

# **Work it out:** parenting and employment in Wales

July 2018



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# **Work it out:** parenting and employment in Wales

July 2018





## About the Committee

The Committee was established on 28 June 2016 to examine legislation and hold the Welsh Government to account by scrutinising expenditure, administration and policy matters encompassing (but not restricted to): local government; housing, community regeneration, cohesion and safety; tackling poverty; equality of opportunity and human rights.

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### Committee Chair:



**John Griffiths AM**

Welsh Labour  
Newport East

### Current Committee membership:



**Gareth Bennett AM**

UKIP Wales  
South Wales Central



**Janet Finch-Saunders AM**

Welsh Conservatives  
Aberconwy



**Siân Gwenllïan AM**

Plaid Cymru  
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**Jenny Rathbone AM**

Welsh Labour  
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Alyn and Deeside



**Bethan Sayed AM**

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South Wales West

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**Recommendation 31.** We recommend that the Welsh Government reviews and improves the advice and information available through Careers Wales for parents returning to work, and provides training for careers advisers on pregnancy and maternity issues. ....Page 63

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**Recommendation 34.** We recommend that the Welsh Government should make representations to the UK Government to:

- increase the time limit for bringing a claim in maternity and pregnancy discrimination cases from 3 to 6 months;
- provide the right to request flexible working from day 1 of a job;
- enhance the level of Maternity Allowance provided to the self-employed in the first 6 weeks to bring it in line with Statutory Maternity Pay for

employed people, and extend shared parental leave to self-employed fathers;

- extend redundancy protection for women returning to work after maternity leave, similar to the German model;
- increase the level of Shared Parental Leave and reduce the complexity of the system; and
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## Chair's foreword

In 2016, an Equality and Human Rights Commission survey discovered evidence of widespread workplace discrimination related to pregnancy, maternity and parenting. Over the past two years, we have touched upon this issue in a range of our other work, from Communities First to the impact of Brexit on human rights. We decided it was timely to explore this issue in depth, especially with individuals that have experienced discrimination firsthand.

Those voices are at the heart of our work. We held three focus groups, and ran an online discussion alongside a public consultation. We heard some shocking individual experiences: women who lost their jobs during maternity leave, careers derailed because of the lack of flexible work, and fathers prevented from taking on caring responsibilities because of cultural attitudes. These stories have directly influenced our conclusions and recommendations.

Preventing a large proportion of the population from contributing their skills and experience to the workforce is not fair and does not make economic sense. In light of technological, social and economic changes, now is the time to modernise workplaces so that they are fit for the future for everyone, not just parents.

While employment law is not devolved, the Welsh Government still has a key role in eradicating discrimination by modernising workplaces and strengthening the obligations on public bodies, and private and voluntary organisations that receive public funding.

“While legislation and regulation are important to protect women from pregnancy and maternity discrimination, sustainable change will only be achieved if we are able to shift culture and attitudes so that care is no longer seen as a women’s issue and our workplace structures enable parents to effectively balance work and care.”

*Chwarae Teg written evidence*

We think the Welsh Government should:

- promote flexible working;
- ensure that public bodies, and businesses and charities in receipt of public funding take responsibility to eradicate discrimination;
- reassess the new Childcare Offer;
- encourage culture change;

- improve data collection, and
- enhance the provision of advice and information.

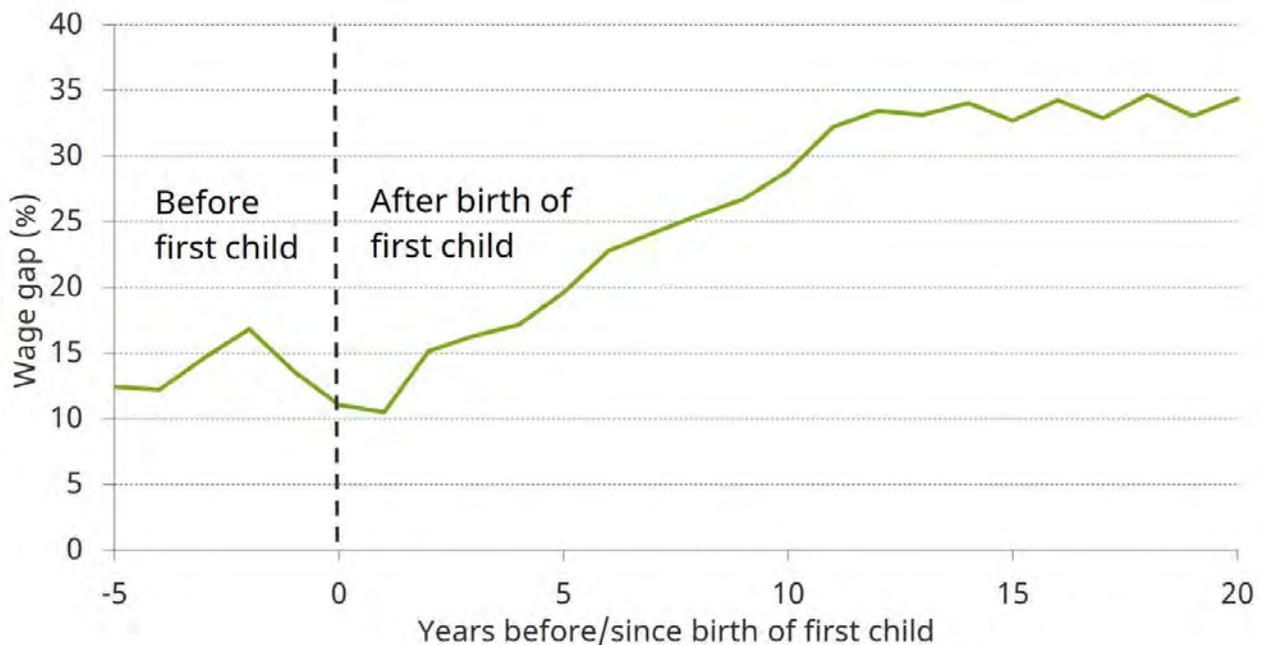
We have made recommendations that we consider will contribute to the reduction of gender inequality in work and childcare, and want the Welsh Government to take immediate action.

John Griffiths AM  
Chair



# 1. Introduction

1. Having children has a life-long effect on women’s employment rates, career opportunities and income. A startling proportion of women either do not go back to work after having children, or return to lower-paid, part-time jobs to fit around childcare.
2. The same impact is not felt by fathers.
3. The employment rate for women with dependent children in Wales is 75%, and 91% for men with dependent children.<sup>1</sup>
4. The Institute for Fiscal Studies (IFS)<sup>2</sup> confirmed that before the first child is born, the employment rates of men and women in the UK are almost identical. Between the year before and the year after the birth of the child, men’s employment rates barely change. But women’s employment rates drop by 33 percentage points (ppts) for those with GCSEs, 19ppts for those with A-levels, and 16ppts for graduates.
5. By the time the first child is aged 12, women’s hourly wages are a third below men’s. When the child is aged 20, women’s employment rates still have not caught up with men’s.



Source: Institute for Fiscal Studies (IFS) (2016) [The gender wage gap](#)

<sup>1</sup> Office for National Statistics (ONS) (2017) [Families and the Labour Market: Employment of men and women living with and without dependent children, Wales, table 2](#)

<sup>2</sup> Institute for Fiscal Studies (IFS) (2016) [The gender wage gap](#)

**6.** The [UK Government's Women's Business Council](#) estimates that equalising the economic participation rates of women and men could grow the UK economy by more than 10% by 2030.<sup>3</sup> Employment rates in Wales are 69% for women and 77% for men,<sup>4</sup> but 43% of working women are in part-time jobs, compared to 15% of men<sup>5</sup>. As a result, the gender pay gap is 15% for all employees (full and part time).<sup>6</sup>

**7.** By 2030, one in five UK workers will be a mother.<sup>7</sup> Without significant changes to workplace structures, gendered assumptions about childcare, and the eradication of discrimination, mothers will continue to be more likely to be trapped in part-time, low-paid work with fewer opportunities for career progression. This is a key cause of gender inequality, and represents a loss to the economy.

