



Women and Equalities Committee

Oral evidence: [Pregnancy and maternity discrimination](#), HC 90

Tuesday 24 May 2016

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Written evidence from witnesses:

- [Equalities and Human Rights Commission written submission](#)
- [Equalities and Human Rights Commission supplementary written submission](#)

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Members present: Mrs Maria Miller (Chair); Jo Churchill; Angela Crawley; Mims Davies; Ben Howlett

Questions 106–192

Witness[es]: **Caroline Waters OBE**, Deputy Chair, and **Sue Coe**, Programme Head, Economy and Employment, Equalities and Human Rights Commission, and **Nick Bowles MP**, Minister of State for Skills, Department for Business, Innovation and Skills, gave evidence

Q106 Chair: Can I, on behalf of the Committee, thank you both for taking the time to come and talk to us today about our inquiry on pregnancy and maternity discrimination? We know it is an area of work that you are passionate about as well, so we are looking forward to hearing your thoughts. We know how much time it takes to prepare for sessions like this, so thank you so much for that. I apologise that we have a few colleagues missing today; we had to change the timing of our meeting for various reasons. Rest assured, all of the minutes are circulated to all of the members so that they are up to date.

You know the form; we have a number of questions that we want to put to you. We have another session afterwards with the Minister, so I am going to try to make sure that I do my Chair's role as well as possible and start our session today with some lines of questioning from Ben.

Q107 Ben Howlett: Thank you very much for coming in today. I will start off with an easy one: why did you decide to undertake this report now and how happy are you with the findings of the report?

Caroline Waters: It has been clear from evidence over the past 30 years or so that this is an ongoing issue. Therefore, we have to take it very seriously and try to make an intervention that will create change. That was our reasoning. Continuing feedback from all

sorts of people, from women and also from employers, was saying, “We are confused about this whole area.” That gave us real impetus to re-look at the issue. Are we happy with the research that we undertook? Absolutely, it is the most significant piece of research in this area for a number of years. It is absolutely grounded in evidence, as you have seen. You have seen all the statistical data in there. It has led us to a set of recommendations that go to the heart of the problem, which is really about how we close the implementation gap between what is actually a very good legislative framework and the actual lived experience of women and line managers on a daily basis.

Q108 Ben Howlett: Are there any areas that you would have like to have delved into more in the report, Sue?

Sue Coe: We were really glad to have the level of funding that we had for the report, which meant that we could do a very detailed and thorough job. Looking back on it now, perhaps there is an area particularly around the life course of women, in terms of what impact these issues that we have measured have on an ongoing basis and in the longer term. However, that would be a very significant longitudinal study and is probably beyond our budget.

I also recognise that, in the structure of the research, we did not capture the experiences of self-employed women. We know that this is a growing area of employment for women. From some of the anecdotal stories that we have heard, it is an area where women also experience disadvantage.

Q109 Ben Howlett: You probably would have listened to some of the earlier evidence sessions, which we have published in preparation for this. It will not come as a surprise that there has been some evidence to say that areas of the report were weak, not just the Government’s response, but in particular the EHRC’s response. You are saying that the report was good and, in some areas, it was very good. I appreciate that, but there are obviously areas of weakness. In some of the evidence sessions we have seen that already. If there are particular areas or examples that you would come back to from some of the evidence sessions when we have heard people who have said, “It could have gone further in this way, but it has not,” what would your response be?

Sue Coe: I know that there were some issues raised about redundancy. We took a rather different approach in terms of how we calculated the figure of women who had been forced out of their jobs. In 2005, the EOC took the figure of women who had been straight-out dismissed, women who felt that they had no other choice but to leave and everybody who had been made redundant, which included those who had taken voluntary redundancy.

We took the decision that, if we were going to be publishing a figure that we knew would be described as women forced out of their jobs, we could not include women who had taken voluntary redundancy in that calculation. Although we know that some redundancy situations are more voluntary than others, we did not feel that it would be accurate to include that in that calculation, and that is why we took the exceptionally tight definition that we did, which was to include in our 54,000 figure women who had been dismissed, women who felt that they had no other choice but to leave and women who had been made compulsorily redundant, where they were the only person who had been made compulsory redundant. That is a very tight definition and much tighter than the EOC’s definition. It is

a definition that we are very happy with, in terms of accurately being described as those who have been forced out of their jobs.

Q110 Ben Howlett: Thank you for that example. I am not going to tread on people's toes by moving on to the data issue, because we will come back on to that a little bit later on. One of the final questions I have on this area of questioning relates to the Government's response to the Equality and Human Rights Commission's report. I am not speaking on behalf of the Select Committee but, when I was reading it, I was disappointed. Based on the evidence, a lot of people have been pretty disappointed in relation to the response. For the record, what is your view in relation to the Government's response?

Caroline Waters: We were also disappointed, because we believe that this is a very strong set of recommendations, but to really take effect they need to be looked at as a whole. Having some of them disregarded, particularly where there is good evidence, we do think is disappointing.

Q111 Ben Howlett: Do you think they are taking it seriously enough?

Caroline Waters: They are taking it seriously. There is a lot of activity in this area, but the bottom line is that what we are asking for in the longer term is for them to step up to take a really positive leadership position in the way that they did around gay marriage, for example, and to really move the agenda forward. What that takes is a sustained high-level input from Government and that is what we are really asking them to do now, and to reconsider. We are very interested, particularly when it comes to the point about employment tribunal fees, to see what the Government comes back to us with in terms of the outcomes of their review.

Q112 Ben Howlett: We will come on to the tribunal fees point in a minute, because we know that the debate on that is going to be quite high up. Do you think that this issue relates to resources as well, Sue? From the Government's point of view, do you think the Government are committing enough resources to it?

Sue Coe: I do not know whether that is the case. That may be a question that the Minister would be very well placed to answer. As Caroline was saying, our first recommendation—and it is not by chance that it is the first recommendation—is calling on Government for that clear leadership. I do not think that is a resource issue. I know that the Government, in the introduction to their response, signalled their commitment to this issue. We are also committed to working in partnership with them to take it forward, but we would like to see that very visible leadership on this issue. We feel that, in order to move the really entrenched attitudes and behaviours that need to be shifted here, it takes that high-level, national-level leadership.

Q113 Ben Howlett: Just before I move on to the next set of questions, to delve a little bit more into that leadership point, are you saying it lacks a ministerial-level decision-making process or a leadership-type agenda, or are we talking about a systematic problem within Government here?

Sue Coe: What we want to see is action on this across Government. It is not just an issue for one Department; there are health implications from women being blocked from antenatal appointments. We need to see the visibility of leadership. As Caroline was

saying, we saw that from the Government in terms of equal marriage and the real leadership on equality that was shown there. What we need to see is a similar visible level of high-level leadership from Government to actually take this forward.

Caroline Waters: We also need that to be proactive, because we need Government to reach out to leaders in business as well. It is going to take both parties to really make this effective.

Q114 Ben Howlett: There is one example of best practice around at the moment from a recent evidence session we were holding in relation to discrimination against Muslim people in the workplace. There is a ministerial panel, which has been put together across Government, which ends up taking leadership of this. It is chaired by the Business Secretary. Would that be a model of best practice that you think would be quite a good one to apply here?

Sue Coe: I think that would be an exceptionally positive step, yes.

Caroline Waters: We would be very supportive.

Q115 Mims Davies: Research findings highlighted gaps between the employers' and the employees' understanding of rights of pregnant women and, in particular, women returning to work and the obligations on both sides. How far advanced are the plans for a joint communications campaign to help women and employers? What specific actions do you feel are needed? What information is right for women during their pregnancy and when, and what information is it right for employers to impart? I know that is quite a full question, so where to start?

Sue Coe: There are a number of aspects to my response here. What I would like to start with is where we are on taking forward the high-level campaign. We have started working on this. We have started planning and shaping it up, and we are engaging with major employers at the moment to bring them on board for this. We know that the voice of business is really important in taking this forward. We know that Government are committed to working in partnership with us on this, so that is something we are planning. We envisage it will be launched after the summer.

In terms of what information women need and when, this is one area of disappointment for us, from our recommendations. We were very encouraged that the Government accepted the need for a single site, so that there would be a single place where there would be authoritative, accurate information for employers. What we also feel, which was another aspect of the recommendation, was that women need information and they need information early. We know from our research that 58% of discrimination that happens happens in pregnancy. Quite often this happens on announcement. We need to get information to women before they tell their employer that they are pregnant.

Caroline Waters: Certainly the evidence that we had from women was that waiting for 20 weeks was way too late, because they needed to have all sorts of conversations about health risks and other things earlier. They did not feel that they had the information that made them confident enough to raise that, if it was not raised by the employer first. That is a very practical point. Of course, we are working with ACAS, we are working with Citizens Advice and we are working with the Federation of Small Businesses, because we

understand that there are slightly different problems in each area. What we need to do, rather than have something that is very broad-brush, is to really listen to the voices of the people who are involved and build something with them that will absolutely make a difference.

Q116 Mims Davies: Is there enough drive behind this site from the Government? Is there a real understanding of why this is needed?

Sue Coe: In their response, Government have committed to the site. That is really positive. They are also committed to using vehicles, such as the MAT B1 form, to get information through. What we feel is a gap is potentially using health professionals to give information to women at their first booking-in appointment. I know that other people who have given evidence to the Committee have suggested a small, concrete, credit-card-sized bit of information that women receive on their booking-in appointment, which would mean that women have the information to equip them to have informed and positive conversations with their employer, when they inform them that they are pregnant.

Q117 Mims Davies: It is quite a bewildering time on lots of levels, particularly for first-time mums of course. In terms of good practice, what we heard from witnesses is that good practice was able to highlight ways to help women employees during this process, rather than just bog-standard HR policies, to try to effect a real culture change and to deal with any potential unconscious bias. It was suggested that perhaps general advice for women was a recommendation, but do you feel that there is an opportunity to tailor advice to women more directly, rather than that basic general advice?

Caroline Waters: Yes. When we spoke to women, they said, “Often we look at the policy statement and it gives us a broad-brush, but it does not really help us with the day-to-day things—the things that you do not think of at first.” It is about making the advice intuitive and involving women and line managers. We often found that, if the advice was there, but was not crisp enough, it created a bit of a vacuum, because neither party wanted to offend the other by using the wrong language or saying the wrong thing.

