To find out more about Employability in Scotland visit www.employabilityinscotland.com or follow us on twitter @ETPLN

[REDACTED]

[REDACTED]

[REDACTED]

ScotGen

Social Research that works for society



Growing Up in Scotland: Maternal employment patterns and barriers to paid work

redact

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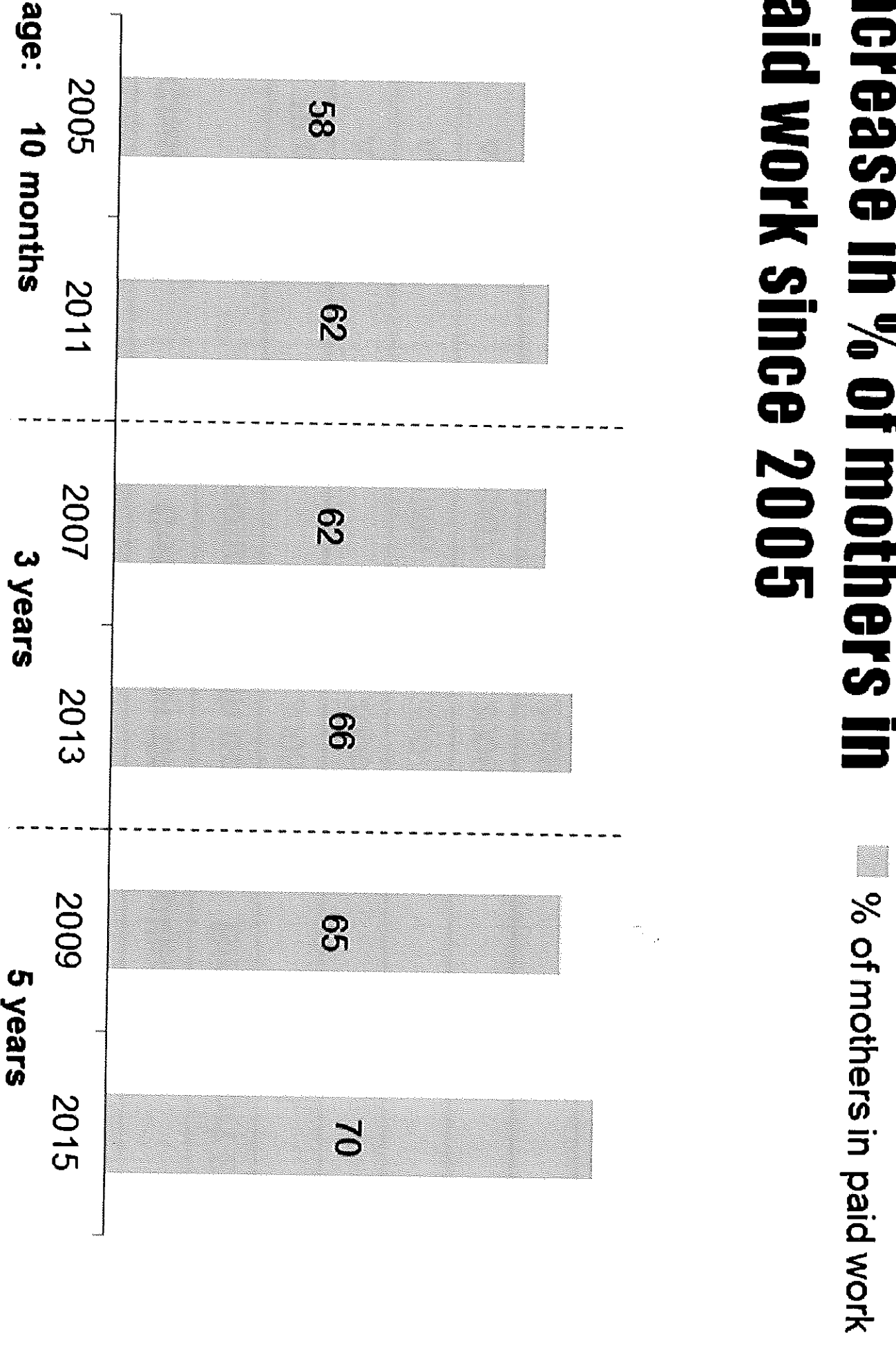
GUS data collection (so far...)

Child's age	Cohort/Year of data collection		
	Child cohort	Birth cohort 1	Birth cohort 2
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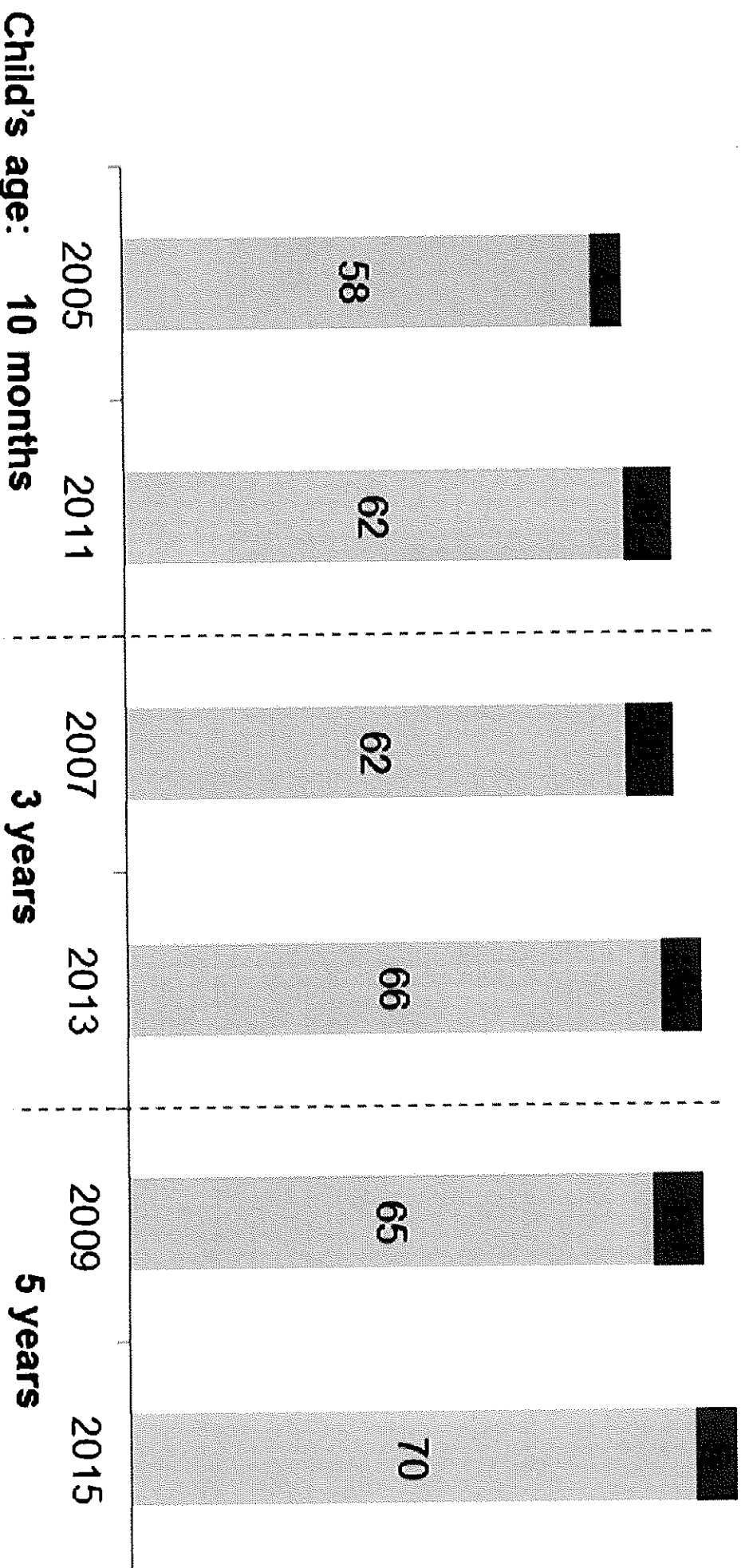
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Increase in % of mothers in paid work since 2005

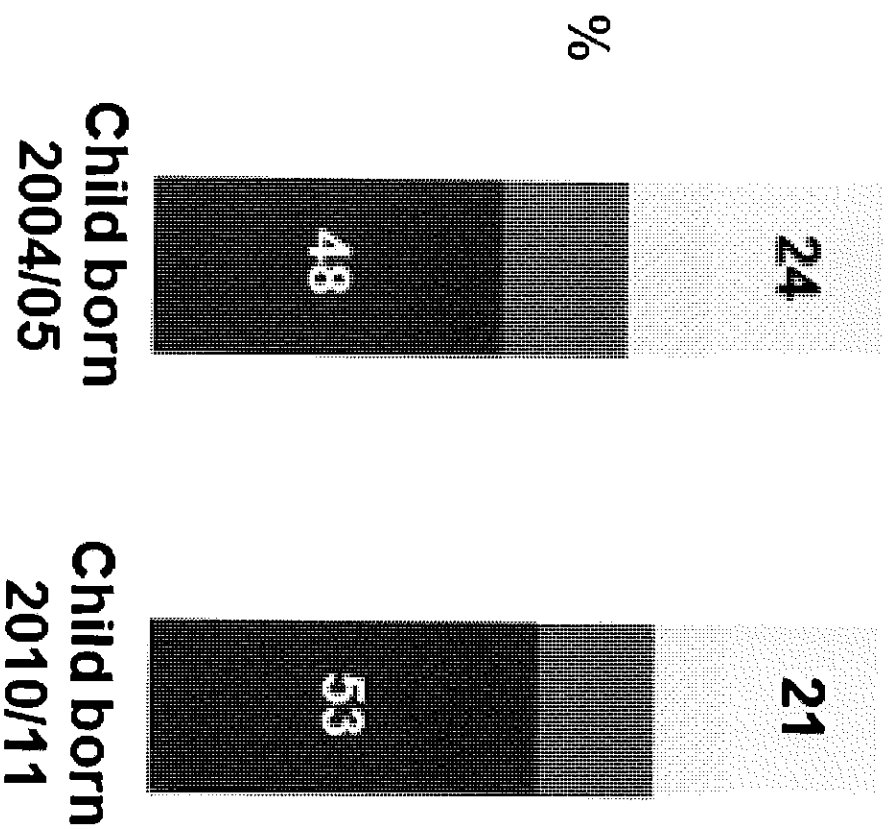
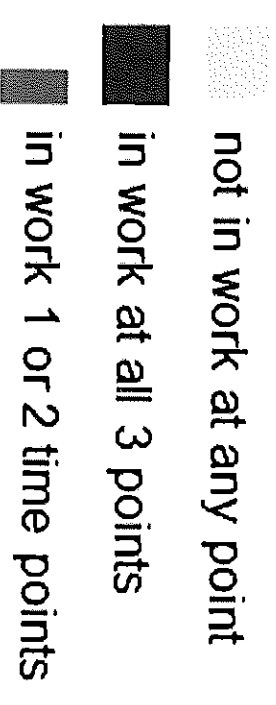


But % of mothers looking for work remain unchanged

■ % of mothers in paid work
■ % of mothers not in paid work who are looking for work

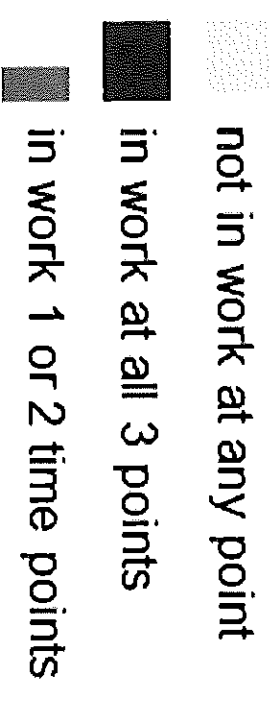


Most mothers in work at one point before child turns 5

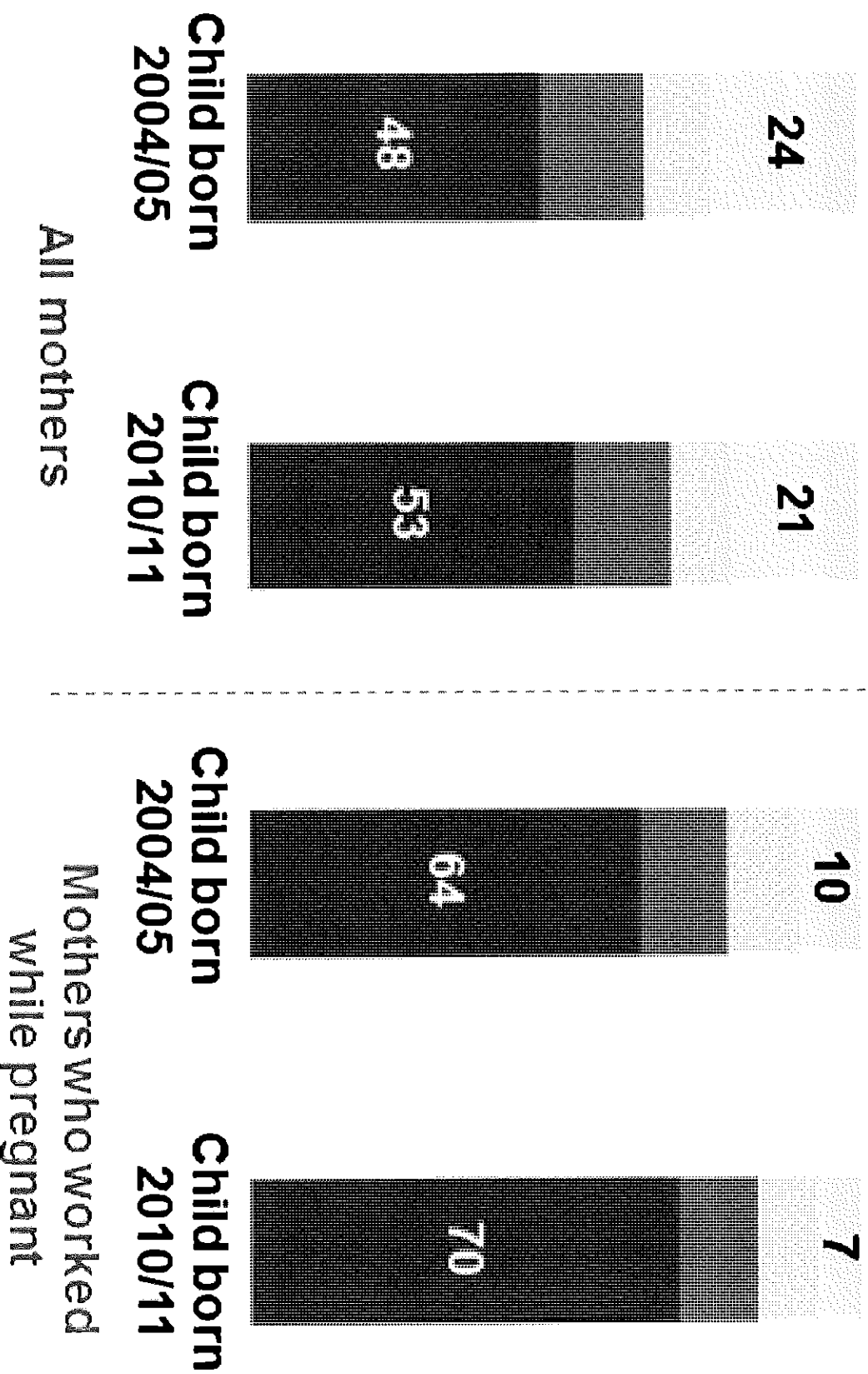


All mothers

Most mothers in work at one point before child turns 5



%



Who are the mothers that don't return to work after having a child?

- Not only well-off middle-class mothers:
- On average, lower levels of qualifications than those who returned;
- less likely to have been in professional/managerial occupations;
- more likely to be single parents

- Overall, mix of financially comfortable and low income households

Who are the mothers that are unemployed and looking for work?

- On average, younger than those not looking for work
- More likely to be single parents
- More likely to be on low incomes

What do mothers think are the main reasons they haven't found work?

