

Written evidence submitted by Pregnant Then Screwed (CVG0032)

1. About

Pregnant Then Screwed is a charity that seeks to protect, support and promote the rights of pregnant women and mothers. We carry out extensive research into the effects of systemic cultural and institutional discrimination during pregnancy and motherhood, as it relates specifically to employment. Our support services include a free legal advice line, a flexible working hotline, an employment tribunal mentoring service and, currently, a Covid-19 helpline, as well as in-person and online events. In the last 12 months, we have documented almost 3,000 cases of maternity-related discrimination at work, provided 1547 women with free legal advice, supported 220 women to obtain flexible working and supported 51 women to take their cases to employment tribunal.

Since pregnant women were classified as ‘critically vulnerable’ to Covid-19 (16th March 2020), we have provided direct advice to almost 2,500 pregnant women and mums on their employment rights, redundancy protections, childcare options and furloughing. **From April through to June of this year, our free legal advice line received five times as many calls as usual.**

2. Evidence Submission

This submission is supplementary to our previous evidence to the *Unequal impact: Coronavirus (Covid-19) and the impact on people with protected characteristics* in which we provided evidence of widespread employment rights violations among pregnant workers, particularly BAME pregnant workers and healthcare staff. Here, we provide further data on the impact of childcare closures based on research carried out by Pregnant Then Screwed in June.

2a. Gendered impact of childcare closures

1. Extensive research already exists on the unfair division of domestic labour and childcare in the home. We believe this has been further exacerbated by the closure of childcare settings and schools during the lockdown period.
2. In June, we surveyed 3,686 pregnant women and mothers to understand the impact of childcare closures on their careers during the Covid-19 pandemic¹. We found that:
 - **57% of employed mothers believe that managing childcare responsibilities alongside their paid work during the pandemic has harmed their future career prospects.**
 - 78% of working mothers found it challenging to manage childcare and their paid work during the lockdown period.

- 25% of these mothers told us their employers offered them no flexibility during this time despite the challenges presented by lack of childcare.
- 48.6% of all working mothers felt forced to send their children back to nursery and school.

2b. Gendered impact of government's economic support package

We welcomed both the job retention scheme (JRS) and the self-employed income support scheme (SEISS) but found that where gaps existed these largely penalised women.

3. **The calculation for SEISS grants has discriminated against women who have had children in the last three years.** Under current guidance, periods of maternity leave are not exempt from calculations and consequently the inclusion of these periods of reduced pay serves to dilute the amount that a woman could be entitled to.
4. Since we first issued a pre-action letter to the Chancellor informing him of our intention to bring legal proceedings, HMRC has exempted maternity leave taken in 2018/19 from SEISS calculations, but not previous years. Following exchanges with HMG's legal team, the government has suggested that it is lawful to treat maternity-related leave as being no different to a period of ill-health or a holiday. We disagree. Both men and women can take sick leave and a holiday - only women take maternity leave.
5. According to the most recent data available, this 'blindspot' in the SEISS calculations has impacted c.86,640 women. On Friday 10th July, Pregnant Then Screwed, with the support of Doughty Street Chambers and Leigh Day, formally began legal proceedings against HMG with a view to seeking a judicial review of SEISS.²
6. **The late introduction of furlough for those with caring responsibilities caused financial hardship predominantly for women.** The JRS was eventually expanded to include those with caring responsibilities. However this came too late for those parents who were forced to take unpaid parental leave, dependents leave or annual leave in order to cope with the closure of schools and childcare settings. We know from reports to our advice line that some employers have refused to furlough parents on this basis. Single parents, 90% of whom are women, were particularly impacted by loss of income in those intervening weeks and by the refusal of their employers to furlough them.³
7. **The decision to take unpaid leave or furlough is linked to the gender pay gap.** Evidence suggests that it has largely been women that have been furloughed by reason of caring responsibilities and/or taken unpaid leave. While this may in part be influenced by gendered stereotypes around care, we believe that for many two-parent households this is a financial decision, rooted in the gender pay gap; it makes more financial sense for the

person taking the unpaid leave or 20% pay cut to be the lower earner - in most female-male households, the lower earner will likely be the mother.