## The scale of the problem

**8.** Women's employment rates in the UK increased by a third between 1971 and 2018, from 53% to 71%.<sup>8</sup> But it was clear from the evidence to this inquiry that many workplace structures have not caught up with changes to the workforce.

**9.** The Equality and Human Rights Commission's (EHRC) [survey](#)<sup>9</sup> into the prevalence and nature of pregnancy discrimination and disadvantage in the workplace revealed some shocking findings.

**10.** It found that up to 54,000 women in Britain lose their jobs each year because of discrimination,<sup>10</sup> either by being dismissed, made redundant where others in their workplace were not, or treated so poorly that they had to leave their job.

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<sup>3</sup> UK Government, [Women's Business Council](#)

<sup>4</sup> StatsWales, [Employment rate by Welsh local area, year and gender \(year ending 31 March 2018\)](#)

<sup>5</sup> StatsWales, [Status of employed persons by Welsh local authority and measure \(year ending 31 March 2018\)](#)

<sup>6</sup> Office for National Statistics (ONS) Annual survey of hours and earnings (ASHE), [Gender pay gap by home geography, for all jobs \(full and part-time\) - table 8.12](#), October 2017

<sup>7</sup> Department for Work and Pensions (2001) "Britain in 2010", referenced in Work Foundation (2005) [Changing demographics](#)

<sup>8</sup> ONS, [Female employment rate \(aged 16 to 64, seasonally adjusted\)](#), June 2018

<sup>9</sup> Equality and Human Rights Commission (EHRC) (2016) [Pregnancy and maternity discrimination research findings - employers research report](#) and [mothers research report](#)

<sup>10</sup> Equality and Human Rights Commission (EHRC) (2016) [Pregnancy and maternity discrimination research findings - mothers research report](#), page 22

**11.** Our evidence suggests that women are most likely to leave their jobs in the months after returning to work. After being out of their workplace for an extended period, mothers have to update their skills, negotiate working patterns, and manage the care of a small child or children. Employers often add more unnecessary barriers, by not offering flexible work, assuming that mothers are not interested in promotion, reducing their responsibilities, or even making them redundant.

**12.** The EHRC survey found that 87% of employers in Wales feel it is in the best interests of organisations to support pregnant women and those on maternity leave. However, it also found that:

- 71% of mothers reported **negative or discriminatory experiences** as a result of having children;
- 10% of mothers **felt forced to leave their job**, and 15% reported a **financial loss**;
- 46% of mothers reported a **negative impact on their career** (opportunity, status, job security);
- 14% of mothers reported **harassment or negative comments, and**,
- A higher proportion of establishments in Wales (10%) than elsewhere in GB **offered no flexible working practices** (compared to 4% in England and 3% in Scotland).<sup>11</sup>

**13.** Those findings were reinforced by individual contributions to our inquiry. We heard from a significant number of mothers who were made redundant during pregnancy or maternity leave, or whose role was changed or responsibilities reduced without consultation. Others could not find flexible employment to fit around childcare despite the legal right to request flexible working, and were forced into low-paid, precarious self-employment.

**14.** Several respondents also highlighted the bias against women of childbearing age during recruitment, pay and promotion decisions, whether they had children or not. We were also told that cultural attitudes and workplace structures prevent men from taking on caring responsibilities.

**15.** Some incidents described by our respondents could be deemed unlawful if taken to tribunal. But as we were told by Your Employment Settlement Service

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<sup>11</sup> EHRC (2016) [Pregnancy and maternity-related discrimination: summary of key findings](#), page 12

(YESS), even before tribunal fees were introduced,<sup>12</sup> only 3% of women who experienced discrimination brought claims against their employers.

**16.** This unfair treatment is entirely avoidable, but there are signs that it is increasing. The Advisory, Conciliation and Arbitration Service (Acas) received 14,000 calls in 2016 related to pregnancy and maternity discrimination, a 10% rise on the previous year.<sup>13</sup>

**17.** This is despite UK legislation to protect against such practice. Employment and equality law is not devolved. Pregnancy and maternity is a protected characteristic under the Equality Act 2010, which means that discrimination because of pregnancy and maternity is illegal.

**18.** In addition, Regulation 10 of the Maternity and Parental Leave Regulations 1999 requires that when a woman faces redundancy during her maternity leave, if there is a suitable alternative job it must be offered to her.

**19.** A woman who feels discriminated against because of pregnancy or maternity can make a discrimination claim in the employment tribunal. Fees to bring an employment tribunal claim were abolished in 2017 following a Supreme Court case, which found they were unlawful and discriminatory against women.

**20.** Nonetheless, the Wales TUC told us the law is often flouted, and this is happening on “an industrial scale”.<sup>14</sup>

## Recent developments

**21.** On International Women’s Day 2018, the First Minister made a range of ambitious commitments on gender equality,<sup>15</sup> including:

- moving gender to the forefront of all decision-making;
- using procurement powers to promote equality; and
- ensuring that the new Economic Action Plan and Employability Plan “deliver on the rhetoric in relation to gender”.

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<sup>12</sup> Tribunal fees were introduced by the UK Government in 2013, but they were ruled to be an unlawful interference with the right of access to justice by the Supreme Court, and quashed in 2017.

<sup>13</sup> [PMW06 Federation of Small Businesses \(FSB\)](#), page 1

<sup>14</sup> [PMW13 Wales TUC](#), section 2

<sup>15</sup> [Welsh Government, First Minister’s speech to Oxford University, 8 March 2018](#)

**22.** A “rapid review” of policies<sup>16</sup> is currently being undertaken to begin this work. We welcome these developments, and the rapid review. However, gender inequality is not a new phenomenon, and Wales needs bold action to deliver real and lasting change. We think our conclusions and recommendations provide a useful contribution to the work.

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<sup>16</sup> Welsh Government, [Rapid Review of Gender Equality – Terms of reference](#), 17 April 2018



## 2. Flexible working is key to reducing the gender pay gap

The Welsh Government's 2018 [Employability Plan](#) commits it to “work[.] with businesses and organisations to encourage more flexible work practices” and to reduce the gender pay gap. The primary purpose of the new Childcare Offer is to help parents, particularly mothers, return to work or increase the hours they work.

We think that an ambitious commitment by the Welsh Government and its partners to modernise working practices in Welsh workplaces has the potential to strengthen the Welsh economy by increasing productivity, improving maternal employment rates, increasing the number of women in senior roles and reducing the gender pay gap.

**23.** Flexible working does not just mean part-time work. It includes any way of working that suits an employee's needs, like job-sharing, flexible start and finish times, working from home, compressed hours, term-time working, annualised hours and many more.

**24.** A large number of submissions to our inquiry cited flexible working as the key to encouraging women to return to work after having children, and to supporting career progression. Respondents also highlighted the importance of allowing flexibility for men as well as women to help share childcare responsibilities more equally.

**25.** The Institute of Leadership and Management (ILM) reports that 82% of managers think that flexible working is beneficial to their business, generating improvements in productivity, loyalty and retention of staff, while 62% think it helps organisations better respond to customer need.<sup>17</sup>

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<sup>17</sup> Institute of Leadership and Management (ILM) (2013) [Flexible working: Goodbye nine to five](#), page 3

## A lower proportion of employers in Wales offer flexible working than in England and Scotland

**26.** The EHRC survey found that Wales had the highest proportion of employers that offer no flexible working at 10% (4% in England and 3% in Scotland). Our evidence indicated that finding flexible work was extremely difficult, if not impossible. Even when employers offer flexible working, in practice it does not always meet the needs of employees.