- No suitable jobs available

- Childcare issues (availability, affordability)

- Not looked very hard (e.g. due to family commitments, ill health, moving house)

- Other reasons (e.g. lack of skills/experience, transport)

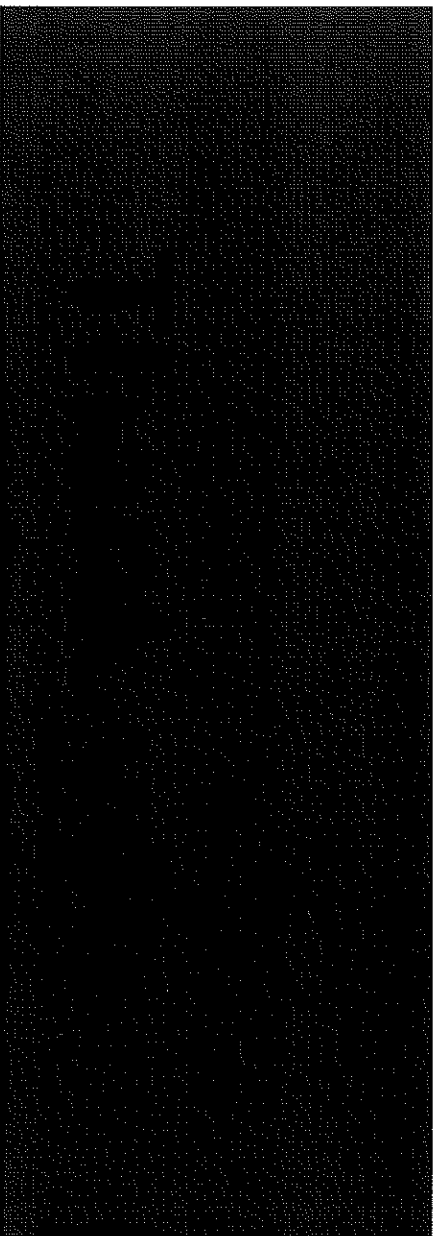
Summary & key points

- Increase in mothers with young children who are in paid work, but still small group facing barriers to securing work

- Supporting mothers may include addressing issues around childcare and the quality of jobs – especially low-skilled jobs

- Mothers in less advantaged circumstances may be in particular need of support – e.g. young, single parents, with low levels of skills and qualifications

- Nonetheless, mothers' needs are complex and diverse – requires holistic approach



Senior Researcher

T. [REDACTED]

E. [REDACTED]@scotcen.org.uk

ScotCen
Social Research that works for society

www.growingupinScotland.org.uk

NEW AND EXPECTANT MOTHERS WITHIN POLICE SCOTLAND/SPA

New and Expectant Mothers (NEM)

The definition of a new or expectant mother is a woman who is

- pregnant,
- has given birth within the last six months or
- is breastfeeding.

Health and Safety and NEM

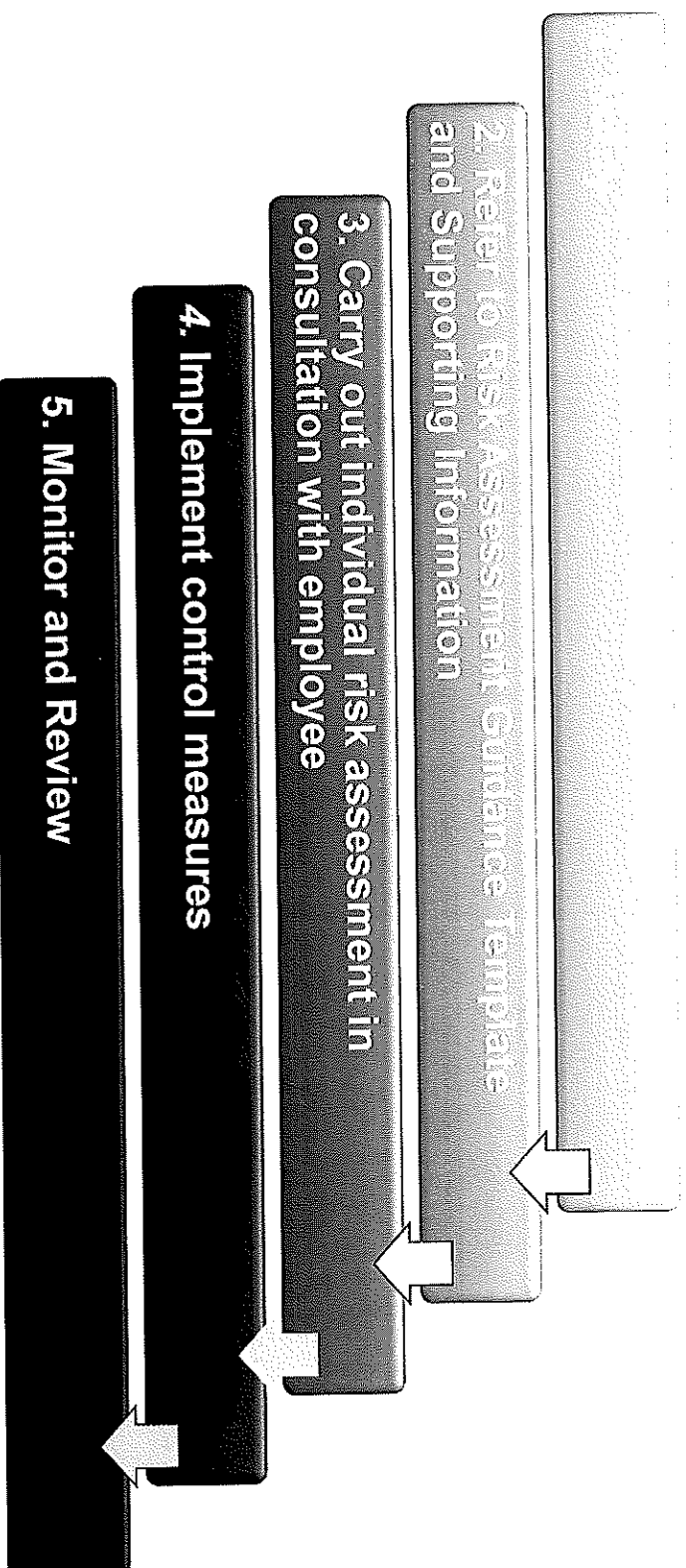
- The Management of Health and Safety at Work Regulations 1999 (MHSW) requires employers to take particular account of the health and safety risks to new and expectant mothers, and women of childbearing capacity when undertaking risk assessments. These risks include those to the unborn child or child being breastfed as well as those to the mother.

Responsibilities of SPA/Police Scotland

- SPA/Police Scotland will undertake a risk assessment to identify any hazards that may apply to new or expectant mothers. Where particular risks have been identified, consideration is required to be given to appropriate control measures.
- In some cases, this may involve an offer of alternative work and in exceptional cases where suitable safe work cannot be found, the law requires that the individual is suspended on full pay.
- The risk assessment is then reviewed at each trimester stage as the pregnancy

Risk Assessment

To help understand the overall process there are a number of basic steps :



Guidance and Tools

Hazard checklist :

Line Manager should complete checklist prior to carrying out a risk assessment			
Hazard Checklist:	Y/N		Y/N
Can the worker take regular rest breaks when needed?		Are toilet facilities easily accessible to a pregnant worker?	
Are walkways and escape routes clear of any obstacles?		Is the temperature working environment reasonable?	
Is assistance required during an evacuation in the event of an emergency?		Is there a possibility of exposure to nauseating smells?	
Is there a possibility of exposure to slippery / wet / uneven surfaces?		Does the work involve standing or squatting for long periods?	
Has a DSE workstation assessment been completed for the employee?		Does the work involve any home working?	
Does the worker deal with emergencies / members of the public?		Are there any risks of violence at work? If so, does it involve dealing with distressed or disturbed people?	
Does the worker have contact with young children or sick people?		Does the work involve lifting, pushing or handling heavy items/people	
Will any task become more hazardous to the worker in the later stages of pregnancy?		Is there any exposure to vibration, e.g. through hand tools or excessive driving?	
Does the work involve a lot of walking?		Does the work involve use of machinery – speed of movement / reach?	
Does the work involve working at height or climbing ladders / steps?		Is the employee exposed to any chemical agents? (Check COSHH risk assessments and chemical datasheets)	
Is the employee expected to work in awkward/confined spaces?		Does the role involve shift work? If so, does it involve work at night or into the night?	
Does the work involve lone working or working in remote locations?		Is there a possibility of exposure to noise?	
Does the work involve driving?		If Personal Protective Equipment is used, does it fit properly?	

Guidance and Tools

Risk Assessment Guidance Template:

Risk Assessment Guidance Template for new and expectant mothers, an unborn child and children of women who are breastfeeding		
Factor	Details of risks	Measures to manage the risks effectively
Physical		
<p>Manual handling of loads/ persons <i>including lifting, putting down, pushing, pulling, carrying, throwing, and supporting in a static posture by hand or bodily force. Where the effort is applied indirectly, for example by using a device such as a rope or lever, it is still classed as manual handling.</i></p>	<p>Hormonal changes in expectant mothers can affect ligaments, increasing susceptibility to injury.</p> <p>Postural problems may increase as pregnancy develops.</p> <p>Those who have recently given birth will have temporary limitations on their lifting and handling capabilities.</p>	<p>Where possible, manual handling activities for new and expectant mothers should be avoided.</p> <p>Where manual handling cannot be avoided, risk assessment should look at measures such as: -</p> <ul style="list-style-type: none"> • decreasing the weight of loads; • reducing the amount of physical effort required; • ensuring sufficient working space; • providing assistance, mechanical aids. <p>Action</p> <ul style="list-style-type: none"> • Each manual handling/people handling tasks should be reviewed and checked that this task will not harm the mother/ baby
Ergonomics and Posture	<p>Risks resulting from movements and postures during and after pregnancy will depend on a number of factors, including:</p> <ul style="list-style-type: none"> • nature, duration and frequency of tasks/movements pace, intensity and variety of work; • patterns of working time and rest breaks; • ergonomic factors and general working environment; 	<p>Action</p> <p>The comfort of the individual at work should be reviewed regularly and adjustments made as required. Try to,</p> <ul style="list-style-type: none"> • Avoid spending long periods handling loads, or standing/sitting without regular exercise/movement to maintain circulation. • Provide the opportunity to alternate between standing and sitting. If this is not possible, you should provide for breaks. <p>Work stations/work routines may have to be adjusted</p>

Case Study

Scene Examiner

A scene examiner notifies her line manager that she is pregnant and a risk assessment is completed using the hazard checklist as an aide memoir. This identified three areas which required control measures:

- 1.Lone Working
- 2.Manual Handling
- 3.PPE/Clothing

The following control measures were identified as reasonable and appropriate for the tasks completed by the scene examiner.

Case Study

1. Lone Working – The line manager reviewed the shift pattern to ensure that the scene examiner did not work alone and would have another member of staff with them while attending crime scenes.
2. Manual Handling – Dynamic risk assessment was discussed and the employee was reminded to only lift items within her own ability and ask for assistance when required.
3. PPS/Clothing – The employee was informed that she should contact her line manager if there is any requirement for additional PPE/Clothing. This would also be reviewed at each trimester through the risk assessment process.

The overall aim of the control measures is to keep the employee as operational as possible while control the risk.

Thank you for listening

Any Questions?

In scope
partial exemption

From: [REDACTED]
Sent: 28 February 2018 18:34
To: [REDACTED]
Subject: FW: Pregnancy and Maternity Discrimination Working Group meeting - 31 October 2017: Minutes & presentations [NOT PROTECTIVELY MARKED]

From: [REDACTED] [mailto:[REDACTED]@scotland.pnn.police.uk]
Sent: 05 December 2017 10:42
To: [REDACTED]@acas.org.uk; [REDACTED]@fsb.org.uk; [REDACTED]@equalityhumanrights.com; [REDACTED]@equalityhumanrights.com; [REDACTED]@workingfamilies.org.uk; [REDACTED]@lanarkshire.scot.nhs.uk; [REDACTED]@carpetright.co.uk; [REDACTED]@cosla.gov.uk; [REDACTED]@turningpointscotland.com; [REDACTED]@stuc.org.uk; [REDACTED]@WorkingFamilies.org.uk
Cc: [REDACTED]
Subject: RE: Pregnancy and Maternity Discrimination Working Group meeting - 31 October 2017: Minutes & presentations [NOT PROTECTIVELY MARKED]

NOT PROTECTIVELY MARKED

Thanks [REDACTED]

Just to clarify the video from Police Scotland relates to the SWDF survey concerning pregnancy and maternity discrimination and was used to launch the new set of Police Scotland standard operating procedures and training that resulted from our research. If you have any difficulty accessing just let me know.

Kind regards

[REDACTED]

[REDACTED]

Head of National Systems Support
Corporate Services Division

Police Scotland
2 French Street
Dalmarnock
Glasgow
G40 4EH

Tel: [REDACTED]
Mobile: [REDACTED]
Email: [REDACTED]@scotland.pnn.police.uk

Website: www.scotland.police.uk
Twitter: @policescotland
Facebook: www.facebook.com/policescotland

From: [REDACTED]@scotland.gsi.gov.uk [mailto:[REDACTED]@scotland.gsi.gov.uk]
Sent: 28 November 2017 15:21
To: [REDACTED]@acas.org.uk; [REDACTED]@fsb.org.uk; [REDACTED]@equalityhumanrights.com; [REDACTED]@equalityhumanrights.com;

[redacted]@workingfamilies.org.uk; [redacted]@lanarkshire.scot.nhs.uk; [redacted]@carpetright.co.uk;
[redacted]@cosla.gov.uk; [redacted]@turningpointscotland.com; [redacted]@stuc.org.uk;

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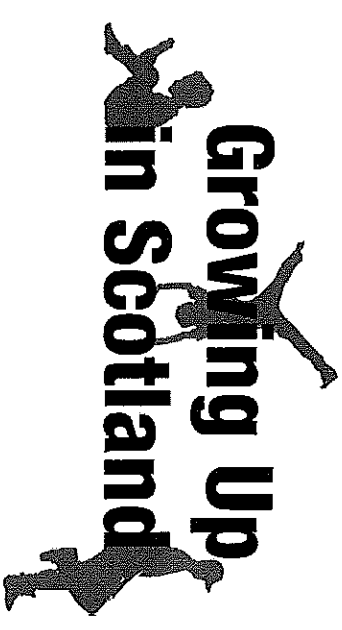
[redacted]
Policy Executive
Scottish Government
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workforce Equality Team
6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
Tel. [redacted]

To find out more about Employability in Scotland visit www.employabilityinscotland.com or follow us on twitter @ETPLN

In scope but redacted.

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Redacted.