The classic example of that is where you have line managers being afraid, because they might cause offence or create a nuisance, to contact women while they are off on maternity leave. Women off on maternity leave are sitting thinking, “I wish my employer would get in touch with me.” That is why we wanted to really listen to what people were saying, just so that we could make the advice intuitive and make the response intuitive.

Mims Davies: Poor treatment because of lack of communication or good practice could be perceived as discrimination, and discrimination could occur indirectly, because people are trying to give you space with your baby, etc. Then you are feeling locked out of the workplace if you are at home, trying to work out how to come back into the workplace.

Sue Coe: We saw another example of this in our interviews with women and employers. Some employers were saying, “Yes, we know that when women come back to work they are feeling stressed. They have a lot on their plate. We are not going to give them those big projects and that burdensome responsibility. We know that they have so much on their plate they need a bit of an easier time.” We have women saying, “I have come back and had my responsibilities stripped away from me”.

Caroline Waters: They are also telling us very clearly that the emotional upheaval, all of the decisions and organising you have to do when you leave your child mean that they want to go back to work to do something that will really make a difference for them and for their family. That does not involve somebody who is well intentioned but poorly informed, not having a conversation with you, trying to be helpful by de-stressing your role, but actually reducing your ability to progress.

Mims Davies: That is what I say to my children: “I am away because I am doing something awfully important.” Thank you, Chair; I think that covers it.

Q118 Chair: Can I just push you on this, though? We started off at the beginning, Caroline, by talking about an implementation gap between the legislation and the lived experience. We have had a lot of the criticism of the report: that it has not gone far enough; it lacks specificity; it does not have a time plan; it does not have enough concrete proposals to really make a difference. What we are hearing from you is that there is a big problem here and people are saying that your plan is not big enough to solve that problem. How do you react to that?

Caroline Waters: The research is saying that the problem is mostly about lack of information, attitudes and behaviours. It is not about big-picture stuff; it is about the day-to-day stuff that happens every day.

Q119 Chair: With respect, it is about the law being made to bite where it matters.

Caroline Waters: Yes, but you can only make law bite if it is being used, and that is the gap. We have to really help people make sure that they are implementing the intent of the law. We can do that by making sure that there is good guidance at that level, by bringing data to people’s minds, so that we really challenge mindsets, and by making it easier to have conversations. Why am I so confident of that? It is because I have 30 years’ experience of doing just that in business. My background is BT, which had an enviable record on this. What we found made the difference was just those things: information early; opening up so that both sides felt really comfortable to have good conversations, not just once perhaps at the beginning when you are first pregnant or later, but throughout the lifecycle. That is the thing that really made the difference and changed the return rate to 99%.

Q120 Chair: We were just going to go on to another set of questions from Jo but, before we do that, why have things got worse since the last time this sort of research was done in 2005? That is the question that I do not think has been adequately presented.

Caroline Waters: Part of that reason is that attitudes and behaviours in the workplace have not kept up with the legislation.

Sue Cole: It is really interesting because what we have done, even though we asked different questions in more detail than in 2005, is looked at our reports against each other. We have seen some areas where the discrimination has remained the same. For example, in 2005, 10% of women were blocked from antenatal appointments. It is the same here. What we have seen a real growth in is the disadvantage experienced by women around flexible working, as a direct result of them being granted flexible working. As Caroline was saying, what we have is a pretty good legislative framework. It is one that has been

improved over the years, including the right to request flexible working. What we are concluding is that the protective legislation has moved forward, but attitudes have not moved with it. What we are seeing is the result of that, with women being disadvantaged for exercising the right to flexible working.

Q121 Jo Churchill: I am moving on to enforcement, but can I just pick up one tiny point there? Is it partially because these things are almost generational in the way that they take time to change? It is just as we are seeing more young fathers taking more paternity leave now, until they become the employers following through. Have you looked at whether part of the problem is entrenchment, rather than anything else?

Caroline Waters: We have not really seen that. What we have seen is that, if you pour in information and make it easy for people to talk, things change. There will be a degree of that. There is some progress. As you do some things yourself and experience it yourself, you understand about it at a more intuitive level. This is something that can be changed relatively quickly.

Sue Coe: People have taken their eye off the ball on this. The legislation has been around for 30 years and we have a worsening situation from 10 years ago. What we see from the way in which this issue is discussed is a dialogue around burden. In a way, other equality areas are not discussed in this way. We do not have a dominant discussion of burden and cost around those other areas, which we have here in a way that has not really been challenged. We cannot wait for change to seep through. We need to drive this.

Q122 Jo Churchill: That brings me very neatly on to the point that, within the body of the report, you say that you are highly effective in resolving matters without the need for formal proceedings. I am interested to try to tease out and understand how you measure that effectiveness, in order to justify the statement that you are highly effective in enforcing the legislation in this field.

Sue Coe: As a commission, we have a range of powers. We have used those powers in this area. For example, we have inquiry powers. Our inquiry on meat and poultry processing raised a significant number of issues about the poor treatment of pregnant workers in that sphere. We followed that up. We worked with supermarkets and meat and poultry suppliers to improve conditions, and then we reviewed it.

We have also used our section 28 powers. I know that in the supplementary written evidence we highlighted that, in 2014-15, we were looking for pregnancy and maternity cases to support, so that we could shine a light on this issue where we were doing a significant piece of research. However, it is very difficult to do this, because the vast majority of cases settle. When we are representing women in this area, it is very likely that the case will settle, usually with a confidential agreement, so we cannot use that as an awareness-raising issue.

What we do is to look through all of the ET decisions. Where we think that they are proportionate, in terms of the issues raised in the decision and the size of the employer, we will follow up and work with that employer to improve their practice. The Committee has been sent a range of the enforcement work around pregnancy and maternity that we have carried out.

Q123 Jo Churchill: Indeed we have. However, there is this niggling increase in pregnancy and maternity discrimination over the past 10 years. It is very hard then to justify that this softly-softly approach around enforcement is actually effective. That is what we are trying to tease out, if you see what I mean.

Sue Coe: I can see where people are coming from. One reaction to what I think are really shocking figures that came out of the research would be more enforcement and to lead with enforcement. That is not the correct approach. We would sink a great deal of resources, but perhaps not very effectively, if we supported more and more individual cases, which do not have a strategic push in terms of clarifying the law, because this is a very settled area of law.

We are happy to use our legal powers where we can and where we think it is strategic. For example, in terms of employment tribunal fees, we have intervened at every stage of the case that UNISON has been bringing. We have just heard that this will be taken forward to the Supreme Court and we will be applying for leave to intervene there. That is a highly effective way that we can use the powers that we have to have the widest possible impact here.

In terms of driving down the levels of discrimination, as Caroline was saying, we have crafted this set of recommendations, which has at its heart leadership to change attitudes and drive those behavioural changes. We need timely information and advice to employers and women to inform positive conversations in the workplace, because we know that it is far better for issues to be resolved early and positively than for employment relationships to break down. Where that is not possible, we have recommended that women actually do not face barriers in accessing redress. Also very importantly because of the barriers, we feel that there is not that deterrent effect for those negative employers, who may take a punt on the fact that they will never be taken to employment tribunal.

Caroline Waters: What we have also heard back from women is that, if perhaps there is not enough information for them at work and they have a problem, if they go out and seek advice, perhaps from Citizens Advice, for example, in most cases that creates a positive response from the employer. Again, it suggests that, if you can fill this vacuum of information, you will create change. The best way to do that is to get the information out there in a very accessible way and early on, so that you do not have those costs of failures rising later.

Sue Coe: We must also ensure that women have access to advice, as well as information.

Q124 Jo Churchill: As an employer for some 20-odd years prior to coming to this place, I would agree with that carrot approach, rather than the stick. The problem, though, is that section you alluded to that do it because they do not think that there will be any punishment levied on them out there. My next question was to be how you could stem that decline, but you have answered that in that somewhat fulsome answer to the last question. Is there a need for more resources within the enforcement section?

Caroline Waters: You could always use more resources, but actually we believe we use what we have to good effect. Yes, it would be nice to have a bit more resource. Is it an absolute barrier to us doing effective work in this area? No.

Q125 Jo Churchill: That is nice to hear. Shall I move on to the health and safety area, which is very much in and around this? There is a worrying statistic in the report that 21,000 mothers leave their jobs because they are concerned about the health and safety of their work. That is one in 25. That is largely homing in on specific sectors. There were two sectors there making up 14%—health and social work, and the hospitality and leisure sector—which I will come back to. Can I asked you why you asked the Health and Safety Executive to review its guidance and raise employers’ awareness, rather than taking a stronger line? I would imagine that some of that answer is what you have been alluding to in the enforcement section.

Sue Coe: For me, this was one of the really shocking areas to come out of the research. Again, we looked back to the 2005 findings and found there that, at a time when there was a duty to undertake a specific separate risk assessment when a woman announced her pregnancy, half of women did not have that. Now, we move forward 10 years and we do not have that duty. What we have is that nearly four in 10 women have employers who do not raise the issue of risks when they announce their pregnancy.

It seems to me that we have two different regimes there. We have the same problem, which is that employers do not talk to women and do not engage women in ongoing discussions about health and safety. We looked at the guidance that the Health and Safety Executive produce for this and there were beautiful flow charts there. Nowhere in them did we see the step of talk to women. This is what we think is missing. Quite often, the adjustments that employers have to make are very simple, in terms of getting a chair and moving start times. It is not technical rocket science. Too often, employers are seeing it as a confusing area and taking a very technical tick-box approach. What we want to drive here is conversations between women and employers ongoing throughout their pregnancy. We know, the law is clear, that they have to undertake a general risk assessment. If something changes, they have to revisit it. How do they know if anything has changed if they do not talk to women?

Caroline Waters: Part of the problem, and women gave us really compelling stories about this, is that in their eagerness to comply—and you get that compliance tick-box mentality—without open consultation with women, employers were often looking at it and thinking, “Oh, that is too big a risk. I will take the woman out of that role,” when the woman was saying, “Actually, if you had asked me, with a slight change here and a slight change there, I would very happily continue to do this job that I enjoy.”