**27.** All employees have had the legal right to request flexible working since 2014,<sup>18</sup> but many witnesses stated that requests are often handled inconsistently, sometimes unfairly, and occasionally illegally.<sup>19</sup> The EHRC told us that half of mothers who had requests approved felt that they received some sort of unfavourable treatment afterwards.<sup>20</sup>

**28.** Anna Whitehouse, founder of the Mother Pukka blog, highlighted that flexible working requests are often handled in a “cloak and dagger” manner.<sup>21</sup> She and other witnesses, including YESS, considered that there is very little support and advice for either employees or employers during the period in between an initial request for flexible working and bringing a case to tribunal (or an employee leaving their job).

**29.** A Committee focus group suggested that inconsistencies in the handling of flexible working requests stems from the fact that the onus is on the employee to prove that flexible working would work, rather than on the employer to prove why it would not.<sup>22</sup>

**30.** Respondents put forward a range of suggestions to achieve necessary change. One respondent considered that “public sector organisations should be made to advertise a certain proportion of their jobs as flexible, job share or part-time and suitable for parents”.<sup>23</sup>

**31.** Sarah Rees, Director of Career Women Wales, went further and suggested a “flexible by default” approach, noting that if mothers “had the opportunity to

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<sup>18</sup> The right to request flexible working was introduced by section 47 of the Employment Act 2002. Since then successive UK Governments have extended the right to wider categories of employees. On 30 June 2014 the right was extended to all employees by the Children and Families Act 2014.

<sup>19</sup> [Focus group discussions](#) and [PMW08 UCAC](#) (Welsh only)

<sup>20</sup> [ELGC Committee, RoP 19 April 2018](#)

<sup>21</sup> [ELGC Committee, RoP 3 May 2018, para 11](#)

<sup>22</sup> [Focus group discussions](#)

<sup>23</sup> [PMW11, Individual response](#), page 2

apply for the majority of jobs out there, rather than a minority that are normally lower paid, there'd be a revolution in employment".<sup>24</sup>

**32.** The Scottish Government, in the Fairer Scotland Action Plan has already adopted this approach, insisting on an assumption of "flexible by default" for all of its jobs and requiring managers to justify advertising a role non-flexibly. The Cabinet Secretary for Economy and Transport highlighted that the Welsh Government currently operates flexible working policies, but only a quarter of staff works on this basis.<sup>25</sup> We consider that the Welsh Government should lead by example by advertising all of its jobs as "flexible by default", and actively encouraging the public sector to do the same.

### Some jobs are more flexible than others

**33.** Clearly, some jobs are more flexible than others. But we heard good examples of employers providing innovative arrangements to get the best from their workforce:

- **Ford Bridgend Engine Plant** pairs shift workers together who have complementary work patterns to ensure all the hours of one full-time job are covered. This has led to a decrease in the need for overtime pay, and a 100% maternity retention rate;<sup>26</sup>
- **Birmingham Children's Hospital** piloted a "team-based rostering" approach for the nursing workforce to retain staff, reduce waste, and ensure effective deployment. It involves a lead team of eight or nine people, each of whom represents four or five colleagues. The lead team members find out from their colleagues what their requirements and preferences are, and then liaise with the others on the lead team to populate a draft roster;
- **Wales and West Housing** developed a bespoke employee development programme, which includes "Development Conversations" training about flexible working for all staff, and a five-day leadership programme for all line managers;
- **Camden Council** used flexible working to reduce costs and improve job security. Council services with seasonal fluctuations in demand have

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<sup>24</sup> ELGC Committee, RoP 25 April 2018, para 58.

<sup>25</sup> Letter from Cabinet Secretary for Economy and Transport to Chair of ELGC Committee, 4 June 2018

<sup>26</sup> ELGC Committee, RoP 9 May 2018, para 6

particularly relied on agency staff to cover peaks. Through the use of flexible working arrangements like annualised hours, these services have been able to reduce their use of agency workers, and provide existing staff with greater employment security while reducing costs.

**34.** These examples demonstrate that even in restrictive, location-based and shift-based roles, flexibility that works for both the employer and employee is perfectly possible.

### Senior managers need to lead the way

**35.** We heard about the importance of senior managers and public figures “living” the principles of flexible working, from PepsiCo’s “leaving loudly” policy<sup>27</sup> (where managers announce when they are leaving early and why to overcome “presenteeism”<sup>28</sup> and encourage flexible working within their teams), to the Welsh Government’s own job-sharing Violence against Women Advisers.

**36.** Where high profile roles are successfully flexible, these examples should be promoted more widely by employers to encourage others. As YESS pointed out, “there’s very little positive information out there about flexible working”.<sup>29</sup>

**37.** The Women’s Equality Network (WEN) Wales also highlighted the recommendation by the Assembly’s Expert Panel on Electoral Reform to allow job-sharing for AMs.<sup>30</sup> The Assembly Commission consulted upon this suggestion as part of its wider reform programme. We believe that Wales should take this opportunity to lead the way in the introduction of flexible working for parliamentarians.

**38.** We note the commitment in the Welsh Government Employability Plan to “encourage flexible working practices”,<sup>31</sup> however it is unclear what specific actions the Government intends to take to achieve this. We question whether the commitment is ambitious enough, and believe that a more robust response (including specific actions) is required to normalise flexible working in workplaces in Wales, and maximise the opportunities for mothers to return to work after having children.

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<sup>27</sup> Brighter Business, Leaders Leaving Loudly: what is it?, 5 October 2017

<sup>28</sup> The practice of being present at one’s place of work for more hours than is required

<sup>29</sup> ELGC Committee, RoP 19 April 2018, para 291

<sup>30</sup> ELGC Committee, RoP 19 April 2018, para 172

<sup>31</sup> Welsh Government, Employability Plan, page 25

**39.** The Scottish Government’s commitment to “flexible by default” for jobs in the public sector is laudable, and the Welsh Government should do the same. The Scottish “**Happy to Talk Flexible Working**” strapline and logo for job adverts could be adapted for use in Wales.

**40.** The Welsh Government should take the lead on promoting creative, flexible working practices to other employers, and to encourage similar arrangements through business advice, the Economic Contract, third sector contracts and procurement requirements. Job-sharing in particular is a visible demonstration of flexible working, and we believe that the Welsh Government should encourage the practice among its senior leadership roles.

**Recommendation 1.** We recommend that the Welsh Government commits to advertising all of its jobs as “flexible by default” by 2019-20, or to justify advertising a role non-flexibly. The Welsh Government should also actively encourage all Welsh public authorities to do the same.

**Recommendation 2.** We recommend that the Welsh Government “leads from the top”, by encouraging senior leadership roles in the Welsh Government to be job-shared.

**Recommendation 3.** We recommend that the Welsh Government considers the case for changing legislation so roles such as Ministers, public appointees and councillors may be job-shared.

**Recommendation 4.** We recommend that the Welsh Government provides specialist advice to employers through Business Wales about how to deal with flexible working requests effectively.

## Teachers face particular barriers to flexible work

**41.** An EHRC report from 2017 found that while 75% of school teachers in Wales are women, only 33% of secondary school head teachers are women.<sup>32</sup> Even in a women-dominated sector, senior roles are still dominated by men.