[Redacted text block]

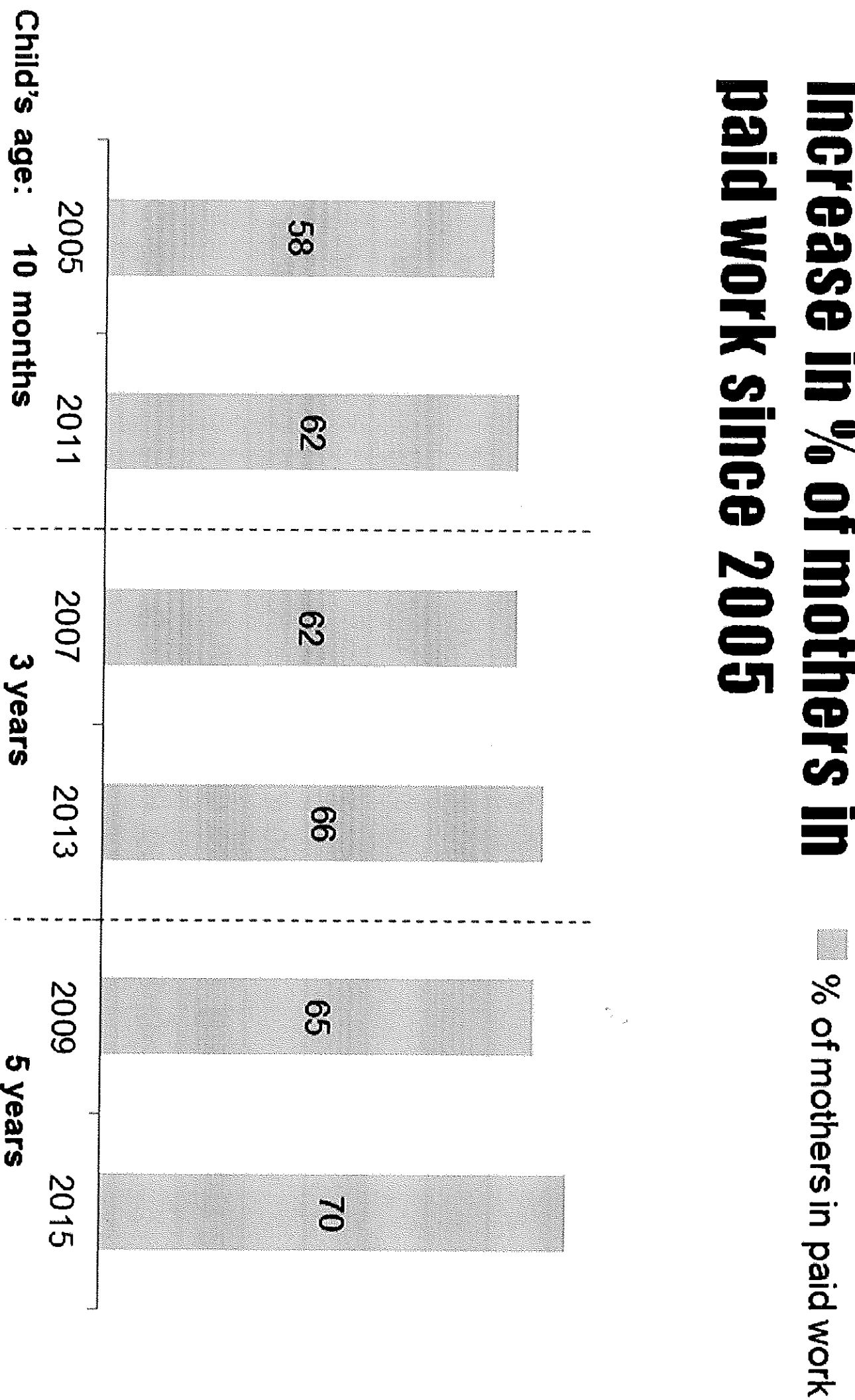
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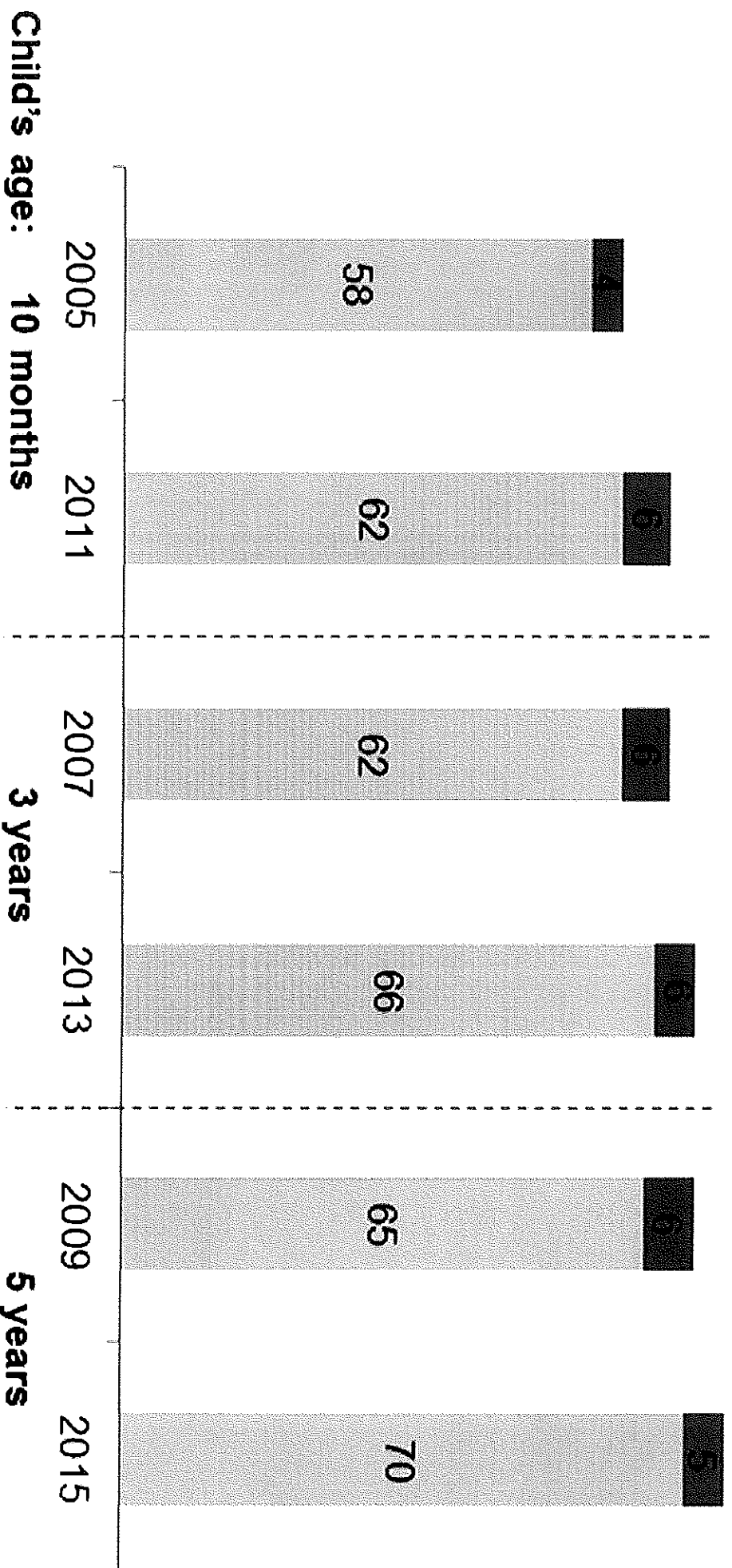
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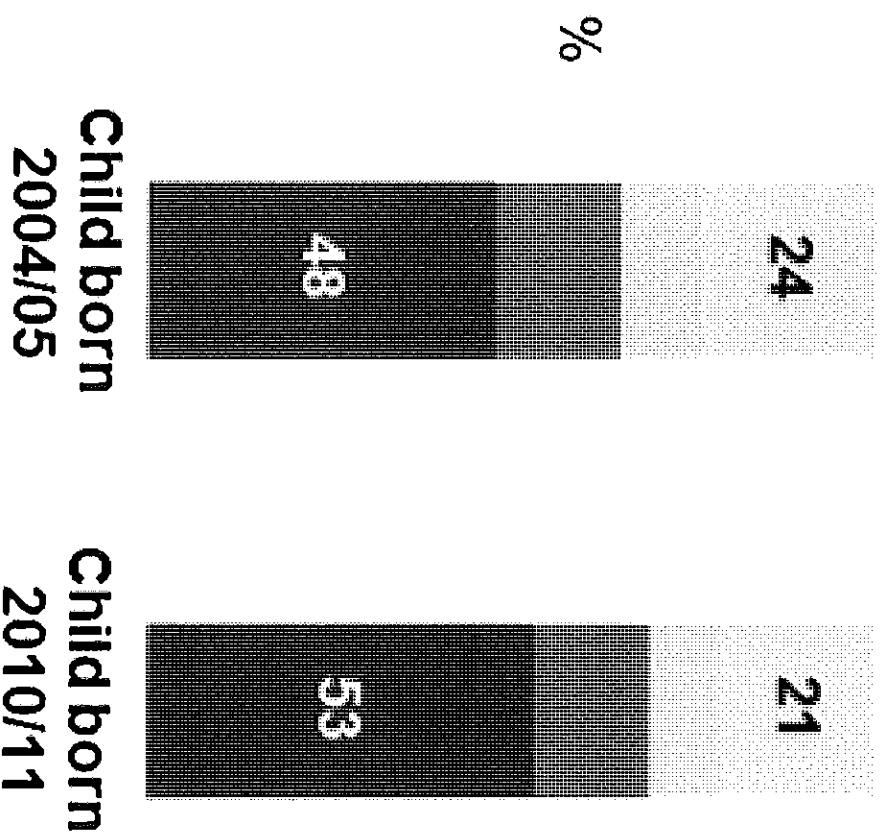
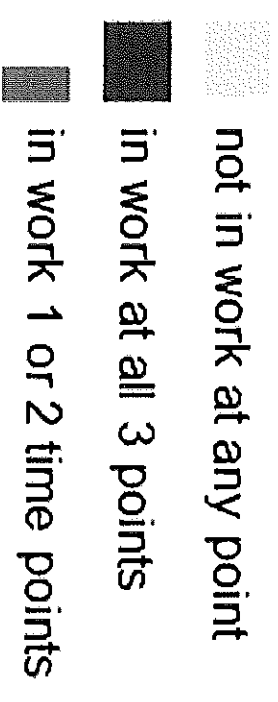


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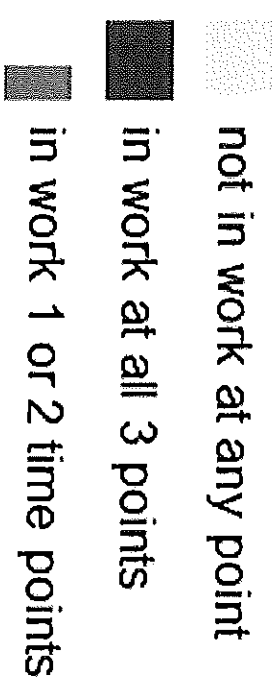


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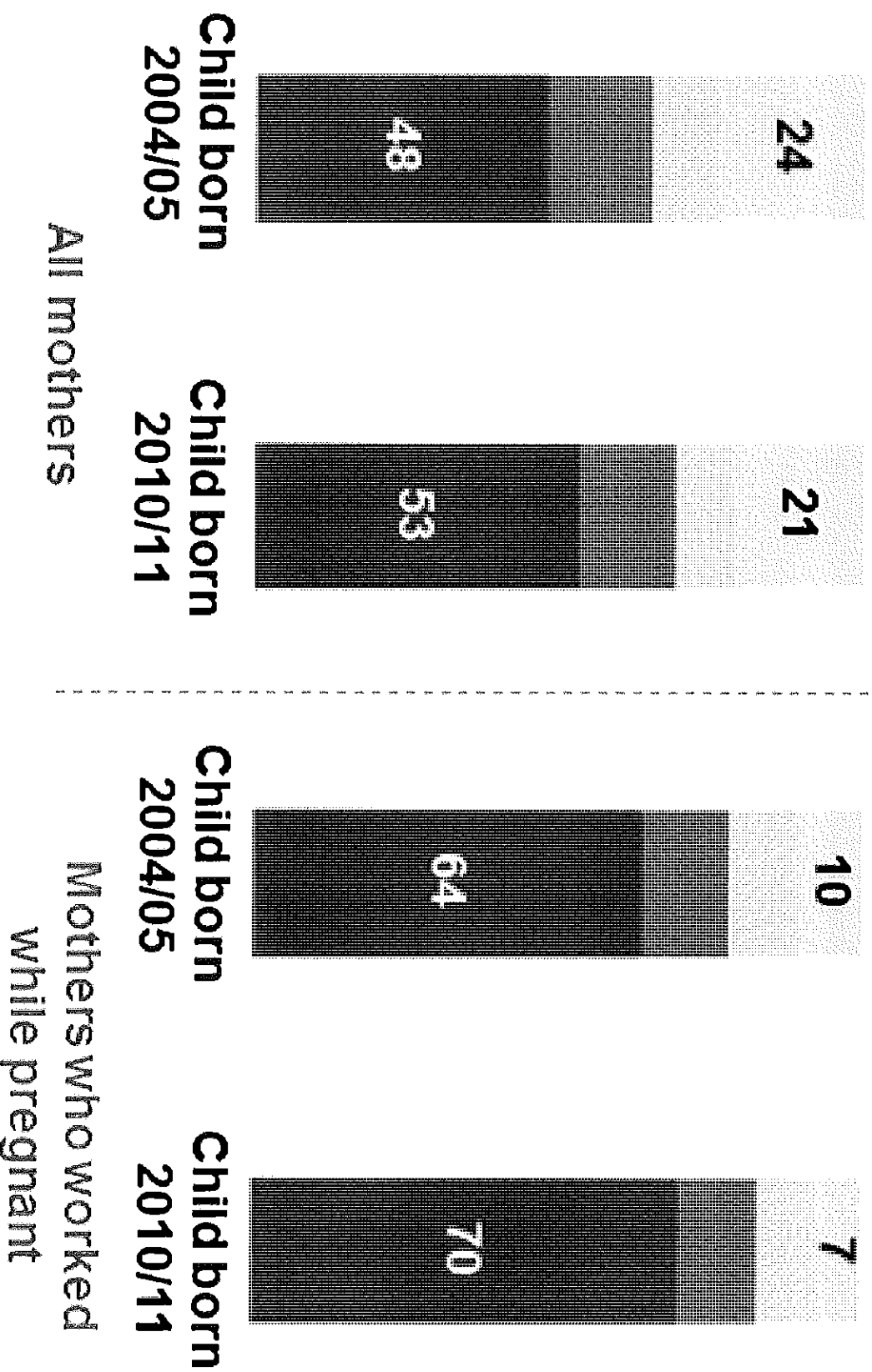


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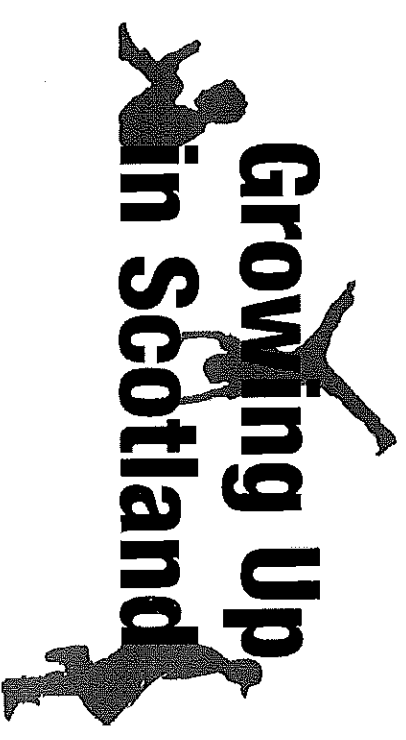
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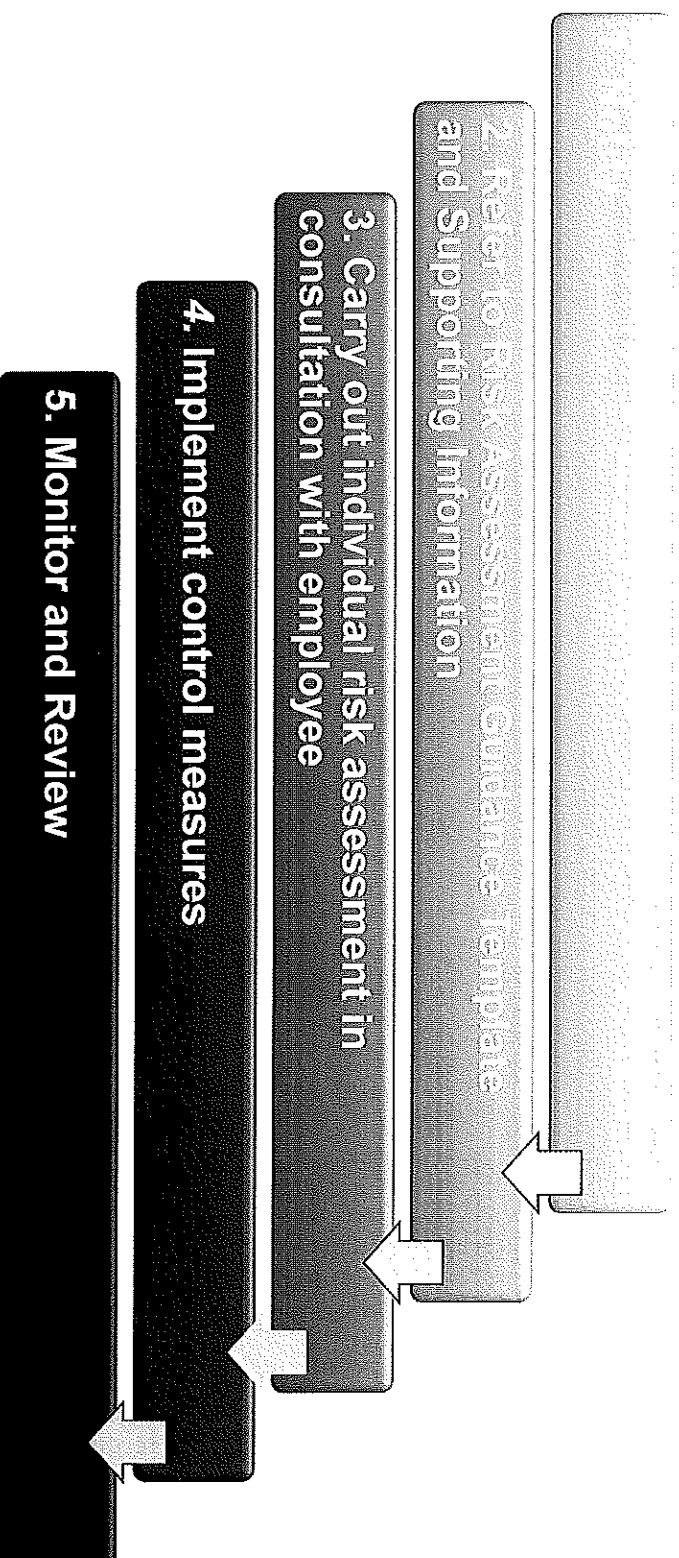
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Guidance and Tools

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Case Study

Scene Examiner

A scene examiner notifies her line manager that she is pregnant and a risk assessment is completed using the hazard checklist as an aide memoir. This identified three areas which required control measures:

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Case Study

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The overall aim of the control measures is to keep the employee as operational as possible while control the risk.