Again, what it really led us to understand, and what both women and employers were saying, is that we can make this work if we can create a good conversation. The fact is that, again, where women had these good conversations, what they were saying to us was, “Actually, we started out talking about health and safety. That was actually not a very difficult or long conversation, and it allowed us to move on to talking about things like, ‘What might I want to do during maternity? Might I like to keep in touch? What might I want to do when I return?’.” It seems like a very effective way of breaking that block, where people are just assuming things without really engaging, and, therefore, although well intentioned, they are doing the wrong thing for that woman.

Sue Coe: What we have is two shocking statistics of 4% here. We have 4% of women who feel like they have to leave their jobs, because they have to make a choice between their job and their safety, and that of their unborn child. We then have 4% of employers who

seek information and guidance on health and safety. We have to do something about that and I do not think new legislation is the answer.

Q126 Jo Churchill: You would not be asking for risk assessments to be made mandatory.

Sue Coe: No, we have been asking for the HSE to rewrite their guidance to make it clear to employers: talk to women; carry on talking to them, in case health changes and issues arise during their pregnancy; and seek information on this.

Q127 Chair: Can I just ask a point of clarification? At the moment, there is no mandatory requirement for a risk assessment. There was in the past, but there is not now unless something changes. Sorry, we are a bit confused.

Jo Churchill: It is still a duty of care.

Sue Coe: The law previously was that a mandatory risk assessment had to be undertaken when a woman announced that she was pregnant.

Q128 Chair: What changed that?

Sue Coe: I am not aware of what led to the change but, currently, the law is quite clear that employers undertake a general risk assessment, which includes assessing the risk to women of childbearing age, and then they communicate that. They should be communicating to their employees then, if something changes, for example a woman tells them she has pre-eclampsia, they will revisit it and see if they have to do something extra to deal with the risks. What we are saying is that it does not work at the moment, because no discussions are happening.

We saw that 38% of women said that, when they told their employer they were pregnant, no discussion happened at all about health and safety. That is a real concern to us because, even if your conversation is, “We do not feel that there is any risk to you,” then at least it allows the woman to engage in that conversation, and put forward information that she might have about her health or particular conditions that she may be experiencing, so that those risks could be tackled. As I said, we do not think there needs to be a new duty; we just think that employers need to get better at talking to women about health and safety, throughout their pregnancy.

Q129 Jo Churchill: You could actually spread that out to virtually everything, could you not—disability, carers’ rights, etc.? If compliance is to be improved, who should lead on it—you or the Health and Safety Executive? Should there be penalties within this for non-compliance? One thought that just struck me there was if, when you were asked to write your risk assessments and when you do your induction for staff, it was contained within the body of the information that, “Once you know you are pregnant it is important that we discuss health and safety,” something as simple as that line being inserted might actually start the conversation off. Very often employers do not know.

Sue Coe: That sounds eminently sensible, which is the very practical approach that we have tried with these recommendations. In terms of the lead on this, we think the HSE are well placed to take the lead. They provide the guidance that employers go to. We have asked them to reshape that guidance and there is a commitment to doing that. They have good links with different sectors of employers. They have said that they will use those to

drive those messages through, particularly in those sectors that appear to be really struggling with health and safety at the moment.

Caroline Waters: We also know that employers, particularly the larger ones, have people who are health and safety trained who go out and talk to other line managers. We know that the trade unions also have health and safety reps, so it seems like there is already an infrastructure there that is respected and listened to, so that we can really push that information out there. Again, what we have been trying to do is to be really pragmatic and think hard about how we get information out to where it really matters, where the everyday decisions and experiences are made.

Sue Coe: In terms of our role in this, we have worked in partnership with the TUC, as you were saying, to draw up a training module with them to make sure that trade union representatives are aware of this issue and given the latest information on rights and obligations. We are also working with ACAS to design training for line managers, because this is key to women's experience. Quite often, we found that the line manager was more influential than HR to whether a woman had a positive or negative experience. We are working with ACAS to home in on that. Health and safety is a part of both of those training packs.

Caroline Waters: That should not really be any surprise to us, should it?

Q130 Jo Churchill: No, because it is moral proximity, is it not? The closest person is probably the biggest influence within your employment experience. In responding, as you have said it is the HSE's responsibility, should they produce sector-specific risk assessments? Would you like to see them home in on some of these things? One thing that did flag up immediately in my mind is that both hospitality jobs and health and social care jobs tend to be low-paid and low-hours, with a lot of zero-hour contracts and so on and so forth. Actually, is the problem really the one we are seeing or is there something within those sectors that we perhaps need to tease out, as far as health and safety goes?

Sue Coe: In terms of health and safety, if there is a need for specific materials for those sectors, I would support the HSE producing that. What we need is to make sure that employers have the practical information that they need to do their job. Again, I go back to that 4% of employers who have sought advice and guidance on health and safety. We need to do something about that, and part of that is making sure that the information is appropriate and accessible. We also need to reach out to line managers, because we know that 55% of companies said that they did not train their line managers in this.

Q131 Jo Churchill: Would a better conduit for this information be something like trade groups? The HSE website is not an overly exciting place to visit as an employer. I am not saying that it is not wonderfully designed. However, with the connectivity of a trade body, for example, could you use different avenues, rather than just HSE?

Caroline Waters: HSE is absolutely the expert on safety, so we really want to build this with them, but there is no reason that we cannot work with them to make sure that what they produce is not just on their website but on other websites. There are lots of other trusted intermediaries, particularly for small businesses, where we would want to see the information available.

Sue Coe: Again, we want to do what works. This is what marks our recommendations and our response to this. We want to see practical movement in this. We do not want to come back in 10 years' time and have a similarly bad or even worse situation. We want to change the lived experience of women in this area and we think that our suggestions, if implemented appropriately, have that power to do that.

Chair: I am very conscious of time here. I know that a couple of colleagues want to get in on the back of this set of questions, then we have two other sets to go through and we have another evidence session. Can I urge short and pithy questions and answers?

Q132 Angela Crawley: I absolutely agree, first of all, that communication is key in these areas. From much of what we heard in Portsmouth, when we listened to motherhood experiences, they clearly said that there was an inconsistency around the application of health and safety and risk assessments, and they have raised that concern. Do you agree that, for employers and for expectant mothers, there needs to be clear guidance? In your opinion, what is the best way to deliver this? The second question is: what are the incentives for employers if you remove the penalties or any of these other factors, particularly for small businesses, where there are fewer trade union representatives, in ensuring that they apply these consistently and effectively, and that they are fit for purpose? Those are my two questions.

Chair: Remember—short and pithy answers!

Sue Coe: In terms of awareness-raising, the work we have described that we were doing with the trade unions, with ACAS, with the CAB, with Government and with other bodies was about getting information in from different angles at the right time. We are looking to use what conduits we can, like, as you were saying, trade groups. We have done the Power to the Bump work to target young women. We will be working with partners to exploit all the avenues we can to raise awareness of this and to get decent materials developed.

Caroline Waters: What we have tried to do is to be really practical about it. Women generally go to antenatal appointments. Can we get information to them then, early on? Can we do it in a way that is to the point and that then opens them up to signpost them to other things? We believe that we will use many different ways to get to them, but we have to look at that lifecycle and do it that way.

Q133 Mims Davies: Pregnant employees and new mothers have four main legal rights: the paid time off for antenatal care; paid time off for maternity leave; maternity pay or maternity allowance; and protection against unfair treatment, discrimination or dismissal. The EHRC's recommendations focused on raising awareness, increasing access to information and encouraging the behaviour change that you spoke about earlier. Why not have stronger and more specific recommendations in terms of enforcing those rights for stronger protections, particularly in regard to the danger that women may face in enforcing those opportunities because of the fear of redundancy? Of course, there is an opportunity to bring back in questionnaires while talking about this. I appreciate that this a very broad area again, but we only get given broad areas.

Caroline Waters: What we absolutely believe is that the legislation is clear in all of these areas, but we are seeing those misinterpreted. Mostly, the evidence we have is that that is about people not understanding what their obligations are and women not being able to

hold employers to account, because they do not understand their rights. We believe that, if you close that gap, you change the reality of how women experience these things.

If women are really informed about their rights around the whole antenatal process, then that should absolutely deal with the 10% who are not being able to access that, because they will have a way of being informed about that, raising it with their employer and, if their employer is not responsive, seeking redress. To us, that closes that gap and deals with it in a very pragmatic and, we hope, effective way. Why do we know that works? Employers who have clear practices, and encourage and train line managers to have conversations, have a 100% track record on women having access.

Sue Coe: However, we really feel that women need to have proper access to redress. We always knew that ET cases were the tip of an iceberg but, at the moment, with the huge decrease, it is almost like an ice cube on top of a vast iceberg of discrimination. We need action to make sure that these rights that you outlined for women are not paper-based rights, but are actually enforceable.

I would slightly take issue with the claim that a lack of recommendations for legislative change is weak and that recommendations for legislative change is strong. I think that what we need to do is shift behaviours and attitude, but it is a really tough thing to do and it is desperately needed. I do not see that as a weak underpinning of the recommendations.

Q134 Mims Davies: You are saying, in the carrot-and-stick approach, that there is not enough stick going on at the moment, for want of a better phrase.

Sue Coe: The carrot is undernourished, because we are not getting any information going in there.

Caroline Waters: The whole thing is set in negative terms. If we change that around, lots of employers gave us great evidence around there being no loss of productivity. Doing this well was a key way to retain really useful and skilled people, but also to make sure that they were advancing through their organisation. There are real positives here, but we never hear anybody talking about those. If we change that, it would make a huge difference.

Q135 Mims Davies: Is there a fashion issue? You almost alluded to it earlier. Other kinds of discrimination or equality issues have superseded this as an issue that employers are functioning and coping with. It has fallen down the priorities in terms of protecting women's rights in the workplace.

Sue Coe: I think that, because the legislation has been around for decades, people have thought it is sorted: "This is something that has been dealt with, because there has been this protection for so long." Maybe people have taken their eye off the ball on this one.