8. **Failure to introduce part-time furloughing as a day-one option has led to unfair division of domestic labour.** While this is now an option under the ‘flexible furlough scheme’, we believe that had it been an option from the outset, we would have seen a fairer division of domestic labour. Additionally, making it possible for women to maintain their jobs and career momentum, albeit on a part-time basis, reducing the risk of those women being earmarked for redundancy.

2c. Redundancies

9. We know that in times of economic crisis, pregnant women and mothers are particularly vulnerable to redundancy⁴. They are often seen as a burden, distracted and unfocussed. We support Maria Miller’s bill to enhance redundancy protection for pregnant women, those on maternity leave and returning mums, but are disappointed that this will not come before parliament for its second reading until October, given the widespread and immediate job losses expectant and new mums are now facing.
10. Research by the IFS found that mothers are 47% more likely than fathers to have permanently lost their job or quit and are 14% more likely to have been furloughed. **We are currently collecting data on the link between furlough, childcare and the increased chances of redundancy and would welcome the opportunity to present that final data to the committee.**
11. In June, we found that 20% of pregnant women who expected to lose their jobs during the pandemic thought their pregnancy would be a factor in their redundancy.
12. We also found little change in the number of pregnant women suspended from work on incorrect terms; 8.1% of pregnant workers have been suspended on sick pay, annual leave, unpaid leave or made to start maternity leave early (down slightly from 8.3% in April).
13. Research carried out by the TUC with the support of Pregnant Then Screwed found that 25% of pregnant women had suffered discrimination during the pandemic as a result of their pregnancy.⁵

3. Conclusion and Summary of Recommendations

The biggest enabler of maternal employment - childcare - has been a mere afterthought in the government’s response to the pandemic. The childcare sector is already under immense financial strain due to a £660m shortfall in funding. It has been fed a ‘one-size fits all’ financial support

package that does little to meet the bespoke challenges it is facing. Without urgent intervention by the government, we risk seeing a collapse of the sector which will have a detrimental impact on maternal employment and economic growth.

We have seen an erosion of the employment rights and economic freedom of women that have been driven back into the home, particularly pregnant women and mothers. This has proven how fragile and slight our 'progress' has been. If we are to 'build back better' and create an economy that works for everyone, we need radical solutions and more robust protections for workers.

In addition to the recommendations we provided to the main inquiry, on the particular issue of gendered economic impact we recommend that this committee:

14. Asks HMG to provide urgent and critical funding for the childcare sector. This will help to preserve jobs in a sector where 94% of employees are female and maintain provision for parents returning to work.
15. Urges HMG to recommend universal free childcare from nine months in order to reverse the inevitable downturn in maternal employment and create jobs.
16. Urges HMG to introduce mandatory reporting by employers to the Equality and Human Rights Commission (EHRC) on the demographics of furloughed employees and those made redundant in order to ensure that pregnant workers, mothers and those with protected characteristics are not singled out. Such reporting should include whether that employee was furloughed for childcare reasons or whether they had taken parental leave or dependent's leave during the pandemic.
17. Asks HMG what support will be given to pregnant workers who suffered financial detriment or discrimination during the pandemic?
18. Calls on HMG to extend the time limit for employment tribunal claims to six months.
19. Instructs a further review of pregnancy and maternity discrimination in 2021.
20. Urges HMG to exempt maternity leave from SEISS calculations and correct previous payments.
21. Calls on HMG to make all jobs flexible by default.
22. Calls on HMG to ensure greater female representation on the Coronavirus 'war cabinet' so that government policy better reflects the specific challenges this pandemic presents for women.

July 2020

Endnotes

¹ <https://pregnantthenscrewed.com/research-and-insights/>

² <https://www.telegraph.co.uk/money/consumer-affairs/self-employed-mothers-launch-legal-action-against-chancellor/>

³ [https://www.gingerbread.org.uk/what-we-do/media-centre/single-parents-facts-figures/#:~:text=Single%20parents%20today,single%20parents%20are%20women%20\(iii\)](https://www.gingerbread.org.uk/what-we-do/media-centre/single-parents-facts-figures/#:~:text=Single%20parents%20today,single%20parents%20are%20women%20(iii))

⁴ <https://www.equalityhumanrights.com/en/managing-pregnancy-and-maternity-workplace/pregnancy-and-maternity-discrimination-research-findings>

⁵ <https://www.tuc.org.uk/research-analysis/reports/pregnant-and-precarious-new-and-expectant-mums-experiences-work-during>