Thank you for listening

Any Questions?

From: [REDACTED] Working Families [REDACTED]@workingfamilies.org.uk>
Sent: 17 January 2018 13:57
To: [REDACTED] | Working Families
Subject: Meeting

[REDACTED] – I know [REDACTED] has suggested the room that holds 14 which is a lovely space just depends if you think big enough. Another option might be to ask one of our employer contacts if they would host for us. Maybe if space not big enough we could take this approach – do let us know?

[REDACTED]



[REDACTED]
Programme Director (Job Share)
Family Friendly Working Scotland
e [REDACTED]@workingfamilies.org.uk

t [REDACTED]
m [REDACTED]

I work flexibly, typically: Monday, Wednesday, Thursday, half day Friday

Please visit our site or follow us on social media to stay updated



Robertson House
152 Bath Street
Glasgow
G2 4TB

You can also support our Legal Advice Line by donating via our secure Charities Aid Foundation page:



Working Families is a registered charity in England and Wales no. 1099808 | Scotland no. SC045339 | Company no. 4727690 | VAT Registered No. 841 6524 32.

Are you a parent/carer of a disabled child? Take our survey about your experience of combining paid work and care.
<https://www.workingfamilies.org.uk/news/off-balance-new-survey-for-2017/>

Anyone completing the survey can choose to be entered into a prize draw to win a £50 voucher of their choice.

Survey closes on Wednesday 13 December.

[REDACTED]

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit [\[REDACTED\]symanteccloud.co\[REDACTED\]](#)

[REDACTED]

From: [REDACTED] | Working Families <[REDACTED]@workingfamilies.org.uk>
Sent: 17 January 2018 16:18
To: [REDACTED]
Cc: [REDACTED] | Working Families; [REDACTED]
Subject: RE: Meeting

Great stuff [REDACTED] thanks for confirming.

From: [REDACTED]@gov.scot [mailto:[REDACTED]@gov.scot]
Sent: 17 January 2018 15:04
To: [REDACTED] | Working Families <[REDACTED]@workingfamilies.org.uk>
Cc: [REDACTED] | Working Families [REDACTED]@WorkingFamilies.org.uk; [REDACTED]@gov.scot
Subject: RE: Meeting

Hi [REDACTED]

I've just been discussing planning for the meeting with [REDACTED] and [REDACTED] and we would be happy to accept your offer of the room holding 14.

Thanks for your help with this. We'll be in touch again as the meeting approaches.

Kind regards

[REDACTED]
[REDACTED]
Policy Officer
Scottish Government
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workplace Equality Team
6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
Tel: [REDACTED]

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From: [REDACTED] | Working Families [mailto:[REDACTED]@workingfamilies.org.uk]
Sent: 17 January 2018 13:57
To: [REDACTED] | Working Families
Subject: Meeting

[REDACTED] – I know [REDACTED] has suggested the room that holds 14 which is a lovely space just depends if you think big enough. Another option might be to ask one of our employer contacts if they would host for us. Maybe if space not big enough we could take this approach – do let us know?



Programme Director (Job Share)
Family Friendly Working Scotland
e. [redacted]@workingfamilies.org.uk

t. [redacted]
m. [redacted]

I work flexibly, typically: Monday, Wednesday, Thursday, half day Friday

Please visit our site or follow us on social media to stay updated



Robertson House
152 Bath Street
Glasgow
G2 4TB

You can also support our Legal Advice Line by donating via our secure Charities Aid Foundation page:



Working Families is a registered charity in England and Wales no. 1099808 | Scotland no. SC045339 | Company no. 4727690 |
VAT Registered No. 841 6524 32.

Are you a parent/carer of a disabled child? Take our survey about your experience of combining paid work and care.
<https://www.workingfamilies.org.uk/news/off-balance-new-survey-for-2017/>

Anyone completing the survey can choose to be entered into a prize draw to win a £50 voucher of their choice.

Survey closes on Wednesday 13 December.

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110a

From: [REDACTED]
Sent: 18 January 2018 09:22
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Invitation to Close the Gap's conference 'The road to closing the gender pay gap in Scotland'

As [REDACTED] is off today can you please circulate the invitation.

[REDACTED] Head of Workforce Equality Team/ Fair Work and Skills Division| Directorate for Fair Work, Employability & Skills | Scottish Government | 6th Floor, 5 Atlantic Quay, 150 Broomielaw Glasgow, G2 8LU | [REDACTED] Working days - Tuesday, Wednesday

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Apprenticeships and skills are key to the region's future and the region's future.

scotland.org



DYW Developing the Young Workforce

From: [REDACTED]
Sent: 18 January 2018 08:38
To: [REDACTED]
Subject: FW: Invitation to Close the Gap's conference 'The road to closing the gender pay gap in Scotland'

Can you please send this around the Pregnancy and Maternity group and see about getting it promoted through the Employability in Scotland website and Third Sector Employability forum.

Sent with BlackBerry Work (www.blackberry.com)

From: [REDACTED] <[REDACTED]@closethegap.org.uk>
Sent: 16 Jan 2018 3:51 pm
To: [REDACTED]
Subject: Invitation to Close the Gap's conference 'The road to closing the gender pay gap in Scotland'

Good afternoon,

You are invited to an exciting conference on the gender pay gap in Scotland. The agenda will include a discussion of the different factors influencing Scotland's gender pay gap, with an in-depth look at:

- New research which explores the nature of Scotland's pay gap;
- How right to request regulations have affected women's access to flexible working in Scotland; and
- How well the public sector equality duty is working for women in public sector.

We will also be hosting a Q&A session with a panel of experts working on the causes of the gender pay gap, and launching our new short film on the pay gap. [REDACTED]

Tea, coffee and pastries will be available on arrival, and lunch will be provided. The event will be held in Glasgow City Centre, venue tbc. [REDACTED]

You can register for the free event here: <https://www.eventbrite.co.uk/e/the-road-to-closing-scotlands-gender-pay-gap-tickets-28500086526>

We look forward to seeing you there. [REDACTED]

Kind regards, [REDACTED]

[REDACTED]
[REDACTED]
Policy Manager
Close the Gap

E: [REDACTED]@closethegap.org.uk

M: [REDACTED]

166 Buchanan Street
Glasgow
G1 2LW

Close the Gap works in Scotland on women's participation in the labour market. To keep up to date with news on women and work, follow us on Twitter [@closethepaygap](https://twitter.com/closethepaygap)

Close the Gap (SCIO) (known as Close the Gap) is a Scottish charity [REDACTED] SC046842 [REDACTED]

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in
out scope

From: [REDACTED]@turningpointscotland.com>
Sent: 18 January 2018 11:01
To: [REDACTED]
Subject: RE: Pregnancy and Maternity Discrimination Group - venue for meeting

Yes that should be no problem.

Even if this office is booked up we have another building that is pretty central with meeting rooms.

[REDACTED]

Head of Human Resources | Human Resources | Turning Point Scotland | www.turningpointscotland.com

54 Govan Road , Glasgow, G51 1JL | T: [REDACTED] | F: [REDACTED] | M: [REDACTED]

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From: [REDACTED]@gov.scot [mailto:[REDACTED]@gov.scot]
Sent: 18 January 2018 10:58
To: [REDACTED]
Subject: RE: Pregnancy and Maternity Discrimination Group - venue for meeting

Hi [REDACTED]

Thanks for your kind offer, but we also had one from FFWS to use their premises in Glasgow and that's now been confirmed.

However, could we plan to hold the next meeting in your premises; that will probably be in May or June?

Kind regards

[REDACTED]

Policy Officer
Scottish Government
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workplace Equality Team

6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
Tel. [REDACTED]

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From: [REDACTED]@turningpointscotland.com]
Sent: 18 January 2018 08:50
To: [REDACTED]
Subject: RE: Pregnancy and Maternity Discrimination Group - venue for meeting

We'd be happy to host it and our meeting room is free:
Turning Point Scotland
54 Govan Road
G51 1JL

One advantage for that day is that The Gathering is on at the SEC and we are close to it- think some of the meeting attendees may be planning to attend it also.

Regards,

[REDACTED]

[REDACTED]
Head of Human Resources | Human Resources | Turning Point Scotland | www.turningpointscotland.com

54 Govan Road , Glasgow, G51 1JL | T: [REDACTED] | F: [REDACTED] | M: [REDACTED]

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From: [REDACTED]@gov.scot [mailto:[REDACTED]@gov.scot]
Sent: 17 January 2018 11:56
To: [REDACTED]@acas.org.uk; [REDACTED]@scotland.pnn.police.uk; [REDACTED]@fsb.org.uk;
[REDACTED]@scotland.pnn.police.uk; [REDACTED]@equalityhumanrights.com;
[REDACTED]@equalityhumanrights.com; [REDACTED]@lanarkshire.scot.nhs.uk; [REDACTED]@carpetright.co.uk;
[REDACTED]@cosla.gov.uk; [REDACTED]; [REDACTED]@scotland.pnn.police.uk; [REDACTED]@stuc.org.uk;
[REDACTED]@WorkingFamilies.org.uk; [REDACTED]@workingfamilies.org.uk

Cc: [REDACTED]@gov.scot

Subject: Pregnancy and Maternity Discrimination Group - venue for meeting

Good morning

As you will be aware, the date for the forthcoming meeting of the working group has been changed to Wednesday 21st February at 11.15 a.m.- 12.45 p.m. due to a change in the Minister's diary. A new venue in Glasgow will now be needed for the meeting as EHRC can't host it that day and there are no suitable rooms available in this building.

[REDACTED] – you had previously offered for FFWS to host a group meeting at their premises – would that be possible on this date?

If that venue isn't available, I'd be grateful if those of you who are based in Glasgow could notify me if your premises could be used for the meeting.

Thanks in advance for your help.

Kind regards

[REDACTED]
Policy Officer
Scottish Government
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workplace Equality Team
6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
Tel. [REDACTED]

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Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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In scope .
Partial .
Exemption 27

From: [REDACTED]
Sent: 25 January 2018 16:51
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Pregnancy and Maternity Discrimination Group - Work Plan [NOT PROTECTIVELY MARKED]

Hi Clare

Thanks for this and we can note (for the Minister's briefing) that [REDACTED] will provide an update on this particular action at the meeting on 21st February.

Kind regards

[REDACTED]
Policy Officer
Scottish Government
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workplace Equality Team
6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
Tel: [REDACTED]

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From: [REDACTED] [mailto:[REDACTED]@scotland.pnn.police.uk]
Sent: 25 January 2018 16:36
To: [REDACTED]
Subject: RE: Pregnancy and Maternity Discrimination Group - Work Plan [NOT PROTECTIVELY MARKED]

NOT PROTECTIVELY MARKED

Hi [REDACTED]

[REDACTED] has prepared an update covering our updated processes and research outcomes which she is hoping to share at the next meeting. I hope this is useful. I have also forwarded your email to [REDACTED] as she will now be the main representative on the group for Police Scotland.

Kind regards,

[REDACTED]
Wellbeing Manager
People and Development

Clyde Gateway
2 French Street
Dalmarnock
Glasgow
G40 4EH

Tel: [REDACTED]
Mob: [REDACTED]

Website: www.scotland.police.uk
Facebook: www.facebook.com/policescotland
Twitter: @policescotland



From: [REDACTED]@scotland.gsi.gov.uk [mailto:[REDACTED]@scotland.gsi.gov.uk]
Sent: 19 January 2018 12:48
To: [REDACTED]
Cc: [REDACTED]@scotland.gsi.gov.uk
Subject: Pregnancy and Maternity Discrimination Group - Work Plan

Hi [REDACTED]

I hope that you're well at this time.

As you will have seen, we are preparing for the next meeting of the working group on 21st February. We were going through the work plan a few days ago and noted an action for Police Scotland, under commitment 1, where you were going "to share updated processes and research outcomes" relating to where employers go for advice and training on pregnancy and maternity.

Could you please give me an update on the status of this action? For ease of reference, I've attached a current copy of the work plan.

↳ Exemption Section 27

Thanks and regards

[REDACTED]
Policy Officer
Scottish Government
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workplace Equality Team
6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow

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From: [REDACTED]
Sent: 23 January 2018 14:43
To: [REDACTED]@maternityaction.org.uk
Cc: [REDACTED]
Subject: Pregnancy and Maternity Discrimination Group

Good afternoon [REDACTED]

I hope you are well at this time.

My team colleagues [REDACTED] & [REDACTED] would like to meet with you in the near future, firstly to introduce themselves, and to discuss the ongoing work of the Scottish Government's pregnancy and maternity discrimination group and how we can collaborate with Maternity Action as the group's remit develops.

If possible, we would like to meet you before the next meeting of the working group on Wednesday 21st February. I realise that you are busy and would not necessarily be able to come to Glasgow to meet them in person before then. Therefore, I suggest that the meeting could take place by video-conference if that were convenient for you.

I've listed a few dates/times which would be suitable for my colleagues and would appreciate if you could notify me as to whether any of them would be possible for you.

Wednesday 7th February - 2-3 p.m.
Thursday 8th February – 1-2 p.m.
Thursday 15th February – 2-3 p.m.

I look forward to hearing from you.

Kind regards

Thanks

[REDACTED]
Policy Officer
Scottish Government
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workplace Equality Team
6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
Tel [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In scope.

From: [REDACTED]
Sent: 15 January 2018 16:17
To: [REDACTED] (@equalityhumanrights.com)
Cc: [REDACTED]
Subject: Pregnancy and Maternity Discrimination Group meeting

[REDACTED]

We've been notified that, owing to a change in the Minister's diary, the next meeting of the working group has been moved to Wednesday 21st February at 11.15 a.m. 12.45 p.m.

As you had kindly offered for the meeting to be held at EHRC premises, could the meeting still take place there at this time? Also, as Wednesday is not a working day for you, can [REDACTED] attend it for EHRC?

I'll circulate an updated calendar request to the group but wanted to notify you of this first.