Caroline Waters: There is an assumption that people know how to do this. Only 55% do training. If we can work with that so that people genuinely do understand it, then it will happen. Perhaps with all of the pressures around the economy and everything else, employers are finding it more difficult to provide training for all of these different things, but that in itself would make a huge difference.

Q136 Mims Davies: Jo alluded to this earlier. Citizens Advice and Unite have raised concerns about the need for protecting agency and temporary workers more fully. Do you

agree that such workers are particularly vulnerable, and how could they in particular be better protected in this process?

Caroline Waters: I would say that the evidence we have from the work that we have done on the cleaning sector would suggest that many of those workers are more disadvantaged, often because they do not know their rights and also because they very often have concerns that, if they raise an issue, they will then be badly thought of. There are some perception things there and there are some actual, real gaps. Yes, I do think that that is an area that needs more work. We are working on that and there are things that can be done. Lots of agencies are great employers. We need to work with the ones that are not to get them to that standard.

Q137 Mims Davies: What is your response to the Government's rejection of recommendations regarding tribunal fees? Should the Government reconsider and how important overall is the protection and enforcement of women's rights during pregnancy?

Sue Coe: We see these recommendations as a set. We see them as reinforcing each other. Without action to remove any barriers in terms of tribunal fees and also in terms of the extension of the time limit to take a case, without information going to mothers at booking-in, we feel that this punches a hole in the side of the recommendations.

Caroline Waters: From a very practical point of view, it is particularly disappointing that the recommendation about extending the period or at least looking at it has not been taken forward, because that is just common sense.

Q138 Mims Davies: The Government have said that there is no evidence of this. Why should the Government reconsider it if there is no evidence?

Caroline Waters: We have presented it. The evidence is here. You have seen the evidence. They only have to talk to women, particularly new mums, to understand that that is a very unique time in a woman's life. They have told us that they are often tired and perhaps the sleepless nights and all the stress and the worry of, "Am I doing the right thing for my child?", means that the last thing that they feel capable of is doing something that they perceive as costly and difficult. Although they may get some redress, they also have the fear that, in doing so, they will disengage their employer or future employers.

Q139 Mims Davies: Are you disappointed at this reduction of the time limits?

Sue Coe: Yes, very much so. We shaped this research in a way so that we could launch our interim findings and we could go out and talk to people about those findings, explore with employers, with mothers, with representative groups, with trade unions and with advice-givers what they felt the way forward was. When we engaged with women, they said to us that it is ludicrous to expect a woman at that particular time with, as Caroline was saying, those very particular stresses that there are, to have that really tight timescale. There was an event yesterday hosted by Maternity Action and Kate Green, where there were women across the room saying exactly the same thing. Whenever you have a group of women together who have experienced disadvantage and looked at the three-month timeframe, they will say the same thing.

Caroline Waters: If I could just add, as well as taking away the opportunity for women to seek redress, it also removes a very useful way for employers to learn. Employers do not

make the same mistake twice very often and employers talk to each other a lot. Going to a tribunal can really make a lot of difference amongst employers and raise it up their agenda. We miss that additional being held to account and being able to learn from that.

Mims Davies: May I make one final point? I just wanted to pick up on that anecdotally. From what you said, Sue, I know many more women that have made life choices and changes around small babies feeling that they have had to make those choices, rather than being in a position to fight through a process where they felt they had been unfairly treated. From my point of view, as someone who has had two daughters, I know many more people who have opted for what is perceived to be the easier choice than taking a battle on, where you have a difficult enough change going on in your life. If we do not understand that for women, we must be doing them an injustice.

Q140 Angela Crawley: I just wanted to say, first of all, that I absolutely agree that the legislation is there, but the implementation, the knowledge and information are absolutely key to that. First of all, I wanted to praise Power to the Bump, because my personal experience has been of an overwhelmingly positive response online and on social media from many people who I have interacted with. That has been really successful, from what I can see. It is well documented that tribunal fees and the time limit are a barrier for many women. Do you agree that, even if the Government were to reduce the cost of tribunal fees, it perhaps would not go far enough? Ultimately an extension of the time limit and an abolition of tribunal fees would be more effective as a remedy to employers' response, from what you said there.

Caroline Waters: We have heard from women that the cost is one of the issues that puts them off moving forward. We await to see what the Government say following their review, but there is no access to fairness if you cannot afford access to justice. We would strongly ask them to look at that and listen to what people are saying and, actually in this instance, not just women. We are finding that there is a very significant reduction in people taking other forms of discrimination cases as well, so we would really ask the Government to look very clearly at that and listen to the voice of the people who need their help.

Q141 Chair: Do you think that there is also more space for alternative dispute resolution? Tribunal cases are onerous, difficult and adversarial. Do you think that further work needs to be done, because we have not had a lot of evidence given to us about alternative ways? You talked a little about being successful in the work that you do, but is there anything more that we need to do in this area?

Caroline Waters: There is more that can be done here. If something gets to ET, it is almost the cost of failure. We would like to think that, if you have good early conversations, those issues go away. A lot of organisations, particularly larger ones, have very effective internal processes where these things can be resolved. Lots of employers told us that they had introduced mediation services and of course there is also ACAS. We would like to see all of those things strengthened, because that would be more effective and timely. If you can catch an issue early and deal with it, then that is incredible damage limitation, both on an emotional level and on a practical and business level. Yes, we would like to see much more of that.

Q142 Ben Howlett: Moving on to monitoring, I will come on to some very specific questions. Who will be responsible for monitoring?

Sue Coe: We have recommended that the Government are best placed for that. They run national-level surveys. We are not asking for the whole survey to be run again, in terms of the cost. We would love to see key questions on those key areas of discrimination and disadvantage pulled out and put into other surveys, so that we can track progress in this area and do not wait another decade until another monolithic survey comes along. What we would be doing is feeding into those national surveys as we go along.

Also in terms of monitoring, something that has not been raised previously is our commitment as the commission to review progress on these recommendations. Usually, we do a yearly review after we have made recommendations, but we think they may take a little time to start to bed in here. People should rest assured that we will have a very keen eye on action that is taken in response to these.

Caroline Waters: We also believe that employers can play a role. Again, a large number of employers run internal people surveys and short-term surveys. They could even introduce a very brief survey for women returning. We could use some of the data from those things, if they collected data around levels of return and levels of satisfaction, with the experience of the take-up of flexible working patterns and perhaps even information like equal pay.

Q143 Ben Howlett: Do you expect employers to go ahead and conduct those surveys, once this report has been done?

Caroline Waters: A lot of employers already do them. What we are saying is to be pragmatic about this. There is a lot of information that could be used and shared and there are employers groups that would make that possible. I have been part of those kinds of groups and processes myself, in the past.

Q144 Ben Howlett: Could I just gently say, before you move on, that the employers who have nothing to hide and who are doing great on this would be quite happy to produce their survey reports. The majority of employers no doubt are very good in this area, but those that are not, those that have been discriminating against women in the workplace who are pregnant, for a long period of time, will often end up holding up their hands and saying, “More red tape!” Those are the ones you want to target. It gets down to the crux of the issue here, which we have been discussing all the way through these evidence sessions. That is that, if there is no statutory responsibility for an employer to do this, how are we ever going to make a difference?

Sue Coe: A difference will be made in terms of getting the information in and getting the advice in, starting those conversations. If we are measuring, for example, take-up of information and training of line managers, if those questions are fed into Government surveys of employers, which happen quite regularly, we can keep an eye on where that is going and know where the actions that have been taken are biting, where they are not and where my action needs to be taken.

Q145 Ben Howlett: Would a Davies-type reporting system work in this instance, do you think?

Sue Coe: Yes.

Chair: Set some targets and get some action.

Sue Coe: Set some targets and get some action sounds good. That is very pithy.

Q146 Ben Howlett: I know time is running short. On the very specific question, should retention rates of women one year after returning from maternity leave and one year after making a flexible working request be reported as well?

Caroline Waters: Yes.

Sue Coe: We would not say that anything that falls outside of our recommendations should not be taken up. We think that that is an excellent idea and it could really drive progress.

Q147 Chair: Can I really make sure I have some clarity in terms of monitoring? When do you think this research should be repeated, even if it is a small part of the research? You said not too soon, and I can understand that, but a year, two years or three years?

Sue Coe: I think that key parts of this should be measured at least annually, so we can see where we are going in terms of rates of women's experience.

Chair: There should be an annual report of part of it.

Caroline Waters: It would not be a repeat of the whole thing.

Chair: That is fine. We would need to make sure that the sample sizes are robust though, so we would need a bespoke piece of research.

Sue Coe: We could feed it into another. The Government do survey—

Q148 Chair: Your sample size is going to be too small if you go into another piece of research, isn't? You would have to have a boost within the set.

Sue Coe: This is something for the analysts to discuss—whether we can do this or whether it needs to be bespoke.

Q149 Chair: You are advocating an information-led approach to this and that is your point. At what point are you going to see change that will be measurable?

Sue Coe: I sincerely hope that we can make some quick wins here, because we are starting from a very low level in some areas.

Q150 Chair: Do you think that you are going to see these things improve in the first year? To have three quarters of pregnant women and women on maternity leave saying that they have suffered some sort of a detriment is appalling. Are you saying that in the first year you would see a change and, if so, when are we going to start to see your programme put into place, because we still do not have a plan of action?

Caroline Waters: We will address those. It is possible to see change by the end of the year, if we have the right kind of high-level and sustained visibility, both from

Government and from business leaders. It would be possible to do that. Whether it would be statistically valid in terms of how much we can measure, you can see change.

Q151 Chair: You think that the plan you have here would make a rapid change, if it is done properly. I totally see that. When are we going to see your plan put into action? We are a year on from having the research. Do you now have an agreed plan of action, with agreed timings and agreed responsibilities from Government?

Sue Coe: We do not have that yet. The discussions have started, but we are not at that position yet.

Q152 Chair: A year on from having the research, we still do not have a plan.

Sue Coe: It is not a year on from the recommendations.

Caroline Waters: There was the initial research, but the recommendations were much more recent than that. We have our own plan of action and in fact you have heard from us about some of the things we are doing and some of the things we are planning to do, but that process is beginning.