**42.** Analysis by Policy Exchange<sup>33</sup> found that one in four teachers in England who quit the classroom were women aged between 30 and 39. The research

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<sup>32</sup> EHRC (2017) *Who runs Wales? 2017*, page 8

<sup>33</sup> Policy Exchange (2016) *The Importance of Teachers: A collection of essays on teacher recruitment and retention*, page 17

suggested that schools should embrace flexible working to stop women dropping out of teaching permanently after maternity leave.<sup>34</sup>

**43.** While teacher retention rates in Wales are better than in England, last year's [National Education Workforce Survey](#) found that 34% of new entrants were planning to quit in the next three years. Following an Assembly Committee report<sup>35</sup> that raised particular concerns about new teachers leaving the profession a few years after qualifying, the Welsh Government commissioned research about teacher retention, and expanded on the information collected by the School Workforce Census to include more robust evidence on reasons for leaving the profession.<sup>36</sup>

**44.** If the Welsh Government's research finds that women are dropping out of teaching after having children, we expect the Welsh Government to set out how it intends to specifically address this issue as part of its wider work to improve retention rates. In the meantime, we believe the Welsh Government should work with the education sector to promote the benefits of flexible working for schools. As part of this, we believe that advice and information available to school governing bodies about flexible working should be strengthened.

**45.** As part of the Committee's online discussion and focus groups, many teachers highlighted the particular difficulties they face in returning to work after having children.<sup>37</sup> Evidence from the teaching union UCAC supported these claims, stating that the default response of schools is to decline flexible working requests without exploration of ways of retaining staff with caring responsibilities.<sup>38</sup>

**46.** UCAC suggested that head teachers and school governing bodies should receive training on how to effectively manage issues around pregnancy and maternity. We note that the [Welsh Government's School Governor's Guide to the Law](#), last updated in 2009, does not include any information or advice on flexible working or pregnancy and maternity issues. The [equivalent guide for England](#) was updated in May 2018, and includes information on flexible working, shared

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<sup>34</sup> Policy Exchange (2016) [The Importance of Teachers: A collection of essays on teacher recruitment and retention](#), page 20

<sup>35</sup> Children, Young People and Education Committee (2017) [Report on the Teachers' Professional Learning and Education inquiry](#)

<sup>36</sup> Welsh Government (2017) [Written response by the Welsh Government to the report of the Children, Young People and Education Committee entitled Report on the Teachers' Professional Learning and Education inquiry](#), page 10

<sup>37</sup> [Focus group discussions and online discussion](#)

<sup>38</sup> [PMW08 UCAC \(Welsh only\)](#)

parental leave and paternity leave. In addition to this, there is a specific guide to [flexible working in schools](#).

**47.** Teaching and Learning Responsibility (TLR) payments were cited as an issue.<sup>39</sup> The payments are made pro-rata, so if a teacher is part-time, they only receive 50% of the TLR payment. But the responsibility cannot be shared between staff, so even if a teacher works part-time, they have to take on the whole responsibility, with only half of the payment.

**48.** We believe that the devolution of teachers' pay and conditions from September 2018 presents an opportunity to design effective solutions to better address the needs of mothers returning to the profession. The review should explore how teaching posts (including senior roles) can be made flexible by default, and a reform of TLRs, which could be a small but important step towards a more flexible and inclusive teaching workforce.

**Recommendation 5.** We recommend that the Welsh Government updates recruitment guidance for school governing bodies to include issues such as flexible working, shared parental leave and pregnancy and maternity issues. Guidance should also be provided to senior leadership teams on handling pregnancy and maternity issues.

**Recommendation 6.** We recommend that the Welsh Government explores the potential for all teaching posts (including senior roles) to be advertised as "flexible by default" as part of the review of teachers' pay and conditions.

**Recommendation 7.** We recommend that the Welsh Government reforms Teaching and Learning Responsibility (TLR) payments to allow responsibilities to be shared between two members of staff.

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<sup>39</sup> [PMW08.UCAC \(Welsh only\)](#)



### 3. The Economic Action Plan should make workplaces more equal and more flexible

There is an opportunity to reduce gender inequality in the sectors prioritised by the Welsh Government in the Economic Action Plan by modernising working practices. This has the potential to help retain staff in certain professions, and to increase the number of women in male-dominated sectors.

“Fair work” should mean equal workplaces, where people have opportunities to progress in their careers while managing their caring responsibilities, without discrimination.

**49.** As part of its Economic Action Plan, the Welsh Government is focusing business support on three thematic sectors, which offer “opportunities to drive industries of the future”, and four foundation sectors, which offer opportunities to “provide better jobs, closer to home”.<sup>40</sup> The new Economic Contract will require businesses to commit to “fair work” when accessing Welsh Government business support.

#### Male-dominated sectors are less flexible

**50.** The Welsh Government’s thematic sectors (tradable services, manufacturing, and enablers including digital, energy efficiency and renewables) are traditionally male-dominated workforces.

**51.** In the 2016 EHRC survey, the manufacturing, construction, financial services utilities and transport and communications sectors had a higher proportion of women reporting bad experiences or experiencing negative attitudes.

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<sup>40</sup> The “thematic sectors” are Tradable Services, including Fintech services, online insurance and creative, High Value Manufacturing, including compound semiconductors and new composites manufacturing and Enablers including digital, energy efficiency and renewables. The “foundation sectors” are Tourism, Food, Retail and Care.

**52.** These sectors also have a lower proportion of jobs that are advertised as being open to flexible working – 3% of facilities and construction roles, and 7% of information technology and finance/accounting roles.<sup>41</sup>

**53.** The Welsh Government-commissioned report [Talented Women for a Successful Wales](#) on the education, recruitment, retention and promotion of women in STEM-related study and careers found that:

“The greatest loss of women from STEM careers occurs when they have children. Employment structures still often operate on a full-time, inflexible norm, which makes it difficult for care-givers, typically women, to manage work-life balance and achieve career progression.”<sup>42</sup>

**54.** It made a range of recommendations for universities and STEM businesses, including:

- encouraging research departments to provide STEM researchers returning after a career break protected time in their workload and targeted mentoring to enable them to lead on research funding applications;
- sponsoring dedicated academic fellowships for researchers returning from a career break; and
- developing “keeping in touch” strategies to help researchers maintain and update their scientific knowledge and skills while on maternity or parental leave.

**55.** Encouraging girls to study STEM subjects at school and university solves part of the problem. However without modernising working practices in STEM workplaces, women who wish to return to their careers after having children will be prevented from doing so because of unnecessary obstacles like the lack of flexible jobs in these sectors.

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<sup>41</sup> According to the [2017 Flexible Jobs Index](#), which analyses the proportion of roles advertised as open to flexible working, FTE, £20k+ in different sectors.

<sup>42</sup> Welsh Government (2016) [Talented Women for a Successful Wales](#), page 8

## Flexible work should not mean low-paid, precarious work

**56.** A key cause of the gender pay gap is the concentration of women in part-time, low-paid work that does not fully utilise skills or experience. 43% of women in employment work part-time compared with 15% of men.<sup>43</sup>

**57.** The [Flexible Jobs Index 2017](#) shows that lower-paid jobs are more likely to be advertised as being open to flexible working: 20% of jobs at £14,000 to £19,999 were advertised as flexible, compared to 7% of £80,000+ jobs. British Retail Consortium (BRC) research found that 56% of retail employees believe they are less likely to get promoted if they work part time, and 65% of frontline retail employees would take a job for which they were overqualified if it offered flexibility in hours.<sup>44</sup>

**58.** The EHRC told us that nearly two-thirds of employees in the Welsh Government's four foundation sectors (tourism, retail, food and care) are women.<sup>45</sup> The jobs are usually part-time, low-paid and with fewer opportunities for training and development. The EHRC also noted that people in unskilled work are easily replaceable in the labour market and therefore more vulnerable to discrimination and unfair treatment as a result of pregnancy and maternity. This was echoed by other respondents, including those from the legal profession.<sup>46</sup>

**59.** UNISON said "low paid public sector roles, such as catering, cleaning and caring, are predominantly filled by women. Career progression within such roles is often very limited compared to more male dominated posts which tend to have clearer career pathways and receive higher levels of pay".<sup>47</sup>

**60.** Formally embedding modern working practices in the Economic Contract could also help retain staff and improve career progression in lower-skill jobs. A recent UK Parliament Committee inquiry<sup>48</sup> found that almost half of carers leave their jobs within a year of starting work for a number of reasons, including low pay, lack of value placed on the role, lack of development opportunities and erratic work patterns.