Thanks and regards

[REDACTED]

[REDACTED]
Policy Officer
Scottish Government
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workplace Equality Team
6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
Tel. [REDACTED]

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Page 1 of 1

Page 1 of 1

From: [REDACTED]
Sent: 29 January 2018 14:20
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED] meeting - RE: Pregnancy and Maternity Discrimination Group

Hi [REDACTED]

Thanks for letting me know. I should think that a teleconference on 7th February would be ok, but I will check with [REDACTED] in case she would prefer to meet you in person, in which case we could wait until you will be in Glasgow later next month.

[REDACTED] will be back tomorrow so I'll contact you once I've spoken to her. I hope that will be ok.

Thanks and regards

[REDACTED]
Policy Officer
Scottish Government
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workplace Equality Team
6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
Tel. [REDACTED]

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From: [REDACTED] [mailto:[REDACTED]@maternityaction.org.uk]
Sent: 27 January 2018 14:55
To: [REDACTED]
Cc: [REDACTED]; [REDACTED]
Subject: Re: Pregnancy and Maternity Discrimination Group

Hi [REDACTED]

Unfortunately, the timing of my visit to Glasgow has shifted and is likely to be later in the month, probably after your next working group meeting on the 21st.

Would it suit to go back to meeting by teleconference at 2-3pm Wednesday 7 February?

I am on leave for the next week so I have copied in my colleague, [REDACTED], who can make arrangements in my absence.

Best wishes
[REDACTED]

On Tue, Jan 23, 2018 at 3:08 PM, <[REDACTED]@gov.scot> wrote:

Hi [REDACTED]

Good to hear from you and that's great that you're planning to come to Glasgow next month.

~~Those two dates would be fine for a face to face meeting and at the times noted if they were convenient for you.~~

I'll look forward to hearing further from you on suitable timings.

Kind regards

[REDACTED]
Policy Officer
Scottish Government

Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division

Workplace Equality Team

6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
Tel. [REDACTED]

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From: [REDACTED] [mailto:[REDACTED]@maternityaction.org.uk]
Sent: 23 January 2018 15:01

To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Pregnancy and Maternity Discrimination Group

Hi [REDACTED]

Thanks for getting in contact. I hope you are well.

I would be very happy to meet with you and your colleagues in advance of your upcoming working group meeting.

I am planning a trip to Glasgow at the moment in conjunction with another project, so would be very happy to combine the two.

On the information I have to hand, I think 7 February or 15 February would be possible, but will have to confirm this.

Would those dates also work for you for a face to face meeting?

Best wishes

[REDACTED]

On Tue, Jan 23, 2018 at 2:42 PM, [REDACTED]@gov.scot> wrote:

Good afternoon [REDACTED]

I hope you are well at this time.

My team colleagues [REDACTED] would like to meet with you in the near future, firstly to introduce themselves, and to discuss the ongoing work of the Scottish Government's pregnancy and maternity discrimination group and how we can collaborate with Maternity Action as the group's remit develops.

If possible, we would like to meet you before the next meeting of the working group on Wednesday 21st February. I realise that you are busy and would not necessarily be able to come to Glasgow to meet them in person before then. Therefore, I suggest that the meeting could take place by video-conference if that were convenient for you.

I've listed a few dates/times which would be suitable for my colleagues and would appreciate if you could notify me as to whether any of them would be possible for you.

Wednesday 7th February - 2-3 p.m.

Thursday 8th February – 1-2 p.m.

Thursday 15th February – 2-3 p.m.

I look forward to hearing from you.

Yours


Kind regards

Thanks


Policy Officer
Scottish Government

Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division

Workplace Equality Team

6th Floor, 5 Atlantic Quay
150 Broomielaw
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G2 8LU
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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

01753 620000

Director

maternityaction.org.uk

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[Advice on maternity and parental employment rights and benefits: 0808 802 0029](#)

[Advice on entitlement to and charging for NHS maternity care: 0808 800 0041](#)

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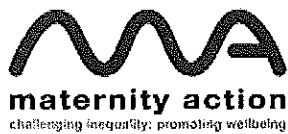
[52-54 Featherstone Street, London EC1Y 8RT, UK](#)

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Director

maternityaction.org.uk



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[52-54 Featherstone Street, London EC1Y 8RT, UK](#)

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In Scotland

From: [REDACTED] (Labour Market) [REDACTED]@beis.
Sent: 05 February 2018 14:18
To: [REDACTED]
Subject: RE: MATB1 form policy lead query

No problems [REDACTED] – it's [REDACTED] and not [REDACTED] ☺

[REDACTED] | Individual Rights | Labour Markets | Department for Business, Energy and Industrial Strategy ||
[REDACTED]@bis.gsi.gov.uk | 0207 215 1314 | www.bis.gov.uk

From: [REDACTED]@gov.scot [mailto:[REDACTED]@gov.scot]
Sent: 05 February 2018 14:13
To: [REDACTED] (Labour Market)
Cc: [REDACTED]@geo.gov.uk; [REDACTED] (I&M); [REDACTED]@gov.scot
Subject: RE: MATB1 form policy lead query

Hi [REDACTED]

Thanks for providing these numbers and the code. Unless there are any changes I'll let [REDACTED] & [REDACTED] know them.

Thanks and regards

[REDACTED]
Policy Officer
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workplace Equality Team
6th Floor, Atlantic Quay
[REDACTED]
[REDACTED]

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"Progress is a nice word. But change is its motivator. And change has its enemies." Robert Kennedy

From: [REDACTED] (Labour Market) [mailto:[REDACTED]@beis.gov.uk]
Sent: 05 February 2018 13:14
To: [REDACTED]
Cc: [REDACTED]@geo.gov.uk; [REDACTED] (I&M); [REDACTED]
Subject: RE: MATB1 form policy lead query

Hi [REDACTED]

The details I have are below, but sometimes we are given different dial in details on the day! If so I will let you know asap.

Dial-in: [REDACTED] on [REDACTED]
Conference code: 658 181 9807
Leader PIN: 1154

Thanks

[REDACTED] | Individual Rights | Labour Markets | Department for Business, Energy and Industrial Strategy ||
[REDACTED]@bis.gsi.gov.uk | [REDACTED] | www.bis.gov.uk

From: [REDACTED] [mailto:[REDACTED]@gov.scot]
Sent: 05 February 2018 12:42
To: [REDACTED] (Labour Market)
Cc: [REDACTED]@geo.gov.uk; [REDACTED] (I&M); [REDACTED]@gov.scot
Subject: RE: MATB1 form policy lead query

Hi [REDACTED]

Just to check if you have the dial-in details for Wednesday's teleconference?

I'll need to give them to [REDACTED] and [REDACTED] beforehand.

Thanks and regards

[REDACTED]
Policy Officer
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workplace Equality Team
6th Floor, Atlantic Quay
[REDACTED]
[REDACTED]

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"Progress is a nice word. But change is its motivator. And change has its enemies." Robert Kennedy

From: [REDACTED] (Labour Market) [mailto:[REDACTED]@beis.gov.uk]
Sent: 26 January 2018 10:34
To: [REDACTED]
Cc: [REDACTED]@geo.gov.uk; [REDACTED] (I&M); [REDACTED]
Subject: RE: MATB1 form policy lead query

Hi [REDACTED]

I have booked 7th February between 12 noon – 12:30 for a chat.

I will send dial in details once I have them.

[REDACTED] | Individual Rights | Labour Markets | Department for Business, Energy and Industrial Strategy ||
[REDACTED]@bis.gsi.gov.uk | [REDACTED] | www.bis.gov.uk

From: [REDACTED]@gov.scot [mailto:Andrew.Boney@gov.scot]
Sent: 25 January 2018 17:11
To: [REDACTED] (Labour Market)
Cc: [REDACTED]@geo.gov.uk; [REDACTED] (I&M); [REDACTED]@gov.scot
Subject: RE: MATB1 form policy lead query

Hi [REDACTED]

Just to check if you've been able to check with Tony on a date for the planned teleconference with us?

Also to let you know that the timing of 9.30 a.m. on 8th February won't now be suitable, although the later timing of 11.30 a.m. that day should be ok. The other timings on the 7th and 15th February are fine.

I look forward to hearing from you.

Thanks and regards

[REDACTED]
Policy Officer
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workplace Equality Team
6th Floor, Atlantic Quay
[REDACTED]
[REDACTED]

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From: [REDACTED] (Labour Market) [mailto:[REDACTED]@beis.gov.uk]
Sent: 19 January 2018 12:24
To: [REDACTED]
Cc: [REDACTED]@geo.gov.uk; [REDACTED]; [REDACTED]; [REDACTED] (I&M)
Subject: RE: MATB1 form policy lead query

Hi [REDACTED]

Thanks for getting in touch.

I will check with [REDACTED] with regards dates and hopefully we can set up a tele-conference asap.

As a quick update we are hoping to have a link to maternity related employment rights on the government web page on the MATB 1 form very shortly.

Regards

[REDACTED]

[REDACTED] | Individual Rights | Labour Markets | Department for Business, Energy and Industrial Strategy ||
[REDACTED]@bis.gsi.gov.uk | [REDACTED] | www.bis.gov.uk

From: [REDACTED]@gov.scot [mailto:[REDACTED]@gov.scot]
Sent: 19 January 2018 12:01
To: [REDACTED] (Labour Market)
Cc: [REDACTED]@geo.gov.uk; [REDACTED]@gov.scot; [REDACTED]@gov.scot; [REDACTED] (I&M)
Subject: RE: MATB1 form policy lead query

Hi [REDACTED]

As mentioned by [REDACTED], I can help to set up a video or tele-conference for she and [REDACTED] to discuss the MATB1 forms with yourself and [REDACTED]. We'd like to have the discussion before the next meeting of our pregnancy & maternity discrimination working group on 21st February.

I've listed below some suitable dates/times for [REDACTED] and [REDACTED] over the next few weeks:

Wed. 7th February: 9-10 a.m. or 12 noon-1 p.m.;
Thurs. 8th February: 9.30-10.30 a.m. or 11.30 a.m.-12.30 p.m.;
Thurs. 15th February: 10-11 a.m.

I'd be grateful if you could check whether one of these timings would be suitable for you and [REDACTED].

Thanks and regards

[REDACTED]
Policy Officer
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workplace Equality Team
6th Floor, Atlantic Quay
[REDACTED]
[REDACTED]

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From: [REDACTED]
Sent: 17 January 2018 09:19
To: [REDACTED] (I&M)

Cc: [REDACTED]@geo.gov.uk; [REDACTED]; [REDACTED] (Labour Market); [REDACTED]
Subject: RE: MATB1 form policy lead query

Thanks [REDACTED]

If Jeni could liaise with [REDACTED] cc'd in to get a time organised that would be great

[REDACTED] | Senior Policy Advisor | Workforce Equality Team
Tel: [REDACTED] | Blackberry: [REDACTED] | E-mail: [REDACTED]
Please note my working days are Tuesday, Wednesday & Thursday

From: [REDACTED] (I&M) [mailto:[REDACTED]@beis.gov.uk]
Sent: 17 January 2018 09:12
To: [REDACTED]
Cc: [REDACTED]@geo.gov.uk; [REDACTED]; [REDACTED] (Labour Market)
Subject: RE: MATB1 form policy lead query

That would be fine. We are just chasing down exactly where it has got to – we were told the changes would be made but no one has yet confirmed that it has actually been done – and will get back to you once that is clear. I will ask [REDACTED] to arrange a telecall.

[REDACTED]

From: [REDACTED]@gov.scot [mailto:[REDACTED]@gov.scot]
Sent: 17 January 2018 08:58
To: [REDACTED] (I&M)
Cc: [REDACTED]@geo.gov.uk; [REDACTED]@gov.scot
Subject: RE: MATB1 form policy lead query

[REDACTED] many thanks for the introduction

[REDACTED], would it be ok to get a video/ telecall set up for my colleague and I to discuss with you?

[REDACTED] | Senior Policy Advisor | Workforce Equality Team
Tel: [REDACTED] | Blackberry: [REDACTED] | E-mail: [REDACTED]
Please note my working days are Tuesday, Wednesday & Thursday

From: [REDACTED] [mailto:[REDACTED]@geo.gov.uk]
Sent: 11 January 2018 09:30
To: [REDACTED]
Cc: [REDACTED] (I&M)
Subject: RE: MATB1 form policy lead query

Dear [REDACTED]

Thank you for your email.

I'm copying in my colleague [REDACTED] who works in the Labour Market directorate in BEIS. [REDACTED] has been working on something similar, and is happy to discuss with you.

Kind regards

[REDACTED]

From: [REDACTED]@gov.scot [mailto:[REDACTED]@gov.scot]

Sent: 10 January 2018 16:48

To: [REDACTED]@education.gov.uk; [REDACTED] <[REDACTED]@education.gov.uk>; [REDACTED]

Phoebe [REDACTED]@geo.gov.uk>

Subject: MATB1 form policy lead query

Dear All

I currently work within the Workforce Equality Team, Scottish Government and lead on Pregnancy and Maternity Discrimination.

We are working with partners including the Equalities and Human Rights Commission (EHRC) to tackle pregnancy and maternity discrimination. As part of this a working group, chaired by the Minister for Employability and Training, was established in December 2016 to examine issues around pregnancy and maternity in the workplace. The main aims of the group are to review and develop governance and guidelines to help improve recruitment, retention and development of pregnant workers and to increase access to flexible working for mothers who enter or remain in paid work following childbirth.

We have been looking at MATB1 forms and the possibility of using these to help circulate information to women before they go on mat leave, I was given your names and advised you may be able to help put me in touch with the appropriate person to discuss this area?

Grateful for a steer

[REDACTED] | Senior Policy Advisor | Workforce Equality Team

Fair Work & Skills Division | Directorate for Fair Work, Employability & Skills | Scottish Government | 5 Atlantic Quay | 150 Broomielaw | 6th Floor | Glasgow | G2 8LU

tel: [REDACTED] | Blackberry: [REDACTED] | E-mail: [REDACTED]@gov.scot

Please note my working days are Tuesday, Wednesday & Thursday

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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadachadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

in scope

From: [REDACTED]@maternityaction.org.uk>
Sent: 07 February 2018 14:54
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Pregnancy and Maternity Discrimination Group
Attachments: RedundancyReportFinal.compressed.pdf

Hi [REDACTED]

Good to speak to you just now.

I have attached our report, Unfair redundancy during pregnancy, maternity leave and return to work.

It was very helpful to find out more about the work you have been doing. Please do get in contact if there is anything I can assist with.

Best wishes
[REDACTED]

On Tue, Feb 6, 2018 at 11:01 AM, [REDACTED] <[REDACTED]@maternityaction.org.uk> wrote:
Hi [REDACTED]

The first number is the one you phone and the second one is the pin.

1. Please call [REDACTED]
2. Please key in participants code which is 31579299 then #

Best wishes
[REDACTED]

On Tue, Feb 6, 2018 at 10:46 AM, <[REDACTED]@gov.scot> wrote:

Hi [REDACTED], should there be a pin number with this below?

[REDACTED] | Senior Policy Advisor | Workforce Equality Team

Tel: [REDACTED] | Blackberry: [REDACTED] | E-mail: [REDACTED]@gov.scot

Please note my working days are Tuesday, Wednesday & Thursday

From: [REDACTED] [mailto:[REDACTED]@maternityaction.org.uk]
Sent: 05 February 2018 17:07

To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Pregnancy and Maternity Discrimination Group

Hi [REDACTED]

Very happy to use our teleconference facility.

1. Please call [REDACTED]

2. Please key in participants code which is 31579299 then #

I look forward to speaking to you and your colleagues.

Best wishes
[REDACTED]

On Mon, Feb 5, 2018 at 4:08 PM, [REDACTED]@gov.scot> wrote:

Hi [REDACTED]

Thanks for your reply. As there are no video conference rooms available in this building for [REDACTED] to use, it would be better if the meeting were done by teleconference/telephone call. Do you have a number that my colleagues should dial into?

Thanks and regards
[REDACTED]

Policy Officer
Scottish Government

Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division

Workplace Equality Team

6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
Tel. [REDACTED]

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From: [REDACTED] [mailto:[REDACTED]@maternityaction.org.uk]
Sent: 05 February 2018 12:58
To: [REDACTED]
Cc: [REDACTED]

Subject: Re: Pregnancy and Maternity Discrimination Group

Hi [REDACTED]

Good to hear that we have a confirmed time for the video conference. [REDACTED] is out of the office today so I will finalise the arrangements.