Q153 Chair: When will we have an agreed implementation plan between you and the Government of what your recommendations are and who is going to be putting in place your recommendations? We have a response from the Government; we have your recommendations. I do not really have a clear view as to who is going to be doing what is recommended to have any impact on the women we are talking about.

Sue Coe: As I have said, discussions have started and we can provide you with what has been agreed.

Chair: What we will do is we will ask the Minister, who is in front of us shortly. We will press him on that case for you.

Thank you very much. I am so sorry we slightly rushed it at the end there. I apologise, but we have run over heavily and I apologise for that. I thank you on behalf of the whole Committee for your time and for the honesty of your answers and, indeed, for all of the work that you have done in this area to uncover what is an enormous source of concern for us as a Committee. You can be assured that we will continue to press to make sure that the right plans are put in place. Thank you very much. It was good to see you both.

Examination of Witness

Witness: **Nick Boles MP**, Minister of State for Skills, Department for Business, Innovation and Skills, gave evidence.

Chair: Minister, you are in front of us again. We feel like you are becoming an old friend of the Committee. Thank you very much for your time. We know how much time it takes to prepare for a session like this and we are very grateful to you for coming in. You will see that we have just had an extremely useful session with the Equality and Human Rights Commission, which you worked with jointly in producing this important report on pregnancy and maternity discrimination. I am sure that you will be as keen as we are to find a solution to the problem that they have uncovered, in the work that they have done.

Can I thank you again, on behalf of the Committee, for taking the time to be here? We have a series of questions. Can I apologise immediately for overrunning in our initial session? I am sorry if that has inconvenienced you at all. It was completely down to my inadequate chairpersonship, but it is an important area. I am going to swiftly move on to our areas of questioning. I am sure you will know the sorts of areas we want to cover. Ben is going to start off by getting a feel for your overall response to the plan and the call for action.

Q154 Ben Howlett: It is almost a year now since the initial report was published, and obviously the Government's response to that has only come very recently. What action has there been to date in response to their findings?

Nick Boles: I know that you have been talking at some length with people from the Equality and Human Rights Commission, but we have been working very closely with them through the different recommendations that we have accepted, which is the overwhelming majority of them, and with other organisations that have a role in this, chiefly perhaps ACAS, but also the Health and Safety Executive.

Specifically, ACAS and the commission, if I can call it that, have been working on developing an e-learning training package, which is aimed at line managers and staff, so that they better understand the rights and responsibilities of all employees, but particularly women who are pregnant and going on or about to come back from maternity leave. That will be published on the ACAS website later in the summer, which will be a free resource.

There are a number of other equality packages that ACAS has and they get quite a lot of coverage; I think it is about 5 million hits a year. We expect this to have a significant reach, though of course I do accept that, in a sense, you have to know that you want to get it right to download one of these things. The culture change is probably a deeper task. That is why we are also working with the commission and others to see what the things are that are actually going to prompt employers to do the right thing. There is the famous concept of "nudge", and you will be aware of the behavioural insight team.

While it is very early days, we are looking at talking to the commission about what the kinds of things are that might prompt more engagement by those employers who perhaps are just ignorant of what a progressive approach to managing these issues is, rather than those who are wilfully trying to ignore them or evade their responsibilities. These are at an early stage but I would not rule out doing some further work, even conceivably with the unit, to try to understand what sorts of sophisticated techniques might prompt more engagement by employers.

Finally, in terms of the things that are particularly worth pulling out in terms of action, there is talking to the commission and business groups to see what we could do to identify and share best practice and try to highlight best practice, so looking at different ways and options to showcase those employers who do a good job. What is critical is to showcase not just the employers that are doing a good job but also how they benefit from being the kind of work environment where this approach is taken and how that actually assists them.

Entirely unrelatedly and coincidentally, I attended a dinner organised by Facebook yesterday evening, which was talking about women in enterprise and how one can promote more confidence among women to set up their own business. It did just occur to me, as we had this fascinating discussion with a bunch of female entrepreneurs and

various others, that the role of organisations like Facebook, similarly on these sorts of issues of getting messages out there to employers but also to employees, might well be more powerful than, for all of their best efforts, whatever ACAS or the commission can do, because ultimately they have an interaction in people's lives that is deeper and with more people than any government agency.

Q155 Ben Howlett: Based on the statistics that have been explained from the EHRC report, three-quarters of pregnant women have ended up facing discrimination at some point. These are startlingly disgusting figures in the 21st century. One of the issues, and the first item on the agenda of the report from the EHRC, was over leadership. You were here a couple of weeks ago talking about the leadership that has been taken in relation to tackling discrimination against Muslims in the workplace. Compare and contrast: there were very startling figures in that area and there are awful levels here, but there does not seem to be that sense of leadership. You have explained a couple of low-hanging-fruit examples, where you are putting in plans of action here, but specifically on leadership, which comes up time and time again—it just came up from the Equality and Human Rights Commission, and I appreciate the fact you have not seen that evidence yet—what specifically are the Government doing in order to deliver proper leadership on tackling this issue?

Nick Boles: We have considered very carefully the research that was commissioned, and that is one of the reasons why it took a bit longer to publish the Government response than we had hoped. We wanted to take that very seriously and to try to be as positive as we could be about the commission's recommendations, so we certainly take it very seriously.

It is important not to necessarily think that appointing somebody new or inventing a new body is the only way that Government can show leadership; I am not saying you were necessarily suggesting that. The Women's Business Council already exists. Ruby McGregor-Smith provides fantastic leadership of it and has huge credibility in doing so. She is already undertaking a review, as you will know, for BIS on other issues that are of interest to this Committee on progression of black and minority ethnic people within employment. She has been chairing that council. They have reached an audience of 8 million people through active engagement. They have published over 150 topical case studies. It is working with organisations like that that is best going to provide that leadership rather than necessarily inventing a new body. The commission itself does great work. ACAS frankly does great work. These are all institutions that are well understood by employers. It is about working with them to put greater emphasis on this.

I share your view—and I think I said this in the Chamber of the House when this was raised—that it was a truly depressing picture that was painted in terms of the experience of many women at work. There is a huge amount of work to be done but I do not think we necessarily need new institutions or dramatic gestures. We actually need that painstaking, consistent, sustained month-to-month, year-to-year, decade-long change of a culture, because ultimately, in other areas of equalities, we have seen that culture does change and can be changed. The Government do have to lead but it is not usually through flashy announcements; it is through painstaking, steady application.

Q156 Ben Howlett: There have been a multitude of reports that have come out of the EHRC, and the Government have ended up providing responses that have been welcomed, in some instances universally by the sector, in some instances by the majority of the sector. You must be aware that the response to this particular Government's response, and the Equality

and Human Rights Commission's report here, has almost been universally that it is weak, and it is weak in areas in which you would not expect them to be weak as well.

You focus your attention on the e-learning software, and the dinner you talked about in relation to Facebook. One of the low-hanging-fruit issues would be about creating a website. It was not, "Absolutely yes, we agree upon this." It was, "We agree upon this in principle but do not fully embrace it." The response has been almost universally that it is weak. Are there areas where, listening to the response from the sector, you are now thinking, "Right, okay, we are going to go back and revise this. We are going to think about changing it?"

Nick Boles: Sorry, I just do not accept that. First, the response was not weak. Secondly, I do not accept that it has been universally reviewed as weak. Thirdly, I do not think that there is a "sector" or agree with the old idea that there is somehow a sector, and that a sector opinion is what determines whether a Government is dealing with something.

Fourthly, it is a literally absurd idea that the answer to every problem is to have a new website, which then by definition has a URL that nobody knows, and you then have to market that new website, rather than dealing with ACAS, which everybody already knows. It is an institution with a huge history. It has an enormous depth of material. You want to point people to the resources in places they already go. This is why I mention Facebook, because people already go on Facebook. They already go to ACAS. They already go to the commission's website because these are bodies that have built an expertise and a depth of credibility. They become destinations both for employers and for people who are facing problems at work. I just warn against those who suggest that somehow a new website is the answer to all problems. It is a slightly glib suggestion. Glibness is not what Government should be in the business of.

Q157 Ben Howlett: No, I am personally not suggesting a new website. However, I can categorically tell you that there has been almost nobody that has given evidence thus far to say, "Oh, yes, I would approach ACAS in the first instance." Is ACAS working with Facebook, for example?

Nick Boles: I do not know, and I am happy to ask. I only had dinner with Facebook last night, so I am very happy to find out. What I can tell you is that ACAS is dealing, through its new conciliation procedure, with the great majority of all of the cases of maternity-related discrimination that are actually reported by working people, so of course they have greater expertise than almost any other institution on this. It is through them that we will make change, not through responding to whatever the latest lobby group has decided is the idea of the moment for their latest press release.

Q158 Ben Howlett: Just to be fair, this is not just one lobby group. This is pretty much everyone that has come before us thus far. It is not just a small segment. This is not one person that has come in from a charity that has a vested interest in this particular issue. This is everyone. That should ring alarm bells, in my mind.

Nick Boles: I am sorry; I disagree.

Q159 Chair: Minister, we have heard a lot of evidence to say that improving the amount of information that women get around their pregnancy is critical, and probably the fact that they do not receive enough information is one of the root causes of the problem. Indeed, you

agreed to work in partnership with the EHRC to identify the most cost-effective and appropriate ways of getting that information to new mums. We are a year on from having the research findings come out. We have all agreed they are “depressing”, I think you said. If you are a pregnant woman it is more than that. It is probably quite debilitating as well. Where is your plan detailing what you are going to be doing and when you are going to be doing it?

Nick Boles: You are right of course that the initial results of the research were published a year ago, but it has been a bit more recently that we have been working through all of these details.

Q160 Chair: Where is the sense of urgency?

Nick Boles: I am sorry, Madam Chairman. This is now the fourth time I have appeared for you on four different issues, and I find a similar tone in all of your inquiries, which is somehow this suggestion that you can achieve deep culture change through urgent action plans and new websites and big announcements. I am afraid I fundamentally disagree. The way we do it is to work through the institutions that already exist to represent employees and working people who have been discriminated against. They do a fantastic job. We work within the information that they provide. We create these tools for employers; one of the few positive points of the research that came out was that most employers were aware that they needed to be careful not to be discriminating and that there were certain obligations that they owed to women with maternity. We need to be working with employers. That is why we develop a toolkit for the employers who want it.