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<sup>43</sup> [StatsWales, Status of employed persons by Welsh local authority and measure \(year ending 31 March 2018\)](#)

<sup>44</sup> [British Retail Consortium \(2016\) Retail 2020 report 2: what our people think](#), page 10

<sup>45</sup> [ELGC Committee, RoP 19 April 2018](#), para 114

<sup>46</sup> [ELGC Committee, RoP 19 April 2018](#), para 257

<sup>47</sup> [PMW03 UNISON](#), para 2.6

<sup>48</sup> [House of Commons Communities and Local Government Committee \(2017\) Adult social care](#), para 78

**61.** Timewise research into the care sector<sup>49</sup> suggested three practical ways of overcoming the constraints of care jobs to improve flexibility and retain staff, including reducing the volatility of the schedule from week to week, increasing advance notice of the schedule, and maximising carers' input into schedules.

**62.** We consider that the Welsh Government should use its renewed focus on fewer sectors to eradicate pregnancy and maternity discrimination and to modernise workplaces. It could do this by requiring businesses in receipt of public funding to demonstrate how they are reducing their gender pay gap, reporting on their maternity retention rates, increasing the number of senior part-time roles, offering effective flexible working arrangements, and publishing maternity policies.

**63.** The Scottish Government has taken a similar approach, by including best practice in managing pregnancy and maternity issues appropriately within the Scottish Business Pledge.<sup>50</sup>

**64.** Dr Alison Parken (representing the EHRC) told us that procurement requirements are also an important lever to reduce gender inequality. She suggested that procurement arrangements could, for example, require businesses to demonstrate action to reduce gender pay gaps.<sup>51</sup> We agree that businesses with public contracts should have to demonstrate that they are working to reduce inequality, particularly gender pay gaps, which was an issue addressed by our recent report, [Making the economy work for people on low incomes](#).

**Recommendation 8.** We recommend that the Welsh Government commits to eradicating pregnancy and maternity discrimination in the foundation and thematic sectors as a priority. To monitor this, employees of businesses in receipt of Government support should be surveyed on issues such as discrimination and unfair treatment.

**Recommendation 9.** We recommend that the Welsh Government requires businesses accessing financial support to offer flexible working, demonstrate action to reduce gender pay gaps and to report on maternity retention rates, by including these as key criteria of the Economic Contract.

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<sup>49</sup> Timewise (2014) [Caring by design](#), page 4

<sup>50</sup> The [Scottish Business Pledge](#) is a commitment between Government and business, which encourages businesses working with the Government commit to boosting productivity, competitiveness, sustainable employment, and workforce engagement and development.

<sup>51</sup> ELGC Committee, [RoP 19 April 2018](#), para 119

**Recommendation 10.** We recommend that the Welsh Government requires third sector organisations accessing financial support to offer flexible working, demonstrate action to reduce gender pay gaps and to report on maternity retention rates, by including these as key criteria in funding contracts.

**Recommendation 11.** We recommend that the Welsh Government requires businesses to provide flexible working, demonstrate action to reduce gender pay gaps, and report on maternity retention rates as part of procurement arrangements.

## Gender equality is a key part of “fair work”

**65.** As part of the new Economic Contract, businesses seeking Welsh Government support will need to commit to fair work and responsible business practices.

**66.** The Welsh Government’s new Fair Work Commission will build on the high-level principles of fair work outlined by the Fair Work Board, which are:

- participation in the decision making process (a right to be heard);
- earnings (fair and guaranteed hourly earnings);
- prospects (job security, career progression and contract quality);
- intrinsic job quality (skills and autonomy, absence of abuse, good physical environment, a balanced and fair level of work); and
- working time quality (discretion over the length, scheduling and flexibility of working time).<sup>52</sup>

**67.** The Commission is tasked with creating a more specific definition of “fair work” in the context of the Economic Contract, and will report by Spring 2019.

**68.** Respondents told us that gender issues, and specifically pregnancy and maternity, should be included in the definition of fair work given the disproportionate impact that having children has on women’s employment, career progression and pay.<sup>53</sup> The principles defined by the Fair Work Board all

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<sup>52</sup> Letter from Cabinet Secretary for Economy and Transport to Chair of ELGC Committee, 15 June 2018

<sup>53</sup> [PMW14 Maternity Action](#), [PMW09 Chwarae Teg](#), [PMW10 EHRC](#), [ELGC Committee RoP 25 April 2018](#), para 242

have the potential to reduce discrimination and unfair treatment on the basis of pregnancy and maternity, but this needs to be explicit in the definition.

**69.** For example, “a good physical environment” needs to include the provision of spaces for breastfeeding, and “job security” and “career progression” should address unconscious bias against women of childbearing age.

**70.** We heard that after having children, many parents are forced into “involuntary self-employment” because of a lack of good quality, flexible work. Research by Timewise<sup>54</sup> found that among women who take a career break of one year or more and return to work, 23% choose to become self-employed. Among the women who choose self-employment, 80% earned less than they did before their career break.

**71.** Following the First Minister’s commitment to ensure that the Economic Action Plan “delivers on the rhetoric in relation to gender”, the Cabinet Secretary for Economy and Transport told us that the Commission will be “considering gender inequalities as a very central core of its purpose”.<sup>55</sup> If the Welsh Government wants gender to be “at the core” of fair work, the definition must explicitly refer to it.

**72.** We are also concerned that the Economic Contract is being implemented before the definition of “fair work” has been agreed by the Fair Work Commission (after the Fair Work Board failed to agree a definition). The Commission is not due to report until spring 2019, it is unclear how, if at all, organisations in receipt of Welsh Government funding will be required to demonstrate a commitment to “fair work” during this time. This is an issue we considered in more detail as part of our [Making the economy work for people on low incomes](#) inquiry.

**73.** The Cabinet Secretary told us that “progression within the workplace will be a key consideration”, and “the question of flexible working will be something that the Commission will be considering very early on”. While we welcome these commitments, we believe that the Government should specifically consider the disproportionate impact of having children on women’s careers compared to men’s.

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<sup>54</sup> Timewise (2015) [What do women returners want?](#), pages 5-6

<sup>55</sup> ELGC Committee, [RoP 9 May 2018](#), para 155

**Recommendation 12.** We recommend that the Welsh Government includes a distinct gender element in the definition of “fair work”. The definition used by the Economic Contract should ensure that public funding is only provided to organisations that adhere to equal opportunities and workplace structures that allow women and men to progress in their careers.

## 4. The Welsh Government's new Childcare Offer

Lack of access to affordable childcare is the main barrier to work for most mothers. The new Childcare Offer is a positive step, but in its current form it is unlikely to achieve its main aim of increasing maternal employment in the most effective way.

**74.** The average weekly cost of childcare in Wales is around £100,<sup>56</sup> and average weekly gross earnings are £412.<sup>57</sup> This means that childcare costs Welsh families nearly a quarter of their income, even before tax.

**75.** In the UK, childcare absorbs 33% of couples' incomes (the highest in the OECD), after tax.<sup>58</sup> The average across all OECD countries is 15%.<sup>59</sup>

**76.** Contributions to our online discussion reflected these statistics:

“The cost of childcare is criminal. It costs more than our mortgage! It is crippling us yet we have no choice if I wish to keep my job.”

“The cost of a full day of childcare for both children would be more than I earn in a day. Without assistance from family it would not be possible for me to return to work at all.”

“With no family locally to help with childcare we are looking at the cost of nurseries and it's almost more cost effective for my husband to give up his job.”