I'm very happy to work with your video conference facility. What details do you need from me to set this up?

Best wishes

[REDACTED]

On Mon, Feb 5, 2018 at 12:47 PM, <[REDACTED]@gov.scot> wrote:

Hi [REDACTED]

Just to check if you'll be sending me the teleconference details for Wednesday's meeting with [REDACTED]

It would be helpful if you could send them tomorrow so I can update [REDACTED] and [REDACTED]

Thanks and regards

[REDACTED]
Policy Officer
Scottish Government

Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division

Workplace Equality Team

6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
Tel. [REDACTED]

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From: [REDACTED] [mailto:[REDACTED]@maternityaction.org.uk]
Sent: 31 January 2018 10:15
To: [REDACTED]
Cc: [REDACTED]

Subject: Re: Pregnancy and Maternity Discrimination Group

Hi [REDACTED],

I have checked [REDACTED] diary and she's free anytime before 12:30pm or after 3pm on the 7th February.

Please let me know which time suits you best and I will schedule the appointment in to her diary for you.

I will also send across our teleconference details once all is confirmed.

Kind regards,

[REDACTED]

On 30 January 2018 at 15:24, <[REDACTED]@gov.scot> wrote:

Hi [REDACTED]

I spoke to [REDACTED] this morning and she would be happy to hold the meeting by teleconference on 7th February.

If that arrangement is convenient for you, I'd be grateful if [REDACTED] could let me know of the practical arrangements beforehand.

Kind regards

[REDACTED]

[REDACTED]

Policy Officer
Scottish Government

Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division

Workplace Equality Team

6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
Tel. [REDACTED]

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From: [REDACTED] [mailto:[REDACTED]@maternityaction.org.uk]
Sent: 27 January 2018 14:55
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Pregnancy and Maternity Discrimination Group

Hi [REDACTED]

Unfortunately, the timing of my visit to Glasgow has shifted and is likely to be later in the month, probably after your next working group meeting on the 21st.

Would it suit to go back to meeting by teleconference at 2-3pm Wednesday 7 February?

I am on leave for the next week so I have copied in my colleague, [REDACTED] who can make arrangements in my absence.

Best wishes

[REDACTED]

On Tue, Jan 23, 2018 at 3:08 PM, <[REDACTED]@gov.scot> wrote:

Hi [REDACTED]

Good to hear from you and that's great that you're planning to come to Glasgow next month.

Those two dates would be fine for a face-to-face meeting and at the times noted if they were convenient for you.

I'll look forward to hearing further from you on suitable timings.

Kind regards

[REDACTED]

Policy Officer
Scottish Government

Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division

Workplace Equality Team

6th Floor, 5 Atlantic Quay
150 Broomielaw

Glasgow

G2 8LU

Tel. [REDACTED]

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From: [REDACTED] [mailto:[REDACTED]@maternityaction.org.uk]

Sent: 23 January 2018 15:01

To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Pregnancy and Maternity Discrimination Group

Hi [REDACTED]

Thanks for getting in contact. I hope you are well.

I would be very happy to meet with you and your colleagues in advance of your upcoming working group meeting.

I am planning a trip to Glasgow at the moment in conjunction with another project, so would be very happy to combine the two.

On the information I have to hand, I think 7 February or 15 February would be possible, but will have to confirm this.

Would those dates also work for you for a face to face meeting?

Best wishes

[REDACTED]
On Tue, Jan 23, 2018 at 2:42 PM, <[REDACTED]@gov.scot> wrote:

Good afternoon [REDACTED]

I hope you are well at this time.

My team colleagues [REDACTED] & [REDACTED] would like to meet with you in the near future, firstly to introduce themselves, and to discuss the ongoing work of the Scottish Government's pregnancy and maternity discrimination group and how we can collaborate with Maternity Action as the group's remit develops.

If possible, we would like to meet you before the next meeting of the working group on Wednesday 21st February. I realise that you are busy and would not necessarily be able to come to Glasgow to meet them in person before then. Therefore, I suggest that the meeting could take place by video-conference if that were convenient for you.

I've listed a few dates/times which would be suitable for my colleagues and would appreciate if you could notify me as to whether any of them would be possible for you.

Wednesday 7th February - 2-3 p.m.


Thursday 8th February – 1-2 p.m.

Thursday 15th February – 2-3 p.m.

I look forward to hearing from you.


Kind regards

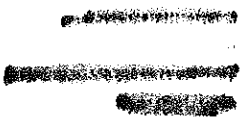
Thanks


Policy Officer
Scottish Government

Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division

Workplace Equality Team

6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
Tel. 



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[Advice on maternity and parental employment rights and benefits: 0808 802 0029](#)

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@maternityaction.org.uk



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Admin and Project Support Officer

[\[REDACTED\]@maternityaction.org.uk](mailto:[REDACTED]@maternityaction.org.uk)

(I'm only in office from Tuesday to Thursday)



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[REDACTED]
[REDACTED]
[REDACTED]@maternityaction.org.uk



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[REDACTED]
[REDACTED]
[REDACTED]@maternityaction.org.uk



UNFAIR REDUNDANCIES

DURING PREGNANCY,
MATERNITY LEAVE
AND RETURN TO WORK

October 2017

About Maternity Action

Maternity Action is the UK's leading charity committed to ending inequality and improving the health and well-being of pregnant women, their partners and children. We deliver a well-respected and heavily used information and advice service, undertake research and policy analysis, and campaign to improve the rights of pregnant women and new parents. There are 80,000 downloads of our legal information sheets every month, and our free helpline answers some 2,200 calls each year.

Maternity Action also convenes the Alliance for Maternity Rights, a group that includes Unions and parents' organisations, and which works together to make policy recommendations aimed at eliminating pregnancy and maternity discrimination and achieving fairness for pregnant women and new mothers. In October 2016, the Alliance produced an Action Plan¹ for Change – a thirty-two point list of policy recommendations to end pregnancy and maternity-related discrimination.

In advance of the General Election last June, Maternity Action produced a manifesto² which outlined our top ten policy calls. This included asking for a legal extension to redundancy protection for pregnant women and new mothers, revised guidance for employers conducting health and safety risk assessments for pregnant women and new mothers, better protecting those in precarious forms of employment, the removal of employment tribunal fees, a right to breastfeed at work and an increase to the flat rate of parental pay by 2020.

This report was written by Annabel Berdy, Rosalind Bragg, Roz Hampson and Katie Wood of Maternity Action, with additional case studies from Emma Webster of Yesslaw.

We acknowledge the generous support of Esme Fairbairn Foundation and Trust for London

October 2017

www.maternityaction.org.uk

Registered charity 1128776

Contents

- 1. Rationale for exploring redundancies amongst pregnant women and new mothers**
- 2. Current legal framework governing redundancy**
- 3. Women's experiences of redundancy**
- 4. Action needed**

1. Rationale for exploring redundancies amongst pregnant women and new mothers

Each year, there are over 500,000 pregnant women in the workplace, many of whom go on to take a period of maternity leave before returning to work.³ One in every 20 of these women are made redundant during their pregnancy, maternity leave or on their return, equivalent to 6% of all pregnant women and new mothers at work. The timing of redundancy varies, with 1% of women made redundant when they were pregnant, 3% on maternity leave and 2% on their return from maternity leave. Another 3% of mothers had discussed redundancy with their employer.

Pregnancy and maternity-related discrimination

Recent research by the Equality and Human Rights Commission (EHRC) has shown that the rate of pregnancy and maternity-related discrimination is very high and has worsened significantly over the past decade.⁴

The EHRC research, released in 2016, found that 77% of pregnant women and new mothers had experienced discrimination or negative experiences during pregnancy, maternity and on their return from maternity leave. This amounts to 390,000 women each year. By comparison, research undertaken in 2005 found that 45% of pregnant women and new mothers had experienced discrimination. This is a dramatic increase in the rate of maternity discrimination.

The 2016 research found that 11% of mothers lost their job as a result of maternity discrimination each year, which scaled up amounts to 54,000 women. This group is made up of women who were dismissed, unfairly made redundant or were treated so badly that they felt forced to leave their jobs. By comparison, the 2005 research found that 30,000 women were dismissed or forced out of their jobs. The 2016 figures are 80% higher than those from the previous decade.

The EHRC calculated the cost to women of pregnancy and maternity-related discrimination.⁵ For those losing their jobs, the costs were between £46.6 million and £113 million in the first twelve months. Longer term impacts on careers were not costed. There are also costs to the state from lost tax revenue and increased benefits payments. The EHRC estimates that these are between £14 million and £16.7 million for women forced to leave their jobs and £15.1 million to £18.6 million for women who experienced negative treatment which fell short of losing their jobs. Employers also experienced costs from losing staff through maternity discrimination, which the EHRC estimated at £278.8 million.

No data is available on the precise number of redundancies which involve pregnancy or maternity discrimination. The EHRC found that one in every six pregnant women or new mothers made redundant had been the only staff member made redundant and no suitable alternative position was offered. They flagged these as likely cases of discrimination. There are, however, many women who experience discrimination in redundancy processes involving larger groups of people and these are not included in the EHRC figures.

Women and Equalities Select Committee inquiry

In 2016, the Women and Equalities Select Committee, a cross-party group of MPs, embarked on an inquiry into pregnancy and maternity discrimination, in response to the EHRC research.⁶ The Committee collected evidence from unions, academics, business representatives and organisations working on behalf of parents and families.

The Committee concluded that urgent action was required to reduce maternity discrimination:

We find it shocking that the number of new and expectant mothers feeling forced out of their job has nearly doubled in the past decade. ... We are persuaded that additional protection from redundancy for new and expectant mothers is required. The Government should implement a system similar to that used in Germany under which such women can be made redundant only in specified circumstances. This protection should apply throughout pregnancy and maternity leave and for six months afterwards. The Government should implement this change within the next two years.⁷

The Government's response to the Committee's report, published in January 2017, stated that it was "determined to build an economy that works for everyone. This includes ensuring that pregnant women and new mothers are supported in work, where they have made that choice, and that they are treated fairly."⁸

The Government made a specific commitment on redundancy protection:

*The legal framework in place to protect pregnant women and new mothers from discrimination is strong. If women are discriminated against because they are pregnant or take time away to care for their baby, they have a legal means of redress. The Committee's report does suggest areas where we could further strengthen existing protections and **we make a commitment in this response to review the position in relation to redundancy.***

Since this announcement in January 2017, the Government has neither consulted on the redundancy issue nor provided any timeframe for doing so. Officials from the Department of Business, Energy and Industrial Strategy (BEIS) attended a meeting of the Alliance for Maternity Rights, convened by Maternity Action, in October 2017. At this meeting they advised that the Government is not planning any legislative changes and asked for 'other ideas' to address the problem. Meeting participants advised that a legislative response was needed, in conjunction with other interventions to improve employer practice and better support women to exercise their rights. In subsequent Parliamentary Questions, the Minister has described this meeting as 'an initial consultation'.⁹ This meeting falls well short of a satisfactory consultation process.

Women in the labour market

The number of women participating in the labour market is at an all-time high. 70% of women aged 16-64 were in employment in October-December 2016, the highest proportion since comparable records began in 1971¹⁰.

Gender equality in the workforce remains elusive, with the gap between the earnings of men and women ('the gender pay gap') remaining at 9.4% for full time employees and 18.1% if part time employees are included.¹¹ There are a number of factors influencing the gender pay gap: the negative impact on pay of part time working; caring responsibilities;

occupational segregation; the tendency to devalue work in female dominated sectors; and direct discrimination.¹²

Discrimination is a major contributor to the gender pay gap. Two-thirds of the gender pay gap cannot be explained by factors conventionally found to influence pay levels: differences in occupation, working patterns, tenure, age and public or private sector employer.¹³ Discrimination constitutes a significant proportion, if not all, of this component of the gender pay gap. Unfair redundancies during pregnancy and new motherhood provide an illustration. Women who are forced to seek work during pregnancy or with a young baby are not well placed to move swiftly into a job with similar pay and prospects to one they are leaving. Ending unfair redundancies amongst pregnant women and new mothers should be an element of the Government's strategy to reduce gender pay gap.

The broader economic advantages of encouraging women's participation in the labour market are well-documented, providing an additional argument for Government intervention. According to a report by McKinsey¹⁴, encouraging women's participation in the labour market, and ensuring they are protected from discrimination, and can work when they want to work, could add as much as £150 billion pounds to the UK economy.

Enabling women to retain their job through pregnancy and new motherhood also supports efforts to reduce child poverty. Currently, around 30% of children are classified as poor – two thirds of whom are from families where one or both parents work¹⁵. Gingerbread, a group which represents single parents, reports that 47% of all single parents are in poverty, of whom 90% are women.¹⁶

2. Current legal framework governing redundancy¹⁷

Genuine redundancy

A genuine redundancy is where an employer needs fewer employees to do the work or a business is closing down or moving location. Employers can dismiss employees for redundancy as long as they follow a fair selection procedure and pay any redundancy and notice pay that employees are entitled to.

It is not a genuine redundancy situation if, for example, an employer dismisses a woman because she cannot do part of her job because of health and safety concerns during her pregnancy or the employer decides that they would prefer to keep on a woman's maternity leave cover or a woman has asked to return to work part-time after maternity leave because of her childcare needs.

Employees who are selected for redundancy because of pregnancy or maternity leave or in order to avoid paying SMP or who are not offered suitable alternative work may have a claim for automatic unfair dismissal and/or pregnancy or maternity discrimination. There is no qualifying period for these claims as employees are protected from day one. Employees with two years' service may also be able to claim 'ordinary' unfair dismissal. Employees can also make a complaint to HM Revenue & Customs if an employer has dismissed her or made her redundant to avoid paying Statutory Maternity Pay.

Selection process

Employers must select employees in a fair and transparent way and avoiding discrimination, for example, making sure that employees are not selected for redundancy because of age or disability. Employers can make pregnant women and women on maternity leave redundant but only if they have been selected using fair criteria and not because of their pregnancy, pregnancy-related sickness or absence on maternity leave. Fair criteria are likely to include 'last in, first out', asking for voluntary redundancy and using objective measures such as performance appraisals.

Under s.13 Equality Act 2010 it is not sex discrimination against a man to provide more favourable treatment to a woman because of pregnancy and maternity leave. However, in *Eversheds Legal Services v de Belin*¹⁸ the Employment Appeal Tribunal decided that any special treatment should not extend beyond what was reasonably necessary to compensate a woman for disadvantage as a result of her pregnancy or absence on maternity leave. The employer in this case had to decide who to make redundant out of a pool of a man and a woman on maternity leave. Under the criteria of 'lock up' which measured the length of time a piece of work was completed and payment received, the man was assessed on his actual performance and the woman on maternity leave was given the maximum score as she could not be assessed because of her absence on maternity leave. This was found to be sex discrimination and the EAT said that lock up should have been assessed up to the point at which the woman went on maternity leave.

Consultation

Employers must consult with employees who are at risk of redundancy, including women on maternity leave or employees who are absent from work for other reasons. Employers must make sure that women on maternity leave are not disadvantaged in a redundancy consultation. Failure to consult with an employee who is out of the workplace on maternity leave may be maternity discrimination.

Where more than 20 employees are being made redundant in a workplace over a 90 day period, the employer must follow collective redundancy procedures and must start the consultation at least 30 days before any dismissals. Where more than 100 employees are being made redundant, consultation must start at least 45 days before any dismissals.

Suitable alternative work

Employers should offer suitable alternative work to employees who are facing redundancy. Failure to offer any suitable alternative work could lead to claims for unfair dismissal. Offers of work must be suitable in terms of the employee's skills, experience, qualifications and seniority. It must also be similar to their existing pay, conditions, location and hours of work. For example, if an employee works in a branch that is near to her home or children's nursery, it may not be suitable for her to be offered alternative work that is in a different branch that will require a substantially longer commute.

Employees have the right to a four week trial period for offers of suitable alternative work. Employees who turn down a reasonable offer of suitable alternative work are not entitled to redundancy pay.