However, as I admitted, there are going to be some employers who do not know to ask. The question is how we get them to ask, and that is why we are working with the EHRC to consider the more sophisticated techniques of nudging action. I just do not accept that what we need is an action plan and a website and a new announcement. What we need is painstaking work. Like most of Government, it takes a long time. It builds up, like layers of lacquer, month after month after month after month. In five years’ time hopefully we will look back and say, “Okay, we are making real progress here.”

It is not going to be done through some short-term action plan that then gets put in the bottom drawer. It is going to be done through changing lots of little details. There is detail, which you may be coming on to, on the Health and Safety Executive’s assessment—detail on the guidance—so we need to fix that. There is going to be detail on these e-learning packages that are on the commission website, so we are going to look at that. We are going to look at this question of insurance for smaller employers. We will look at that. It is that kind of detailed work, which does not happen over four months, that will actually create change, rather than any of the slightly more dramatic moves that others may be suggesting.

Q161 Chair: You, like us, feel that 75% of women suffering discrimination or negative outcomes when they are pregnant is “depressing”, to use your word. Our job is to make sure that you are doing enough to change that. It is difficult to do that when we have not got a plan, we have not got a timetable, and we have not got a set of responsibilities. I am sorry you feel that we are pressing you for that sort of detail, and nobody is suggesting it is a rush job, but we do need to see the plan to know whether or not, as a scrutiny function, you are actually doing your job.

Nick Boles: I am sorry; we do not intend to publish an implementation plan. We have very clear recommendations. We have been very clear about our response to those recommendations. We have accepted the overwhelming majority of them. We are now working with the commission, with ACAS, with the Health and Safety Executive, and will continue to work with business groups. As we come up with new ways of implementing those recommendations, we will be very happy to come back and discuss with you the progress we are making. I do not believe that we need to publish an action plan to actually follow up. Rather than publishing a plan, I would rather just get on with the work, with the commission, and with all of these other bodies.

Q162 Chair: To give us an idea or a slight indication as to when it might be appropriate to ask you to come back to talk about it, when do you think your actions are going to make any difference to the 75% of women who suffer this sort of detriment?

Nick Boles: You will be aware, Madam Chairman, that the last time that a major research project was done, admittedly on very different methodology, was 2005. I am not going to suggest to you that the next time the Committee should return to this is in 10 years' time, which would be what has been the previous record on this issue. However, I do think it will be some time before we are able to point to evidence of change in people's experience. I hope it will not be very long before we can point to things that we have done that should contribute to the change in that experience. We are not proposing to have some continuous research project that is tracking people over a number of years, because that would be a tremendously expensive exercise, and actually I do not think really worth it, given that we all know that this is unacceptable and needs to change. Let us just get on and do it, and do the things that we think we can do to try to assist that change. I would be happy to come back in a year's time, if I am still in post, or my successor, and tell you where we have got to with implementing these recommendations.

Q163 Chair: The EHRC, in our previous session, said, "The Government need to show leadership, they need to step up, they need to show visible leadership and they need to show commitment." That sounds like you may not both be on the same page.

Nick Boles: I do not disagree at all with that call. It is about the way in which we do that. What does showing leadership mean if not sitting down, going through the recommendations they have come up with, and working out, "What does that actually mean? What are you actually going to put? On which channel are you going to communicate what, to whom and what are you going to ask them to do differently than they are currently doing?" That is in fact what action in Government means. I do not know what leadership means if it is not just getting on with the job.

I would also point out that the Secretary of State was very keen to be delivering this evidence to the Committee and was very keen to come, because it is something that he takes very seriously and thinks is a really important issue. Unfortunately, I know that the dates that he could do were not going to work for the Committee. He is very clear that this is a priority for us. That does not mean that we need to have some thing to unveil to show that we are acting and taking these recommendations very seriously.

Q164 Chair: Though it might help indicate some leadership, perhaps, others might think?

Nick Boles: I would rather deliver than just indicate, personally.

Q165 Jo Churchill: I am moving on to health and safety. You will know what I think on this, Minister, but on the Government's response to the research on health and safety, do you think that stronger laws or enforcement are necessary?

Nick Boles: No, I do not believe that there are stronger laws needed. The Health and Safety Executive has acknowledged that some of the guidance could be improved, and that is something that we will be following up with them, and making sure happens. I do not know whether that is leadership, but that is material action that will make a difference, and we will be following that up. I think that it is already clear that all of the requirements are there in law. We do not need more laws; we need to have better follow-up and better implementation of those laws.

Q166 Jo Churchill: Might part of that follow-up approach be that you may well call on the Health and Safety Executive to look at doing specific risk assessments on pregnant women, rather than using the generic one, particularly in light of the fact that 38% of all employees did not actually carry out any form of risk assessment once they knew the employee was pregnant?

Nick Boles: I just want to be a little bit careful about the precise terminology on this. It would be a retrograde step to introduce a specific separate risk assessment, because that would then somehow imply, even if we did not say so, "Unless the specific risk assessment applies to you, the general risk assessment should not include looking at the situation of pregnant women," and it is really important that the general risk assessment should include that wherever it is going to be relevant—and frankly in most modern workplaces it is quite likely to be relevant, given we have the highest employment rate of women ever in our history.

Where you are absolutely right, though, is that there should be specific guidance for different kinds of risk that are either more industry-specific or occupation-specific. I have been given some information about specific hazards of ionising radiation and pregnancy. We need to make sure that the guidance is there, so that if you are doing your general risk assessment and you are aware that you have particular potential risks, that then there is guidance that relates to those particular potential risks. However, the obligation should remain banded up within the general risk assessment.

Q167 Jo Churchill: Following that on—that if you like it sits within the duty of care of an employer anyway—is there any Government will to aid the HSE to be more sector-specific, so that within the risk assessment landscape, you could put on those industries that perhaps use ionising, or where there is a risk from inhalation to the baby, or something like that, "Please be aware that if you become pregnant it is important for both yours and your baby's wellbeing to let your employer know as soon as possible," and actually twist the thing on its head, so that there is more information out there before pregnancy occurs? If that was included within all generic information, we possibly would not need this conversation—

Nick Boles: *I think that is a* sensible suggestion. I know that the Health and Safety Executive is going to be reviewing the guidance that it does issue on new and expectant mothers, and I think that is a good idea: rather than putting it in a place that people will only come to when they know they have already got an expectant mum in their workforce, it is put in a place where if you already employ women you should be aware that this is something that you may need to have different levels of risk management than you would

normally have, and you should be made aware of that before you know that somebody is in fact pregnant.

Q168 Jo Churchill: Indeed, a proactive approach, rather than a reactive approach, which I would approve of fully.

Nick Boles: I agree with that.

Q169 Jo Churchill: Moving on, and you have gone over some of the specific actions that you are talking about—using the e-learning with ACAS and so on—I would be interested to know whether you have got any other specific actions as far as aiding employers' compliance to health and safety. Who do you think should take the lead on that compliance: the Health and Safety Executive or the commission?

Nick Boles: On anything in relation to risk assessment, obviously it is the Health and Safety Executive. More broadly on the question of discrimination, you can have failures on health and safety management that are not innately discriminatory, but are nevertheless troubling, and we need to root them out as best we can. The Health and Safety Executive should focus on those.

Again, I do not want to underplay the role of ACAS. Ultimately, if any employee or somebody not technically classified as an employee—any worker—has an issue with their employer where they feel that they are being in any way discriminated against, bullied, exploited or unfairly treated, then ACAS is the absolutely best first port of call. They will obviously handle, through the conciliation service, a great number of cases. In a sense, even if they do not, they need to be the first place that people go. Obviously the first place they might go is to their trade union, quite rightly. Trade unions have an incredibly important role to play in this. However, in a sense the first official Government place they should go should be ACAS. ACAS is already the expert on all of this.

The commission should be advising us, but also Parliament, on what different agencies and Government Departments need to be doing differently or better in order to meet our principles of equality and our ambitions for equality. They are not themselves necessarily going to be delivering many specific things, though they obviously can deliver, as we have discussed before, some guidance for employers, through these online resources. In terms of specific approaches, it is right that the Health and Safety Executive deals with its stuff and ACAS deals with employment problems.

Q170 Jo Churchill: Talking about the health and safety approach to specific sectors and occupational groups, there are quite large differentials between different sector-specific groups and occupational groups. How do you feel this could be addressed? Would some model risk assessments be useful? I love your Facebook idea because it is slightly left-field, it appeals, and it would attract more people. From the evidence we took earlier, actually putting a small credit card in with a pregnancy testing kit may not be the silliest idea to direct people towards an information site, for example. Are there any other ideas that you think could move it forward, because there are differences between SMEs and the larger boys? That is worrying, and targeting the HSE website is another job for a small employer; it is difficult for them to be health and safety experts, employment experts and so on, which all this falls under.

Nick Boles: Those sorts of ideas are very welcome, and in a sense that is what I meant by some of these “nudge” responses that we might look at, in terms of how we communicate proactively with people and with employers, in a way that gets those who would not otherwise necessarily think of looking up what they should be doing to do so. I do not quite know how we would ever get such a thing into a pregnancy-testing kit. Ultimately, private sector companies do not necessarily want to carry Government advertising for free. However, it is that kind of approach. It may be when there are other branches of Government communicating with pregnant women about some aspect of being pregnant that a message can perhaps be added. I do not know enough about it. That is exactly what the commission and we are working on together, going through those possibilities of harnessing other interactions that we are likely to have, either with employers or with pregnant women, to ensure that we are increasing the number of them who know what rights they have, on the one hand, and responsibilities they have as employers, on the other.

Q171 Chair: I do not think we could have any disagreement that there is evidence that the law is not being enforced closely enough, and that that is why we have such high levels of perceived and actual discrimination. Are you considering, in your not action plan, strengthening the law, doing things like more protection against redundancy for women on maternity leave? The other key area that has come through in our evidence is extending further rights to agency and temporary workers. Do you think the law is strong enough, or do you think it is about enforcement? If it is about enforcement, how are you going to make it better enforced?