“I'm going to have to take the difficult decision to [halve] my hours when I return from maternity due to childcare costs being too high for two kids to justify going back (I'd be making about £20 a day).”<sup>60</sup>

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<sup>56</sup> [For 25 hours of care] Family and Childcare Trust (2017) [Childcare survey 2017](#), page 3

<sup>57</sup> NOMIS, [Median gross weekly earnings for full and part time employees living in Wales in 2017](#)

<sup>58</sup> 7.9% of lone parents' income is taken up by childcare

<sup>59</sup> OECD (2016) [Society at a Glance 2016 OECD Social Indicators](#), page 29

<sup>60</sup> [Senedd Dialogue online discussion](#)

## What is the Welsh Government's new Childcare Offer?

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Currently, all three and four year olds are entitled to part time early years education, which is widely interpreted as a minimum of 10 hours a week from the term following their third birthday. Parents can also apply for the UK Government's Tax-Free Childcare scheme, which offers working families 20% support towards qualifying childcare costs up to a certain limit.

The new Offer builds on the current entitlement by providing up to 30 hours early education and childcare per week over 48 weeks of the year for three and four year olds of working parents.

It will be available to:

- families where both parents are working, or where the sole parent is working in lone parent families;
- families where each parent is earning, on average, a weekly minimum equivalent to 16 hours at national minimum wage or national living wage, and
- self-employed parents and parents on zero hours contracts, as long as their average earnings meet the minimum earnings criteria over a three month period.

Families where at least one parent earns £100,000 or more a year will not be eligible to receive new Offer. But two parents earning up to £99,999 each (with a joint household income of £199,998) would still be eligible.

The new offer is currently being piloted in seven local authorities (with an additional seven to be added from September 2018) and is expected to be fully rolled out across Wales by 2020. An evaluation of the pilots is due to be published in Autumn 2018.

## Will the Offer help mothers into work?

**77.** The main aim of the new Offer is to “support the Welsh economy by helping parents, particularly mothers, to return to work or increase the hours they work”.<sup>61</sup>

**78.** Witnesses told us that the Offer is unlikely to achieve its aim of increasing maternal employment in the most effective way, because women will still be out of (or have limited access to) work for three years, by which time the damage to pay, progression, confidence and skills is already done.<sup>62</sup>

**79.** The OECD’s Starting Strong 2017 research<sup>63</sup> found that the relationship between maternal employment and childcare rates is strong for 0-3 year olds, but weaker for 3-5 year olds.

**80.** A Welsh Government-commissioned report from 2015<sup>64</sup> also found that increasing childcare to 30 hours would make little difference to getting more women back to work or reducing poverty. This is because a “relatively small proportion” of families with children of this age use formal paid childcare and those that do “tend to pay moderate amounts”. It also stated that any savings on childcare costs would be partly offset by reductions in other benefits.

**81.** In addition, the most recent Welsh Government National Survey for Wales 2016-17 found that the demand for childcare is highest between the ages of 1 and 3.

**82.** Evidence to our inquiry supported these findings. The longer a person is out of work, the more difficult it is to for them to find employment. Finding suitable employment is even harder for mothers whose options may already be limited because they need to balance work with childcare responsibilities. Bethan Darwin told us:

“When the statutory maternity pay runs out [...] it starts a pattern. If you haven’t gone back to work when your baby is nine months old or a year old, are you able to go back after three years? Are you even inclined to go back then? [...] and [...], perhaps you don’t want to go back and your

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<sup>61</sup> Welsh Government, Childcare Funding (Wales) Bill Explanatory Memorandum, para 3.5

<sup>62</sup> ELGC Committee, RoP 19 April 2018, paras 266 and 383, ELGC Committee, RoP 9 May 2018, para 105, ELGC Committee, RoP 25 April 2018, para 81, ELGC Committee, RoP 3 May 2018, para 77

<sup>63</sup> OECD (2017) Starting Strong 2017: Key OECD Indicators on Early Childhood Education and Care, page 31

<sup>64</sup> Public Policy Institute for Wales (PPIW), now known as Wales Centre for Public Policy (WCPP) (2015) Childcare Policy Options for Wales, page 19

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husband's had a pay increase while you've been off, so, actually, it wouldn't make sense for you to go back."<sup>65</sup>

**83.** Sarah Rees said that “by the age of three, most women have spent three years out of the workplace and that’s if you have one child” and that “by then, you’ve already built up these huge barriers that you’ve got to try and overcome to find a job in the first instance”.<sup>66</sup> Contributions to our online discussion reinforced this opinion.<sup>67</sup>

**84.** Vicki Spencer-Francis of the PR firm Cowshed suggested that the Offer should start from one year old, because her particular industry changes so rapidly that after three years a mother would have lost vital skills.<sup>68</sup> YESS suggested that the Childcare Offer should begin from nine months,<sup>69</sup> while WEN called for the Offer to be available from six months.<sup>70</sup>

## Maternal employment rates in the pilot areas need to be monitored

**85.** Chwarae Teg emphasised the need for the Welsh Government to not be “completely wedded to the current offer”,<sup>71</sup> and to be prepared to revise the current Offer if “the evaluation [...] shows that it is not meeting the needs of ‘those who need it most’ (i.e. “parents for whom access to affordable and flexible childcare is the primary barrier preventing them returning to meaningful work”<sup>72</sup>).

**86.** It is unclear how maternal employment rates are being monitored in the current pilot areas. The Minister for Children, Older People and Social Care provided anecdotal evidence of the positive impact of the new offer on families, such as parents who have increased their working hours or changed their hours to spend more time with their children. He also reported that disposable income of up to £250 per week is being released back into households, the majority of which are “below the average median income in Wales of £26,000”.<sup>73</sup>

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<sup>65</sup> ELGC Committee, [RoP.19 April 2018](#), para 384

<sup>66</sup> ELGC Committee, [RoP.25 April 2018](#), para 81

<sup>67</sup> [Senedd Dialogue online discussion](#)

<sup>68</sup> ELGC Committee, [RoP.9 May 2018](#), para 105

<sup>69</sup> ELGC Committee, [RoP.19 April 2018](#), para 383

<sup>70</sup> ELGC Committee, [RoP.19 April 2018](#), para 171

<sup>71</sup> ELGC Committee, [RoP.19 April 2018](#), para 165

<sup>72</sup> [PMW09.Chwarae Teg](#), page 5

<sup>73</sup> ELGC Committee, [RoP.23 May 2018](#), para 3

**87.** It is unclear whether there are any signs that the new Offer is meeting its aim of helping parents, particularly mothers, return to work or increase their hours. It is also unclear how the independent evaluation will be assessing whether it is achieving this aim.

**88.** In acknowledging issues around the target age group, the Minister emphasised that the new Offer is a manifesto commitment and was a “significant step forward”. However, he explained that the Welsh Government is “open to where the evidence takes us”<sup>74</sup> in shaping the policy, taking account of budgetary constraints. He also noted that it will not operate in isolation, but alongside the UK Government’s tax-free childcare scheme, and Welsh Government programmes such as Families First, the Parents, Childcare and Employment (PaCE) project and Flying Start.

**89.** We welcome the introduction of the Childcare Offer, but are concerned that it is not targeted at the correct age group. International research, Welsh Government-commissioned research and evidence to this inquiry all suggest that it is much more likely to achieve its aim in the most effective way if it is available to one to three year olds.

**90.** While we await publication of empirical evidence about how the Offer is affecting maternal employment rates in the pilot areas, our current view is that Welsh Government should set out what further steps it will take to address the need for childcare of one to three year olds.