Additional protection for pregnant women and women on maternity leave

Women on maternity leave have additional protection under Regulation 10 of the Maternity and Parental Leave Regulations etc. 1999 as they are entitled to be offered a suitable alternative vacancy, if one exists, if their role is redundant at any time during the 52 week maternity leave period. The new contract should take effect immediately after the end of the previous contract, although the woman can remain on maternity leave for as long as she chooses.

Under Regulation 10, women are entitled to be *offered* a suitable alternative vacancy¹⁹ – they are not expected to go for interviews or assessment procedures along with colleagues. This protection exists because a woman may have recently given birth or may have been out of the workplace for a long time and could be significantly disadvantaged in having to compete for roles. Failure to offer a suitable alternative role under regulation 10 may amount to automatic and ordinary unfair dismissal. It may also be maternity discrimination if the reason it was not offered relates to the woman's pregnancy or absence on maternity leave e.g. redundancies were delayed to avoid having to comply with regulation 10.

Regulation 10 protection does not currently apply during pregnancy or after a woman's maternity leave has come to an end.

Employment Tribunal claims

Proving discrimination claims in an Employment Tribunal can be difficult as the discrimination is rarely made explicit. An employer will seldom say: 'I'm dismissing you because you're pregnant'. This means that it is necessary to produce evidence to prove the real reason for the dismissal or redundancy so that the tribunal can infer from the facts what really happened.

In discrimination cases tribunals must follow a two stage 'burden of proof' test when deciding a claim. Firstly, tribunals must decide whether the claimant (the woman bringing a pregnancy or maternity discrimination claim) has provided sufficient proof that an act of unlawful discrimination has taken place. Then, the burden of proof shifts to the employer to provide a non-discriminatory explanation for their actions.

Although tribunals are meant to be less formal than other courts and, in theory, claimants can represent themselves, the reality is that it is a complex and daunting process for most claimants. Without legal advice and representation and being faced with an employer who is legally represented in a tribunal places many claimants at a disadvantage.

A further complication is that the time limit for bringing an employment tribunal claim is three months (less one day) from the date of redundancy or act of discrimination. This can be difficult for women who have been made redundant in the late stages of their pregnancy or shortly after giving birth. Not only are they likely to be recovering from the birth and looking after a new baby at a time when they are having to negotiate their way through discussions with their employer, grievance procedures, Early Conciliation through ACAS (Advisory, Conciliation and Arbitration Service) and the tribunal process but they are also experiencing a loss of income (the flat rate of maternity pay is £140.98 per week) and are likely to have to find and pay for legal advice and representation.

The three month time limit is a strict one and for discrimination claims tribunals will only waive it in exceptional circumstances when it is considered to be 'just and equitable'. This in itself adds an extra element of uncertainty and someone who has missed the time limit, even by a day, would have to make special representations to the tribunal to ask for the claim to be accepted out of time. Maternity Action is asking for the time limit to be extended to six months in claims involving pregnancy and maternity discrimination

3. Women's experiences of redundancy

Redundancies which are not genuine

Maternity Action's advice line regularly receives calls from women whose 'redundancies' are in fact unfair dismissal and/or maternity discrimination.

In these cases, employers who perceive pregnancy to be an inconvenience or had assumed that their employee would not return to their job after maternity leave appear to think that by calling a dismissal a redundancy they can get rid of their employee without being accused of discrimination. However, ending a pregnant employee's job to avoid paying maternity pay or having to make health and safety adjustments for them, or preferring to keep an employee's maternity cover are not genuine redundancy situations and are unlawful.

Rebecca started work for her employer in March 2017. In August, she told her manager that she was pregnant. Initially everything seemed OK but a week later she was told that she was being made redundant because two stores had closed and her role was no longer needed. However, her role wasn't directly linked to these stores and the company had also opened two new stores at the same time. She was the only person in the company losing her job.

Redundancies during pregnancy

Pregnant employees must take part in the selection process set out by their employer if the redundancy situation arises whilst they are at work. They are protected against pregnancy discrimination under the Equality Act but do not yet have the right to be given a suitable alternative role automatically.

Many women worry that their pregnancy will affect decisions made by their employer about who is put at risk of redundancy and that they will be viewed or assessed less favourably during application and interview processes. For example, that their employer will assume that because they are having a baby they won't want to return to work or will take into account time off sick for pregnancy-related reasons.

Olayemi notified her employer when she was 20 weeks pregnant. Her company were restructuring and she had been told that there would be fewer roles at her level. The formal consultation process was starting the following week. She understood that she would have to be interviewed for the available roles but was worried that she would be disadvantaged in any interviews because of her pregnancy and the fact that any potential new manager would know that she would be going on maternity leave within the next few months.

The different levels of protection offered to employees whilst at work and during maternity leave can cause confusion when redundancy processes overlap the start of a pregnant employee's maternity leave.

The right to be given a suitable alternative position if a redundancy happens during maternity leave applies as soon as an employee's leave starts, even if the consultation started whilst she was at work. Employers do not always fully understand this which can

leave employees uncertain of their position and possibly taking part in selection processes when they shouldn't need to.

Emma was starting her maternity leave in two weeks' time. Her company was reorganising but a suitable alternative role had been identified for her. She was told that she must put in an expression of interest and be interviewed for the role. The interview date was after the start of her maternity leave so her employer told her that she must use a KIT day for interview or that she could defer her redundancy consultation process until her return to work but advised her that by then it was unlikely that there would be any suitable alternative vacancies because the reorganisation would be complete.

Knowing that their employee will have additional protection once she is on maternity leave can encourage employers to bring forward consultations so that their pregnant employees are obliged to participate in the selection process.

Adriana was seven months pregnant and about to start her maternity leave when a restructure was announced at work. All members of staff had to attend a skills assessment and Adriana was told that the head teacher had brought the date for this assessment forward so that she could do this before her maternity leave. The skills assessment was on the day before her maternity leave started.

Redundancy during maternity leave

Women on maternity leave have the right to be given a suitable alternative position if there is one available and should be given this position automatically without having to take part in a selection process. This should make the process for women on maternity leave – and their employers – straight forward, with minimal involvement needed from the employee.

In practice, many women encounter problems and considerable disruption to their maternity leave when a redundancy situation arises whilst they are away from the workplace.

A lack of awareness of – or a reluctance to implement – employees' rights during maternity leave means that women can be expected to take part in selection processes when potential redundancies are announced. If unchallenged, it means that women are entering into a process in which they are disadvantaged because of being away from the workplace, missing out on recent training or not having access to the same resources or time to prepare.

Chloe was on maternity leave, three months after it started she was told that all roles at her level were being made redundant. Some suitable alternative roles would be available at a slightly higher level so everyone affected was asked to apply and scoring was then carried out to determine who would be given these roles. She applied for the new role but wasn't successful. Instead, she was offered a different role but was told that if she took this job she would be under a performance improvement plan on her return to work because she did not score well on the matrix. Prior to her maternity leave her performance was rated as outstanding.

Isabel started maternity leave at the beginning of January 2017 and received a letter at the end of January 2017 telling her that her manager had resigned and wasn't being replaced and this meant that her role as admin support to that manager was no longer needed. She found out that an equivalent role was vacant in another team and asked if she would be given this role. Her employer told her that she would have to interview for it and, if successful, would have to start the job in six weeks' time which was around the time her baby was due. She asked why she wasn't being given the alternative role automatically and was told that she was not covered by the protection because the role needed to be filled urgently and so he didn't have to give the role to her if she couldn't start straight away. When she queried this, she was told that a recruitment freeze had just started so he couldn't move her to that role anyway. She was then given notice of her redundancy.

An added pressure for women on maternity leave comes from the fact that they are usually communicating with their employer, often about complex legal issues, remotely rather than face-to-face. Many of the women we speak to worry about getting the right and most up-to-date information from their employer and complain that their calls and emails aren't returned.

For some women, being on maternity leave and therefore not physically present in the workplace means that they are not included in the redundancy process at all and only find out that their role has gone when they contact their employer or when they return to work.

Layla was on maternity leave from her role as deputy manager at a nursery. She arranged a meeting with her manager to discuss her return to work and at this meeting, she was told that her setting had closed a few months earlier – she hadn't been informed at the time – and that all other staff had been moved to a different setting. She was told that she would also be moved to this other setting but that the management roles had all been filled so she would be returning as a nursery worker. When she asked why she wasn't told about the nursery closure at the time and given a management role at the other setting she was told that her colleagues were 'there first' because they weren't on maternity leave.

Helena worked for a small family-run care home, she started her maternity leave in March. In August, she received a letter from her company saying that the business was having financial difficulties and so they needed to make some people redundant. She was invited to a meeting but couldn't go and heard nothing from the company afterwards. A colleague later told her that he had been made redundant so she tried to contact her employer but nobody replied to her messages; when she went to the home, she found that it had closed. She didn't receive the Statutory Maternity Pay she was due at the end of August but had still not been formally told whether she had been made redundant.

Redundancy on return to work

Once women return from maternity leave, they lose the legal protection they had throughout pregnancy and maternity leave. The risk of being selected for redundancy because of their pregnancy or maternity leave does not, however, disappear so quickly. When redundancies arise after a woman has returned to work, her selection can still be rooted in her treatment whilst pregnant or on leave.

Noor had been back at work for eleven weeks when she was told that her role was being made redundant. She had been treated badly and bullied by her employer whilst she was pregnant and had raised a grievance. Whilst on maternity leave she had been given a new role because of a company restructure. Her work still existed and when she asked for reasons for her selection she found out that the scoring for her redundancy was based on sick leave she had for a pregnancy-related illness.

Alice took four months maternity leave; she had chosen to take less than her full entitlement to leave and pay in order to get back to her role and catch up quickly. When she had been back at work for a couple of months her employer asked her to increase her part time hours to full time but she declined. Soon after she was told that the company was making redundancies and that her role was no longer needed so she was at risk.

After Blessing returned from nine months' maternity leave, her manager asked her if she wanted to work part time. She confirmed she did not as she was the main bread winner in her family. A week later she was called into a meeting with her manager and told that her role was being made redundant. Hers was the only role being made redundant. She believes that they thought she would not come back to work and did not want her to return. Her role had been divided amongst her team whilst she was away and they wanted to continue with that model. There had been no discussion of this prior to her return to work. She was placed in a very difficult financial position because her partner had reduced his working hours to care for their child whilst she worked full time.

For some women, changes that are proposed or made during maternity leave appear to be weakening their position in the workplace so although they may have been given an alternative role as the law requires, their new role is more vulnerable to redundancy in a future restructure – when they are back at work.

Whilst she was on maternity leave Yui's role hadn't been covered and when she asked to work some KIT days, she was told that she wasn't needed. On her first day back after maternity leave, Yui was told that there was no longer a full-time role for her because some of her job had been outsourced to another company; she could work reduced hours but was likely to be made redundant in the next few months. She then found out that her company was merging with another company – who had taken on her work – in a month's time, and one position was being created as finance director that she was told she could apply for (along with the colleague based at the other company).

Julia started maternity leave in March 2017. In August, she was told that her department was being restructured but no-one was at risk of redundancy because three new posts were being created at her level and would be allocated to her and her two colleagues. Although all the new posts were at the same level in the organisation, two had significantly more line management responsibility than the other role; she was offered the role with less responsibility. At the same time, she was offered a 6-month secondment at a more senior level but she was worried that if she took the secondment, no-one would be recruited to cover her substantive role and then when the secondment ended she would be at risk of redundancy because her employer would be able to say that her substantive role was not needed.

Some women are made redundant after requesting flexible working, with the selection apparently related to their employers' discomfort with the proposed change in working arrangements.

Meera submitted a request for flexible working 12 weeks before her return from maternity leave. During the 12 week period she had three meetings with her managers to discuss her flexible working request. One week before she returned to work they refused her request. She returned to work full time and appealed the outcome of her flexible working request. At the end of her second week back at work she was told that her role was being made redundant due to a re-organisation. She believes that this occurred because she requested flexible working. Hers is the only role being made redundant.

Other women report redundancies on return to work which do not appear to be genuine.

Following a re-organisation, about which she was not consulted, Chyou missed out on a promotion opportunity as her manager's role became available whilst she was on maternity leave. She was not told about it, not given the opportunity to apply for it. She was then made 'redundant' in the last month of her maternity leave, with no alternative role being offered. She was the only person being made redundant and her work was being done by her manager. She did not believe it was a genuine redundancy. Her employer was a very large company with a good redundancy package, so she felt she was being bought off. She appealed the decision but it was dismissed.

Taking action

Women experiencing discrimination or negative treatment at work during pregnancy and new motherhood face significant challenges in obtaining information and advice on their rights. ACAS provides the key source of Government information on maternity rights in the workplace. Their guidance on redundancy was released in 2012 and is now out of date.²⁰ Maternity Action's online information on redundancy and maternity was viewed 30,000 times in the first six months of 2017, indicating a high level of need for information on this issue.

Women face particular difficulties obtaining telephone advice on their maternity rights at work. ACAS provides telephone advice on employment issues however knowledge of maternity rights amongst ACAS advisers is variable. One in every twenty-five callers to the Maternity Action advice line had previously sought advice from ACAS. Many of these women were referred to Maternity Action because the ACAS adviser was unable to answer their query. Women can contact their local Citizens Advice Bureau, however there has been a substantial reduction in provision of employment advice. One in every four callers to the Maternity Action advice line had first sought advice from Citizens Advice Bureau.

While Maternity Action's specialist advice line fills a significant gap in service delivery, the service is very oversubscribed. In 2016, the advice line answered 2,300 calls. For each call we answered, there were 36 which we were unable to answer due to resource constraints. This equates to one in every five callers getting through each session that the advice line is open.

Very few women who experience pregnancy or maternity discrimination at work take action to assert their rights. EHRC research found that only one in four women who experience discrimination raise this with their employer.²¹ Only 3% pursue a grievance and fewer than 1% make a claim to the employment tribunal.

Women give a variety of reasons for not making complaints or taking more formal action. These include: fear of creating bad feeling with their colleagues or employer, fear of adverse

consequences, stress and tiredness, a belief that nothing will change, a perceived lack of information about rights, lack of a clear complaints procedure, feeling guilty and the financial cost of pursuing a complaint.

Women also give a variety of reasons for not pursuing a grievance with their employer. These include: the process was too daunting, not wanting to get into trouble at work, not wanting to damage future employment prospects, not feeling they had a good enough case, being too busy with their baby and being afraid of losing their job.

Of the women who raised an issue informally with their employer, many felt their complaint was not resolved satisfactorily. Women reported that nothing was done, action was taken only very slowly, reluctantly or after repeated requests or promises of action did not materialise.

4. Action needed

The current legal framework is insufficient to protect women from unfair redundancies during pregnancy, maternity leave and return to work. Women are losing their jobs through redundancies which are not real and redundancies which are discriminatory. Women are facing stressful selection procedures during pregnancy, at a time when women are encouraged to reduce stress and anxiety. Women returning from maternity leave are facing redundancies which are rooted in negative attitudes towards new mothers and to problems which arose during their pregnancy and maternity leave.

While women have the right to take action if they encounter discrimination, very few women do so. Pregnancy and new motherhood place significant demands on women's physical and mental health, their time and financial resources, militating against women pursuing legal claims against their employer even where they have a strong case. For those women who do pursue legal action, discrimination claims are notoriously difficult to prove, forcing pregnant women and new mothers to negotiate a complex, time consuming, expensive and difficult process in order to obtain justice.

Women are at particular risk of unfair redundancy during pregnancy and on return from maternity leave. During maternity leave, women have 'Reg 10' protections which require employers to offer a woman a suitable alternative role without interview, if a role is available. These protections are not available during pregnancy. Likewise, women who have returned to work lose the 'Reg 10' protections and also find it more difficult to pursue discrimination claims.

To provide women with effective legal protection against unfair redundancy during pregnancy and new motherhood, the law should be simple and easy for women and their employers to understand, should be consistent across pregnancy, maternity leave and return to work, and should remove the obligation on individual women to prove unfavourable treatment by their employer.

Germany provides a model which meets these requirements. This model, recommended by the Women and Equalities Selection Committee in its inquiry into pregnancy and maternity-related discrimination, permits employers to make pregnant women and new mothers redundant only under specified circumstances, such as closure of the business. These protections apply throughout pregnancy, maternity leave and six months after return to work.