Nick Boles: It is about enforcement and the law is very clear on most, if not all, of these issues. Clearly, though, from this research, it is not being followed by many employers and in many situations. However, I certainly did not see any suggestion that the problem was that the law was not sufficiently tough. It was that there were too few employers either aware of it or following it. It is about enforcement rather than changing the law, and we do need to remember that, as well as wanting to insist on true equalities and insist that discrimination is unacceptable, we also want to be ensuring that we are not adding to the burden of regulation on business. So long as we are satisfied, which I think we are, that the law is sufficient, then I think we are right to focus on enforcement.

The difficulty here is that the way this works is that we rely chiefly on individuals who have faced problems to decide to pursue those—ideally to pursue them through a conciliation mechanism, through ACAS, and thereby to both make the individual employer change their behaviour, not just in their case but in all future cases, but also to raise the cost to other employers of not anticipating that this might happen to them too, and informing themselves properly about what the law requires. What we see from the research—I have not got the specific page in front of me—was a very small number of women who felt that they had been at the receiving end of some unacceptable discrimination going to the point of registering a formal complaint about it, whether it was unfair dismissal or whatever else it was.

The question, which is where we started, is about how you encourage more women to take that route. We do not want to change the fundamental way the whole systems works, which does not just work in relation to this kind of discrimination but works with regard to all other employment rights. We do not proactively send enforcement teams into

companies randomly in the same way, for instance, that we send Ofsted into schools. We do not send enforcement teams into companies to check on their employment practices and haul them over the coals if their employment practices are not proper. Our approach, in order to have a reasonable balance of constraint and freedom, is to say, “There are clear rules. It is your duty to understand them and to abide by them, and if you do not, and somebody complains about it then you will suffer through this process.”

Q172 Chair: The fact is that one in 10 women leaves their job as a result of their treatment. At the moment you are right to say that when it comes to tribunal cases, we see an extremely small number of women going to tribunal. Why do you think that is?

Nick Boles: I would not presume to know whether it is that people either do not know about what routes are available to them—that could be part of it—or whether it is that people feel that they frankly have already got quite a lot going on in their lives.

Q173 Chair: You do not think the tribunal fees have any effect.

Nick Boles: I think the point to remember is the tribunal specifically is not the place you go to first. You go to the conciliation route and then you take it on to a tribunal if that does not work. That is now the process: ACAS will direct you into a conciliation process before you go to tribunal. It is the question of why nobody calls in the first place to lodge a claim, as it were. I suspect that there are a lot of people who are put off by the hassle. Also, by definition these are pregnant women; they have got quite a lot else on their minds and on their plates. I do not know quite what the suggestion would be as to how to persuade more of this number of women who, as you said, the report said had left their jobs as a result, to report.

Q174 Chair: What work do you think the Government should do to try to understand that better so that we can get into a better position? If you are saying to the Committee today, which you are very clearly, that you do not really understand why more women are not seeking redress, presumably to resolve the situation you will be trying to find that out?

Nick Boles: Yes, but I do not think we have the capacity or the resources to launch a huge further report. As the Committee knows, when this report was first initiated it took a while to work out how it was going to be resourced, and I am glad we did so. We are not in a position to commission a huge piece of further research. I believe that our main focus should be on trying to actively promote good behaviour by employers, because if we could do that, if we could get more employers to be aware of their duties and responsibilities and of the law, then in a sense we would not need to be encouraging more women to complain when something goes wrong.

I do accept that it is a worry that relatively few women in this position seek redress. Whether they feel that they do know but they do not want to, or whether they do not know about what are the avenues open to them, it would be good if more of them were to take up the avenues that are available.

Q175 Angela Crawley: I wanted to say first of all that we have heard a great deal of evidence that suggests that tribunal fees are a barrier and that the time limit is an issue for many women. Three months is not enough time for women to take that action. You do seem to have a great deal of faith in ACAS and in the Health and Safety Executive, both to

implement the health and safety regulations and to ensure that there is mediation. The fact is that for many of these women that is far too late in the process. I just really wanted to bring you back to the earlier point about early intervention and how you are going to ensure that information is out there, both for employers and employees. You have ruled out the possibility of a centralised website, but ultimately what we keep hearing time and time again is that clear unequivocal guidance available to everyone would help to mediate many of these issues that we are now discussing. Why have you ruled these things out?

Nick Boles: Can I just pick through a few pieces? I will come back to your main question, but you said a few things in advance. It is important to understand, on the time limit for lodging a claim, that the tribunal can waive that time limit and extend it if they believe that it is justifiable in the circumstances to do so. While it is desirable that people should lodge their claim within three months, it is not impossible for the claim to be heard if it comes in later.

On the general point that you make about how we are going to change behaviour, it is about communicating in a cleverer way than we have been able to do, and we have had some discussions about that. I do not want to say that I have ruled out altogether a new website. It is just that if I could get a bottle of wine for every time somebody has told me that the solution to all ills is a new website, I would have a very full wine cellar. I do not think we should rush to that. If all of the organisations involved themselves conclude that it is a good idea for all of them for there to be a universal front website that then led people into the different things, they are the experts. I would rather follow their advice. I just do not want to rush to that conclusion that that is somehow the solution to all ills, because I am quite aware, as members of the Committee will be, that Governments litter websites behind them, just because they want to announce a new policy or a new programme. It is about being cleverer about that communication.

I am afraid I cannot bring forward any specific details, because, as I say, we are at a reasonably early stage of thinking about these behavioural interventions. The kind of discussion we were having—whether we can do something with organisations like Facebook or whether we can piggyback off other communications that Government are already making with individuals, whether it is employers or employees, to make them more aware of their rights, or, for employers, their responsibilities—is the kind of thing we should be thinking about. As part of that, I would very much want to be exploring with ACAS and others how we can ensure that more women know that the tribunal process and/or the conciliation process is one that is available to them, and that that can produce a satisfactory outcome, as indeed it does with many who do go through it. It is just that the number of those who go through it is smaller than we would like.

Q176 Ben Howlett: I probably do owe you a couple of bottles of wine for the amount of times I have ended up suggesting it. I also consider this website issue, by the way. If you condense six websites into one website, you are ultimately tackling the bureaucracy that people have to go through in order to access the information. Sometimes a streamlined website process can be a good thing. I do not know who owes who the bottle of wine on that basis.

However, regarding the Government's response on recommendation 5a, in light of its review the Government announced in June 2015 the start of a post-implementation review of the introduction of fees into employment tribunals. That is obviously underway at the moment,

and the grounds on which discrimination is taken into account will actually be reported on; we do not know the timeframe for that, so perhaps you might be able to give us an update in terms of the timeframe. When they are looking at all grounds of discrimination specifically, will this review look at pregnancy and maternity discrimination?

Nick Boles: I am afraid I am not the absolute expert on this, because it is a Ministry of Justice-led review. We are just waiting for the review to complete and are adding input to it. What I do not know is what other things they are doing in the review. I would be very happy to ask a Ministry of Justice Minister to write to the Committee, or I could write having secured that information. I am afraid that I do not know off the top of my head.

Ben Howlett: If you could that would be really useful, particularly with the levels of discrimination being talked about here.

Q177 Chair: The final question from this section is around the fact that you have already agreed to review the existing guidance and accessibility of good employment advice services. What plans do you have to improve access to good quality, free legal advice to employees? We find that many of the cases are so different it is very difficult to give stock support. What plans have you got to do that, given the scale of the problem that we have here? Will more funding be available to do this, and, if so, to which organisations?

Nick Boles: I do not know if any of the Committee have ever called the ACAS line, because they now have a responsibility for a lot of the advice on employment rights through that line. It is a remarkably impressive, sophisticated and deep expertise that they are able to offer people. That hotline is obviously available for free to anyone who has an issue.

Q178 Chair: Are you saying that ACAS can provide the free legal advice that is necessary?

Nick Boles: Yes, I obviously want to be a little bit careful about when legal advice becomes something that means you have to have a contract and all of that. However, for advice on people's employment rights and on the abuse of those employment rights, ACAS absolutely runs that service and it does an excellent job. In my view, it has more than adequate funding to do so. We are not planning to invest more in this. Again, it returns to what we are talking about; it is making sure that people are aware that this exists and somehow feel that it is not a very daunting matter to use it, because those who do use it express a great deal of satisfaction with it.

Q179 Jo Churchill: Going on to working with employers, as I alluded to with the health and safety, there is a worrying attitude amongst employers. This is particularly to do with the difference between SMEs and larger employers around the lack of awareness. There were some startling figures, such as 70% of small employers felt that women should declare if they were pregnant at the point of being recruited, whereas that was only 37% in some of the large employers. The other one that I found quite startling was 18% of SMEs found additional maternity leave was difficult to manage. Only 3% of larger employers did. That is the 26 weeks at the end. There is probably something quite simple that can be done to aid the small employer in some of these areas. What specific actions are the Government likely to take or thinking of taking to raise awareness amongst firms, particularly small firms, as far as their legal responsibilities go?

Nick Boles: First, to be clear, you are right that their legal responsibilities are clear, and I was also shocked by this suggestion that 70% would like to be able to ask a question that it is illegal to ask and has been illegal for a very long time. I can understand why somebody who employs one person might wish to know. That is different from it being at all reasonable or legal to ask; it is not. We therefore need to do a better job of working with perhaps the Federation of Small Businesses to get this information out there. However, again that is why I keep on coming back to this point about innovative forms of communication. I have a hunch that the people who read the FSB's guidance on employment practices and discrimination are probably not the people who are going to make the mistakes. It is the people who are not even a member of the FSB or do not read any of its guidance. We need to be clever about it if we can. One of the things is that you cannot overload these things.

There is one organisation that we know communicates with every single employer in the country, and that is Her Majesty's Revenue & Customs. Can we talk to them about maybe putting a message somewhere in one of their communications? The trouble is literally every branch of Government is trying to load, like a Christmas tree, on an HMRC communication. We need to think about that. DVLA does not necessarily communicate with every employer but probably does because most employers will have some kind of vehicle. That is what I would like to focus on more, rather than just saying, "Of course I will talk to the FSB about it." They have a fantastic person on their board, who was at this dinner last night; she is a young woman who set up her own motorcycle repair business that is now tremendously successful. She is on the FSB board and she is a remarkable woman. If the Committee is ever looking for a witness, I would recommend her. Of course we will talk to them, but it is trying to think inventively about how you communicate to the people who do not read standard Government communications. That is the sort of essay question.