### A more targeted Childcare Offer?

**91.** Although we did not seek evidence on the details of the Childcare Offer, Chwarae Teg questioned whether it was being targeted at those who are most in need of financial support with childcare costs.<sup>75</sup>

**92.** In theory, families with joint incomes of up to £199,998 could benefit from free childcare because of the high individual income threshold. Chwarae Teg suggested targeting the Offer “at those for whom access to affordable flexible childcare is the primary barrier for them getting back into work”.<sup>76</sup>

**93.** Monitoring data from the pilots show “at least 60% of parents taking up the Offer earn less than the median average salary for Wales (£26,000), and no more

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<sup>74</sup> ELGC Committee, [RoP.23 May 2018](#), para 14

<sup>75</sup> ELGC Committee, [RoP.19 April 2018](#), para 166

<sup>76</sup> ELGC Committee, [RoP.19 April 2018](#), para 169

than 5% earn more than £52,000”.<sup>77</sup> It is possible that as roll out takes place in other local authority areas with higher average salaries, and as awareness of the scheme increases, the proportion of parents on high salaries taking up the Offer could rise. This has been acknowledged by the Minister for Children, Older People and Social Care.<sup>78</sup>

**94.** Monitoring data also shows that “81% of parents applying find affording childcare difficult”.<sup>79</sup> This means potentially, just under £20 million of the total £100 million funding could be spent annually to support parents for whom childcare costs are not a barrier to work.

**95.** We would have expected a decision on the most appropriate income threshold to be informed by an impact analysis and for alternative threshold levels to have been explored. However, the Minister told us that the current limit replicates that of the childcare offer in England. He explained that it had been chosen because of “simplicity”,<sup>80</sup> that it will be cheaper to administer, and will enable the Welsh Government to meet its commitment to deliver the new Offer by 2019-2020.<sup>81</sup> He also explained that the figure could be changed in future, if necessary.

**96.** We believe that the Childcare Offer should be targeted at families for whom childcare is the primary barrier to work, rather than subsidising those that can comfortably afford it.

**Recommendation 13.** We recommend that the Welsh Government collects data on maternal employment and retention rates as part of the new Childcare Offer pilots to inform the independent evaluation of those pilots.

**Recommendation 14.** We recommend that the Welsh Government sets out the further steps it will take to address the need for childcare of one to three year olds.

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<sup>77</sup> Letter from the Leader of the House and the Minister for Children, Older People and Social Care to Chair of the ELGC Committee, 5 June 2018

<sup>78</sup> ELGC Committee, RoP 23 May 2018, para 45

<sup>79</sup> Letter from the Leader of the House and the Minister for Children, Older People and Social Care to Chair of the ELGC Committee, 5 June 2018

<sup>80</sup> ELGC Committee, RoP 23 May 2018, para 45

<sup>81</sup> The application and eligibility checking system for the new Offer will be operated by Her Majesty’s Revenue and Customs (for which a fee will be charged) utilising its Childcare Service. The Childcare Service undertakes eligibility checks for the English childcare offer.

**Recommendation 15.** We recommend that the Welsh Government reassesses the Offer. This reassessment should take account of the evaluation, Welsh Government-commissioned research, international research and the evidence provided to this inquiry.

## Wrap-around care is also a barrier to work

**97.** Chwarae Teg and other respondents highlighted concerns about the lack of affordable, accessible wrap-around childcare (which is before-school and after-school childcare). They noted that:

“There are concerns about the lack of adequate wrap-around childcare with many making use of after school clubs in place of more suitable childcare. These often finish at 5pm, can be expensive to access and parents can face difficulty if after-school provision for children is in different locations.”<sup>82</sup>

**98.** This raises a range of issues that we did not explore in depth in this inquiry. In Wales, parents pay an average of £43 a week for an after school club, or £55 for pick-up and afternoon care by a childminder.<sup>83</sup> Sarah Rees said:

“To work a single 9-5 day the fees are £49 for my 15 month old and £45.45 for my 4 year old. I thought that when my daughter became 3 and was entitled to state nursery my costs would get lower, but due to wrap around requirements I do not save anything.”<sup>84</sup>

**99.** A focus group participant highlighted a particular problem for rural areas, where travel between a state nursery and wrap-around care was not possible due to distance between childcare settings.<sup>85</sup>

**100.** While our inquiry did not seek evidence on issues such as wrap-around care, we believe that the Welsh Government should consider all of the elements that prevent parents, particularly mothers, from working.

**101.** We welcome the Minister’s announcement that relatives who look after a child will now be able to receive funding through the Offer, but only if they are registered childminders. This will undoubtedly benefit certain families, including those who may struggle to find or afford wrap-around care. But we believe that a

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<sup>82</sup> PMW09 [Chwarae Teg](#), para 7.3

<sup>83</sup> Family and Childcare Trust (2017) [Childcare survey 2017](#), page 3

<sup>84</sup> PMW04 [Sarah Rees](#), para 11

<sup>85</sup> [Focus group discussions](#)

wider assessment of the availability and cost of such provision needs to be undertaken.

**Recommendation 16.** We recommend that the Welsh Government reviews the current availability and cost of wraparound care (i.e. before and after school care) to establish where there are geographical gaps, high costs and other barriers. The review should include an exploration of the potential for such care to be provided in schools.

## Support for non-working parents should be protected

**102.** The new Childcare Offer will only be available to working parents. Support for some non-working parents is currently provided through the Parents, Children and Employment (PaCE) project.

**103.** The £13.5 million PaCE project aims to support parents for whom childcare is the main barrier preventing them from accessing education, employment or training opportunities. It is targeted at economically inactive parents aged 25 and over, and parents aged 16-24 who are not in employment, education or training (NEET).

**104.** The project's 43 advisers help parents find solutions to overcome barriers to work, including:

- covering the cost of childcare while parents undertake training, work experience or volunteering;
- providing one to one support to find jobs or training; or
- negotiating flexible work arrangement with potential employers.

**105.** An evaluation conducted in 2016 found that there was a delay in the rollout. It recommended that advisers needed better training, promotion of the scheme needed to be improved, and a lack of guidance led to some local authorities being unclear about their role and responsibilities.<sup>86</sup>

**106.** Sarah Rees highlighted that awareness of the project is low, and local information is sometimes out of date.<sup>87</sup> It is also not clear what the eligibility criteria are from the project's promotional material and online information, which often differ between local authorities' websites.

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<sup>86</sup> Welsh Government (2016) Process evaluation of the Parents, Childcare and Employment (PaCE) Project

<sup>87</sup> PMW04 Sarah Rees, para 15

**107.** Upon its launch in October 2015, the project aimed to engage 7,884 parents and help 1,577 people into sustainable employment.<sup>88</sup> Up to the end of April 2018, it had engaged almost 3,000 participants, with 958 of those entering employment. At least 95% of participants across Wales are female.<sup>89</sup>

**108.** Even though funding from the Welsh Government and the European Social Fund (ESF) is only secure up to March 2020,<sup>90</sup> the Welsh Government has stated that “consideration is currently being given to whether European funded programmes such as PaCE can be extended beyond their current end dates”.<sup>91</sup> Between 2015 and 2018, the Welsh Government provided £5.1 million in funding to the project.

**109.** The childcare support offered to non-working parents while looking for work or attending training through PaCE appears to be successful. The project has the potential to play a key role in delivering some of this report’s recommendations such as advising parents and employers on flexible working requests and employment rights. However, our evidence suggests that awareness is still low (none of the participants in the focus groups or online discussion referred to it), and we are concerned that funding is only secure until 2020 when ESF funding ends.

**110.** If the project ends in 2020 (which is when ESF funding ends, but also when the Childcare Offer is due to be fully rolled out) a gap in support could open up for non-working parents. In the event that the project does end, we believe that the Welsh Government should outline what will replace the scheme, especially the childcare element, for parents in education and training.

**Recommendation 17.** We recommend that the Welsh Government improves awareness of the PaCE project.

**Recommendation 18.** We recommend that the Welsh Government clarifies the exact eligibility for the childcare element of the PaCE project in promotional materials, and how it links to the Childcare Offer.