An alternative, weaker option is to extend the protections that currently apply to women on maternity leave to cover the period from notification of pregnancy through to six months after return to work. This model would require employers to offer women at risk of redundancy a suitable alternative post without interview or assessment process. This is insufficient protection and is recommended as only as interim step.

In both cases, these protections should be extended to fathers and partners taking paternity leave, shared parental leave and parental leave during the pregnancy and the child's first year.

Alongside enhanced legal protections, employers should be encouraged to look more closely at their workplaces. Redundancy processes are just one of the mechanisms through which pregnant women and new mothers can find themselves unfairly forced out of their

jobs. The recent EHRC research into pregnancy and maternity-related discrimination listed a myriad of problems which women encountered and which led to dismissal or resignation. Employers are well able to identify and address these problems, if they are motivated to do so. To assist with this motivation, the Government should work with employers to encourage them to evaluate the retention rate for women one year after returning to work following maternity leave, as part of the gender pay gap analysis. This would ensure transparency within the company and also promote external scrutiny of employer practice.

Recognising the very low proportion of pregnant women and new mothers who take action to resolve problems at work, the time limits for these women to pursue a claim should be extended to six months. This will enable more women to access justice and provide a stronger deterrent for employers contemplating unfair and unlawful treatment of pregnant women and new mothers. Introducing these special provisions for pregnant women and new mothers would be an appropriate recognition of the impact of pregnancy and new motherhood on women's physical and mental health, time and emotional resources.

It is worrying that ACAS guidance on redundancy and maternity has not been kept up to date. While aimed at both employers and employees, ACAS guidance is of particular importance to employers who rely on ACAS to deliver concise and accurate information on employment law and practice. There is an urgent need to bring the redundancy guidance up to date so that employers have ready access to clear information on both the circumstances under which redundancy can take place and, in these circumstances, the process to follow.

Employers face wider challenges in finding the information they require on managing pregnant women and new parents at work. Regulation of different aspects of pregnancy and new parenthood at work is spread across five or more Government agencies, with guidance released by each agency. As a result, employers seeking information on managing pregnant women and new parents at work may find only part of the material which is relevant to their situation. There is an urgent need for this information to be consolidated in a single website so that employers can find the information they require at the time when they need it.

Access to timely information about rights at work remains an ongoing challenge for pregnant women and new mothers. While high quality material on maternity rights is available on the internet, there are also sites which are not kept rigorously up to date or which have inaccurate information. Government should take action to improve delivery of maternity rights information to pregnant women and new mothers to better support women to understand and exercise their rights. Government should be signposting to high quality online information on maternity rights at work through its website, through hard copy leaflets provided to women at their first antenatal appointment and through text and email information delivered to pregnant women and new mothers by health services. Reintroduction of the 'Pregnancy' and 'Birth to five' books would also provide a useful vehicle to communicate maternity rights information, particularly for those who are not online. Midwives and maternity support workers should receive training about maternity rights at work, including signposting to sources of advice and support.

It is not acceptable that women struggle to obtain advice about their maternity rights at work. Government funding should be provided to women's charities to deliver specialist information and advice on maternity rights at work and to raise women's awareness about their entitlements.

Recommendations:

1. New legal protections should be introduced to protect women against unfair redundancy. These should operate from pregnancy through to six months after the end of maternity or shared parental leave. These should follow the German model of prohibiting redundancy except in specified circumstances.
2. To ensure better protections are in place while the new legislation is prepared, the 'Reg 10' protections should be immediately extended to operate from the commencement of pregnancy through to six months after the end of maternity or shared parental leave.
3. The protections for pregnant women and new mothers should be extended to fathers and partners taking paternity, shared parental and parental leave during pregnancy and their child's first year.
4. Employers should be encouraged to evaluate the retention rates for women one year after returning from maternity leave, as part of their gender pay gap analysis.
5. Extend the timeframe for making a claim to the employment tribunal to six months for women from pregnancy through to six months after return to work.
6. ACAS should update its guidance on redundancy during pregnancy and maternity.
7. Government should consolidate information for employers on managing pregnant women and new mothers at work on a single website, and this should be kept rigorously up to date.
8. Government should provide signposting for women to high quality online information on maternity rights, ensuring that women can access accurate, up to date information and avoid incorrect and out of date material.
9. A significant injection of funding should be made into women's charities providing specialist information and advice services that enable pregnant women and new mothers to protect their rights and entitlements.
10. All women should be given a hard copy leaflet at their first antenatal appointment which briefly outlines their rights at work and signposts to key sources of information and advice. This should have a tear-off sheet for women to give to their employers, which similarly lists key legal obligations and signposts to key sources of information.
11. Reintroduction of the 'Pregnancy' and 'Birth to five' books, previously distributed by health services. These should include essential information about entitlements at work for new and expectant mothers.
12. Midwives, maternity support workers and health visitors should receive training on maternity rights at work, including signposting to sources of advice and support.

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- ⁹ HC Deb, 20 October 2017, cW <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-10-17/108107/>
- ¹⁰ ONS, Labour Market Statistics, February 2017,
- ¹¹ ONS 2016, Annual survey of hours and earnings: 2016 provisional results
- ¹² House of Commons Women and Equalities Selection Committee. 2016. Gender pay gap.
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- ¹⁴ McKinsey Global Institute. 2016. The Power of Parity.
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- ¹⁶ ii. Gingerbread analysis of Labour Force Survey (April-June 2015).
- ¹⁷ Legal references for this chapter are: Statutory Maternity Pay (General) Regulations 1986 reg. 3; Employment Rights Act 1996 ss. 98, 99, 139; Maternity and Parental Leave etc. Regulations 1999 reg. 10, reg. 19, reg. 20; Equality Act 2010 ss. 13, 18 , 123
- ¹⁸ *Eversheds Legal Services v de Belin* UKEAT 0352/10/JOJ
- ¹⁹ *Sefton Borough Council v Wainwright* UKEAT 0168/14/LA
- ²⁰ ACAS. 2012. Managing redundancy for pregnant employees or those on maternity leave.
- ²¹ Equality and Human Rights Commission. 2016. Pregnancy and maternity-related discrimination and disadvantage: Experiences of mothers.

1. 2. 3.

In scope .
Partial .
Exemption 27

From: [REDACTED]
Sent: 25 January 2018 16:51
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Pregnancy and Maternity Discrimination Group - Work Plan [NOT PROTECTIVELY MARKED]

Hi Clare

Thanks for this and we can note (for the Minister's briefing) that [REDACTED] will provide an update on this particular action at the meeting on 21st February.

Kind regards

[REDACTED]
Policy Officer
Scottish Government
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workplace Equality Team
6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
Tel: [REDACTED]

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From: [REDACTED] [mailto:[REDACTED]@scotland.pnn.police.uk]
Sent: 25 January 2018 16:36
To: [REDACTED]
Subject: RE: Pregnancy and Maternity Discrimination Group - Work Plan [NOT PROTECTIVELY MARKED]

NOT PROTECTIVELY MARKED

Hi [REDACTED]

[REDACTED] has prepared an update covering our updated processes and research outcomes which she is hoping to share at the next meeting. I hope this is useful. I have also forwarded your email to [REDACTED] as she will now be the main representative on the group for Police Scotland.

Kind regards,

[REDACTED]
Wellbeing Manager
People and Development

Clyde Gateway
2 French Street
Dalmarnock
Glasgow
G40 4EH

Tel: [REDACTED]
Mob: [REDACTED]

Website: www.scotland.police.uk
Facebook: www.facebook.com/policescotland
Twitter: @policescotland



From: [REDACTED]@scotland.gsi.gov.uk [mailto:[REDACTED]@scotland.gsi.gov.uk]
Sent: 19 January 2018 12:48
To: [REDACTED]
Cc: [REDACTED]@scotland.gsi.gov.uk
Subject: Pregnancy and Maternity Discrimination Group - Work Plan

Hi [REDACTED]

I hope that you're well at this time.

As you will have seen, we are preparing for the next meeting of the working group on 21st February. We were going through the work plan a few days ago and noted an action for Police Scotland, under commitment 1, where you were going "to share updated processes and research outcomes" relating to where employers go for advice and training on pregnancy and maternity.

Could you please give me an update on the status of this action? For ease of reference, I've attached a current copy of the work plan.

↳ Exemption Section 27

Thanks and regards

[REDACTED]
Policy Officer
Scottish Government
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workplace Equality Team
6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow

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From: [REDACTED]
Sent: 09 February 2018 11:41
To: [REDACTED]@hotmail.co.uk
Subject: Reply from the Scottish Government.



F20180002996.p...

Dear [REDACTED]

Thank you for your email of 25 January to the Minister for Employability and Training, Jamie Hepburn MSP.

Please see the attached reply which includes a reference number for future use.

Kind regards

[REDACTED]
Policy Officer
Scottish Government
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workplace Equality Team
6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
Tel: [REDACTED]

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T: [REDACTED]
E: [REDACTED]@gov.scot

[REDACTED]
Reply by email to:
[REDACTED]@hotmail.co.uk

Our ref: 2018/0002996
9 February 2018

Dear [REDACTED],

Thank you for your email of 25 January to the Minister for Employability and Training, Jamie Hepburn MSP. I have been asked to reply on behalf of the Minister.

I am sorry to hear of the challenges that you and your partner have faced since the birth of your daughter. I would like to assure you that the Scottish Government is committed to supporting new and expectant mothers in their working life however decisions on the length of statutory maternity leave are reserved to the UK Government. Scottish Ministers therefore have no mechanism to intervene on such decisions. If you wish to raise your concerns with your member of the UK Parliament you can find out who this is [here](#).

With regard to financial help, on 22 December 2017 the Cabinet Secretary for Health and Sport announced a new £1.5 million fund to support parents of premature babies. This fund will help with the additional costs that parents face, such as travel to and from hospital or food and drink. We are currently working with both the Health Boards and neonatal charity Bliss to prepare the details of this fund; these will be made available from 01 April 2018. You can find out more about the fund and Bliss who provide advice, guidance and support to parents of premature babies at <https://www.bliss.org.uk/> or their helpline 0808 801 0322.

With regard to childcare, the Scottish Government recognises that managing initial upfront costs represent a real barrier to some parents accessing childcare and supporting them into work or training for the first time, returning to work or training and maintaining stable employment. That is why we are developing pilot schemes aimed at reducing the burden of upfront childcare costs for families, in the form of a 'deposit guarantee scheme'. More information on these schemes should be available in the early summer.



Additionally, the Best Start Grant will be delivered by Summer 2019. It will provide support to families both in and out of work, expanding on the Department for Work and Pensions (DWP) eligibility of the Sure Start Maternity Grant, to include anyone on a tax credit or housing benefit, as well as any parent under 18 years of age. The application window for the maternity payment will be extended from 24 weeks of pregnancy to six months after the birth of the child to give parents longer to apply.

It replaces and expands upon the UK Government's Sure Start Maternity Grant by:

- providing eligible families with £600 on the birth of their first child and £300 on the birth of any subsequent children
- not putting a limit on the number of children that are supported
- giving eligible families two further payments of £250 around the time of nursery and around the time a child starts school, to recognise the additional financial costs during these key transition periods

You can get more information on Best Start Grant at <https://beta.gov.scot/policies/social-security/best-start-grant/>.

The Scottish Government is committed to tackling Pregnancy and Maternity Discrimination and are currently working in partnership with the Equality and Human Rights Commission (EHRC) to tackle a range of matters in this area. A Working Group is operating, chaired by the Minister for Employability and Training, which has a remit to create guidelines for employers to ensure best practice, as well as improving access to guidance for pregnant women and new mothers.

For information the organisation Maternity Action provide free advice for parents about their rights to maternity benefits and healthcare and their rights at work. They have an Advice Line on 0808 802 0029 which offers confidential telephone support and further information can be found through this link <https://www.maternityaction.org.uk/>.

Additionally, you can contact your local Citizens Advice Bureau who can provide free, independent and confidential advice on a range of issues, including welfare benefits. They can check that you are getting all the benefits that you are entitled to. You can find details of your local Bureau by visiting the Citizens Advice Scotland website at www.cas.org.uk or you can telephone 0808 800 9060 between 9am and 8pm Monday to Friday and between 10am and 2pm on Saturday.

I hope that this reply is helpful and wish you and your family well.

Yours sincerely

[Redacted Signature]

Workplace Equality Policy Officer

From: [REDACTED]@lanarkshire.scot.nhs.uk>
Sent: 12 February 2018 07:48
To: [REDACTED]
Subject: Re: [ExternaltoNHS] Pregnancy and Maternity Discrimination Group meeting - 21st February

[REDACTED] I will ask HRD colleagues across Scotland and see what I can do. [REDACTED]

Sent from my iPhone

On 9 Feb 2018, at 17:53, '[REDACTED]@gov.scot' <[REDACTED]@gov.scot> wrote:

[REDACTED]

You recently notified me that you would not be able to attend the next meeting of the working group as you have to attend another meeting.

I wanted to check whether it would be possible to have a substitute nominated to represent NHS Scotland for this meeting?

Thanks and regards

[REDACTED]
Policy Officer
Scottish Government
Directorate for Fair Work, Employability and Skills
Fair Work and Skills Division
Workplace Equality Team
6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
[REDACTED]

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Pregnancy and Maternity Meetings and Actions

Stakeholders	Interest	Actions/Commitment
██████████ Health & Work Directorate, Healthy Working Lives	Protecting and improving the health of employees	Request that they consider running training events on P&M for SMEs, Provide examples of companies who have won Gold award Factsheet on pregnancy and maternity
██████████ Health and Safety Executive	HSE	Guidance of specific sectors
██████████ ██████████	Women In Agriculture	
██████████ ██████████ (Workforce Practice)	NHS Pin policy Developing consistent policy across health boards	
██████████ (Health Care Users)	NHS Inform	Opportunity to amend the website
██████████ (Nursing and Midwifery)	Advice provided by midwives and health visitors to mums to be	List of publications and website to ask if links could be included.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 28 February 2018 16:30
To: [REDACTED]
Subject: FW: Excellence in Supporting Parents in the Workplace
Attachments: Final_Presentation07022017.ppt

From: [REDACTED] Working Families [mailto:[REDACTED]@WorkingFamilies.org.uk]
Sent: 10 February 2017 16:18
Subject: Excellence in Supporting Parents in the Workplace

Thank you for attending Family Friendly Working Scotland's Breakfast Forum on Excellence in Supporting Parents in the Workplace, hosted by Maclay Murray and Spens this week. Please find attached slides from the event and some helpful links and words from some of our speakers below:

[REDACTED] would like to share details of the Leave Network: <http://www.leavenetwork.org/>

Jamie Hepburn, MSP, Minister for Employability and Training, has asked us to reiterate his thanks for the great work that's being done by your organisations to support a range of Scottish Government policies which help parents in the workforce. Indeed, the Minister would be grateful for any good practice examples you can highlight in relation to some of the key policies he spoke about, as follows:

- The Pregnancy and Maternity Discrimination Working Group is aiming to collect and collate positive case studies during the coming months. These could be, for example, around health and safety arrangements, keeping in touch or implementing flexible working requests;
- Innovative, creative ways of helping working parents meet their childcare commitments; and
- Case studies or good practice in helping dads achieve a good work-life balance.

Please let me know if you have any such examples and I'll share them with the Minister and his Scottish Government officials.

We would really appreciate your feedback from the event – just a few lines on what you found/didn't find helpful. Also, we have a survey for employers [here](#) and would encourage you to participate.

FFWS look forward to working with you in future.

Best wishes,

[REDACTED]

family friendly 
working scotland

[REDACTED]
Policy, Communications and Partnerships
Family Friendly Working Scotland

Direct [REDACTED]
Office [REDACTED]
e [REDACTED] [workingfamilies.org.uk](mailto:[REDACTED]@workingfamilies.org.uk)

Please note that I work flexibly on Monday, Tuesday, Wednesday and Friday. I don't work on Thursdays.

Visit our [site](#) and find us on social media to stay updated

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Facebook: <https://www.facebook.com/FamilyFriendlyWorkingScotland/>

Robertson House
152 Bath Street
Glasgow
G2 4TB

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