Q180 Chair: Do you not make them concerned about the consequences?

Nick Boles: Yes, but how do you get them to be concerned about the consequences if nobody takes them to the tribunal?

Q181 Jo Churchill: An additional point that I would put there is about what the cost of that enforcement is to us and the taxpayer if it is not blanket? It is like, if you are not going to get caught not putting a parking ticket on your car because there are no parking enforcement officers, you are going to not put the ticket on. For me, there is a balancing act here. Those were the specific actions and really that is the practical support as well, within it, rolled up into that, is it not? You are looking at that. What happens if awareness-raising, practical support and specific actions are not effective? Will you just give more carrots, or do we need a bit of a stick?

Nick Boles: If I may, I will share with the Committee one of those slightly unsatisfactory but complex conversations that I have had recently. I felt that this might be a classic area with potential for some kind of a naming-and-shaming scheme. We had a naming-and-shaming scheme with the minimum wage. It does make a difference when employers are listed for naming and shaming because they have broken the minimum wage legislation. I tell you: they really mind and they fight quite hard not to be named and shamed often, and write letters. I said, "Is this not a perfect place to do naming and

shaming?”. As the Chairman suggested, if we raise the cost to people of breaking the law—not just the financial cost but the reputational cost—that might have an effect.

Of course, the very good advice comes back that through the tribunal process, if something is resolved at conciliation—and generally speaking we prefer things to be resolved at conciliation because it reduces the costs for everybody—there is no finding of fact. Therefore, even if there is a conciliation process where somebody has complained about discrimination, they have taken it to the first stage of conciliation at ACAS and then they have reached an agreement because ACAS has brokered an agreement through conciliation, as there is no finding of fact you cannot then list those employers. It is relatively few that go on to a tribunal. Would, therefore, we be implying that the problem is less big than it is if we only named and shamed people who had gone to tribunal because it is only in tribunal that there is a finding of fact?

I am going to go on looking for methods of raising the pain that is felt by those who continue in these practices, but I wish I could pretend to the Committee that it is as simple as one might like to find a cheap—because we have not got extra budgets—efficient, targeted and effective method for raising the pain to employers of this practice.

Q182 Jo Churchill: What you have said about how difficult that is has virtually mirrored the answer that we got from the EHRC in the last evidence session. Looking at the last point, would you provide a financial incentive, because some of the report alluded to us increasing, particularly to SMEs, the amount of statutory maternity pay, for example? If you then connected the additional financial support and incentives to businesses, like statutory maternity pay going from 103% to 115%, for example, but that was then predicated on the amount of women still in employment after a year and if not you clawed back some of that additional money, would that not provide some degree of incentive? Nobody likes losing money.

Nick Boles: It is an interesting and inventive suggestion. I personally just have to do the boring Government Minister thing of saying, “There is no money. We have set budgets and we are not in the business of raising public spending. We are trying to cut it.” My understanding was that small employers do already get reimbursed at a higher rate.

Q183 Jo Churchill: They get 103% currently but there were suggestions by a couple of bodies within this report that actually that was one of the mechanisms you could use to provide an uplift to between 105% and 115%. It goes straight to the SME to cut out some of the administrative function of it because again, going back to the body of the report, 28% of small firms said that pregnancy puts an unreasonable cost on them compared to only 9% in larger businesses. Taking that into account, some degree of financial remuneration to encourage them into doing the right thing at all stages with female workers might be a way to look at this.

Nick Boles: I do not want to tell the Committee what the Committee knows all too well. We can only consider things that genuinely have no net cost. If there is a way of constructing such a scheme that net-net-net has no net cost, then I will be very happy to look at it. It also needs to be cheaply enforceable. It is not just the actual cost of passing payments to employers; it is also the administration cost of running the scheme and the no-net-cost rule has to apply to those costs as well as the costs of payments. I am very happy to look at any suggestions that do pass those requirements.

Q184 Jo Churchill: Could you not look at perhaps fining large businesses, 89% of whom found it easy to facilitate time off to attend appointments related to pregnancy but 11% did not? I found that quite difficult to take on board with regards to large employees employing over 250 workers: that 11% were still not complying with something as simple as that. Would a fine there not help to incentivise smaller businesses?

Nick Boles: I would be very happy to take a worked-up proposal on that.

Q185 Ben Howlett: This ties in quite neatly to what Jo has just been talking about. If you are looking for a no-net-cost solution to this, then we are still awaiting the response back from the gender pay gap report, and obviously the reporting function that has been requested by Government for those businesses above 250 people, although that will not necessarily help with those small businesses.

You may not be able to answer this, because it might give something away, but would you be interested in introducing a one year after returning from maternity leave and one year after making a flexible working request reporting function as part of the gender pay gap reports that businesses are going to have to produce anyway?

Nick Boles: I do not want to discourage members of the Committee from coming up with interesting ideas because Government are often not very good at it. I would just caution against the perhaps implied presumption that reporting requirements are not themselves a regulatory cost on business. We would need to evaluate that. I can certainly see the attractions as it were, in terms of the information that would bring forward. We have introduced quite a lot of new, different things in the last year. I know that it is frustrating, in a sense, when one feels that Government should be going further. However, we would probably want to allow those interventions to bed in, see what information we get back and see whether it drives a change in behaviour before we start adding a whole lot more.

Q186 Ben Howlett: I know exactly what will end up happening: a lot of people will end up putting up their hands, saying, “More red tape—run away!” In terms of monitoring, very specifically, who is going to be responsible for monitoring pregnancy and maternity discrimination outcomes in the report?

Nick Boles: I am the lead Minister for it in BIS. Obviously the different agencies have their different bits of responsibilities. I am not actually technically an equalities Minister, though you might have thought it after my regular appearances at this Committee. The Equality and Human Rights Commission does not technically report to me but, as the BIS Minister responsible for employment rights, I will be leading on the following through of the recommendations that the Government accept.

Q187 Ben Howlett: Have you considered what performance measures you are going to be looking at yet?

Nick Boles: No, I try to keep things simple. What I wanted to see was progress on all of the recommendations that we said that we accept, so that is progress on communicating with employers and progress on the guidance of the Health and Safety Executive—progress on both of those things.

Q188 Ben Howlett: I do not want to repeat what was asked earlier on in terms of timeframes. I understand that obviously you have come in front of us on a number of

occasions and we do not want to end up asking you to come in every single year, but we have a responsibility to look at the figures that are being expressed to this Committee and thus ask you to come back and report to the Committee in terms of progress on the response. It has only been a couple of months since the Government responded but what sort of timeframe would you be looking for?

Nick Boles: I said earlier that in a year, while I could not promise to have any data about whether this was happening less, because that data is not something that we are currently able to collect, I am very happy to come back and say what we have done and what effect we think what we have done might be having, and what evidence we have for that. You said you did not expect me to come here every year; I would be disappointed if I did not get an invitation at least once a year, just maybe not once a quarter.

Q189 Ben Howlett: It depends how many times I can bring up websites and how many bottles of wine you want, but absolutely. In terms of the performance reporting that you will be looking at over the next couple of months, what work will you be doing with the Equality and Human Rights Commission in putting forward a series of different KPIs?

Nick Boles: This is rather straying into the question of an action plan. We can overcomplicate life. We have some quite clear recommendations. We have not accepted all of them. We have accepted almost all of them. They generate work and I am going to get a regular report from the lead officials in this area on how that work is going, not least because I know that probably in about 12 months' time I will be back in front of you having to tell you and satisfy you that we have done what we said we would do. I do not think it requires KPIs. I just need to see progress.

Q190 Ben Howlett: What would you consider good progress to look like?

Nick Boles: We would like to see that all of these different bodies have done what they need to do. I do not want to repeat everything, but we would like to see that the Health and Safety Executive has done what it needs to do with its guidance; that ACAS has done what it needs to do to try to communicate better to more employers, but also to more employees about what avenues of redress are available to them and also what advice is available on their excellent service; that we have worked with the commission on developing some of these more innovative ideas about how to communicate with employers and explored whether any of them are possible. They will not necessarily have actually happened but certainly a decision should have been made about what we can do and what we cannot do across all of the recommendations that they have made and that we have accepted.

Q191 Ben Howlett: I appreciate that. In 2020, we could be coming back here and asking the same questions again. We could still be seeing that 70% of women, according to a survey that is yet to be commissioned, are saying that they have also been discriminated against. I hope that is not the case. We all agree that we do not want that to be the case but ultimately we have a responsibility to make sure that we are asking and holding to account the right—

Nick Boles: I entirely agree that that is a very valuable role that the Committee can play, but I do not think that it requires KPIs to update guidance; just get on and update the guidance and tell me when you have done it. That will be true of all of these things: review these different information packages that you are putting together and tell me which ones

we are able to do, when, how they will be done, what they will say and who they will go to.

Q192 Ben Howlett: My very last question relates to what the Cabinet Office is doing regarding our universal responsibility to hit our sustainable development goals. Obviously maternity discrimination is a part of those, and we are internationally targeted as a part of that, because that has just recently been announced. Will you be working with the Cabinet Office in ensuring that this fits in with the overall goal 5 strategy, which we will have hopefully received a report on by the end of the year?

Nick Boles: I am not sure if I am a great expert on this but I am always happy to work with the Cabinet Office, and if it is an appropriate part of that work then of course I will be happy to take that up with Matthew Hancock.

Chair: Minister, you are responsible for employment rights at a time when we have got record numbers of women in work. That is throwing up new challenges for employers; this is just one of them. I do not think any of us should forget the 700,000 babies born every year in this country, and many of those mums are working and three quarters of those that are working are suffering some sort of discrimination. I hope the progress that we see is that fewer of those suffer discrimination. I hope that is an objective you share and I look forward to your response to our report when we publish it.

Nick Boles: Absolutely, thank you very much.