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<sup>88</sup> Welsh Government (2016) [Process evaluation of the Parents, Childcare and Employment \(PaCE\) Project](#)

<sup>89</sup> [Letter from the Leader of the House and the Minister for Children, Older People and Social Care to Chair of the ELGC Committee](#), 5 June 2018

<sup>90</sup> Welsh Government, [Carl Sargeant announces extension to PaCE programme](#), 17 January 2017

<sup>91</sup> [Letter from the Leader of the House and the Minister for Children, Older People and Social Care to Chair of the ELGC Committee](#), 5 June 2018

**Recommendation 19.** We recommend that the Welsh Government conducts an evaluation of the PaCE project's effectiveness in helping parents access childcare while searching for a job, and how the recommendations following the 2016 evaluation have been addressed.

**Recommendation 20.** We recommend that the Welsh Government commits to continuing the PaCE project beyond 2020 if the new evaluation demonstrates that the project is effective in helping parents into work, or if it does not continue, set out what childcare support will be available to parents in education and training.



## 5. Cultural attitudes about mothers in work are a barrier to change

While legislation and workplace structures are important, discrimination and unfair treatment because of pregnancy or maternity will only be eradicated when unpaid care is no longer seen as solely a woman's responsibility.

**111.** Participants in the Committee's online discussion told us about being unfairly disadvantaged in terms of pay or job opportunities "purely as a result of their being women and "potentially" requiring maternity leave at some point". Some also noted that "discrimination can be very subtle and hidden, e.g. having meetings in the evening or school holidays can be a problem for parents, networking drinks after work".<sup>92</sup>

**112.** We heard evidence that unconscious bias and stereotypical assumptions about mothers and women of childbearing age frequently occur at recruitment stage. The EHRC survey found that 17% of employers believed that pregnant women and mothers were less interested in career progression and promotion.<sup>93</sup> Anna Whitehouse described the practice of women removing wedding rings before job interviews to not betray their childbearing potential.<sup>94</sup>

**113.** Fathers often have a different experience. Most employers are not like GoCompare, which provides nine months' full pay for shared parental leave. The company decided to do this following a programme of engagement with their parental workforce.<sup>95</sup>

**114.** Cultural stereotypes also prevent men from caring for their children. As highlighted by Anna Whitehouse, a father working at the Cardiff offices of PricewaterhouseCoopers (PwC) won a sex discrimination case in 2014 after his request to work flexibly was rejected, while requests from women in the same office were successful.<sup>96</sup>

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<sup>92</sup> [Senedd Dialogue online discussion](#)

<sup>93</sup> [EHRC \(2016\) Pregnancy and maternity discrimination - employers research report](#), page 22

<sup>94</sup> [ELGC Committee, RoP 3 May 2018](#), para 57

<sup>95</sup> [ELGC Committee, RoP 9 May 2018](#), para 18

<sup>96</sup> [The Telegraph, Father wins sex discrimination case after request to work part-time rejected](#), 4 November 2014

**115.** Cases such as these show that outdated work structures based on gendered assumptions prevent men from taking on caring responsibilities, and prevent women from progressing in their careers.

**116.** UNISON noted that “whilst a legal framework to allow shared parental leave is now available, men feel culturally unable and unwilling to apply, leading to increased pressure on women to shoulder the responsibility”.<sup>97</sup>

**117.** Many witnesses suggested that improving take up could help challenge gender stereotypes and help reduce pregnancy and maternity discrimination. Maternity Action told us that current arrangements are complex. This, combined with low shared parental leave pay, as well as the attitude and culture of employers, mean take up is very low.<sup>98</sup> In Wales, only 250 fathers benefited from shared parental leave in 2016-17.<sup>99</sup>

**118.** Chwarae Teg suggested that the Welsh Government and local authorities should publish employees’ take up of shared parental leave.<sup>100</sup>

**119.** Working to improve access to shared parental leave could contribute to changing cultural attitudes towards women in work. If employers considered that there was an equal chance of a man taking parental leave as a woman, ingrained gendered assumptions could be undone.

**120.** We think the Welsh Government should use all levers of influence to improve the take-up, through business advice, the Economic Contract and by encouraging other public sector bodies and third sector organisations to do the same.

**121.** While we welcome the Welsh Government’s current publicity campaign aimed at tackling gender stereotypes, “This is me”, we agree with Hywel Dda Health Board<sup>101</sup> and Chwarae Teg<sup>102</sup> that it needs to go further in challenging stereotypes about care and work. The new sex and relationships education recently announced by the Cabinet Secretary for Education presents a vital opportunity to challenge gendered assumptions about work and parenting. Business Wales should also play a role in helping businesses tackle unconscious bias, particularly at recruitment stage through recruitment training specifically focusing on gender, pregnancy and maternity issues.

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<sup>97</sup> PMW03 UNISON, para 3.4

<sup>98</sup> ELGC Committee, RoP 19 April 2018, para 52

<sup>99</sup> BBC News, 250 new Welsh dads took shared parental leave last year, 18 June 2017

<sup>100</sup> ELGC Committee, RoP 19 April 2018, para 193

<sup>101</sup> PMW01 Hywel Dda Health Board and PMW09 Chwarae Teg, page 4

<sup>102</sup> PMW09 Chwarae Teg, page 4

**122.** Good practice such as GoCompare’s “blind recruitment”,<sup>103</sup> which removes references to gender, age, religion, parental status etc. from job applications, and Ford’s vetting procedure for job adverts,<sup>104</sup> which ensures the language used is inclusive and not off-putting to certain groups, should be shared more widely.

**Recommendation 21.** We recommend that the Welsh Government publishes take-up of Shared Parental Leave in the public sector (as part of the Welsh specific public sector equality duties).

**Recommendation 22.** We recommend that the Welsh Government includes gender roles and parenting in the new sex and relationships education.

**Recommendation 23.** We recommend that the Welsh Government includes gender-neutral recruitment training (dealing with issues like unconscious bias) as part of Business Wales support, including good practice examples such as GoCompare’s blind recruitment procedure, and Ford’s vetting of job advert language.

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<sup>103</sup> ELGC Committee, RoP 9 May 2018, para 122

<sup>104</sup> ELGC Committee, RoP 9 May 2018, para 122



## 6. Better data is needed on the gender pay gap and maternity retention rates

The Welsh specific public sector equality duties are a powerful tool, but the data collection requirements need to be improved. Employment information required by the duties should be published to a single location, and public bodies should be required to publish maternity retention rates.

**123.** The Equality Act 2010 gave the Welsh Ministers the power to require public authorities to do certain things when delivering services and in employment practices. The duties aim to advance equality, eliminate discrimination and foster good relations between different groups of people.

**124.** The Welsh specific public sector equality duties,<sup>105</sup> which came into force in 2011, require most Welsh public authorities to collect and publish a wide range of employment information (outlined in Annex A). This includes gender-disaggregated data on the number of employees working flexibly and pay differences.

**125.** In 2016 an EHRC review found problems with the data collection requirements:

“[...] some organisations, particularly smaller organisations, lacked existing IT infrastructure or data skills to collect high quality equality monitoring information. [...] participants described using a large amount of their resources on being able to capture data at the level of detail required for PSED reporting. This was seen as excessive and as a result, questions were sometimes raised over the value of committing resources to this kind of data collection, especially when the outputs may be patchy or unreliable.

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<sup>105</sup> The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011

[..] meeting these data challenges could be more difficult because the PSED only required organisations to publish the information and not necessarily to act upon what they found.”<sup>106</sup>

**126.** While the employment information required by the Welsh duties is more detailed than that required in England or Scotland, and it is published on individual authorities’ websites, it is not centrally collated, unlike the data required by the UK Government.

**127.** We think that, for it to be useful and comparable, all of the employment data should be collated and published on the Welsh Government’s website. The amount of information required by the duties should also be refined, with some of the less essential data replaced by maternity retention rates, as described below.

## Comparing gender pay gap data

**128.** The gender pay gap is the difference between the average earnings of men and women in an organisation, expressed as a percentage of men’s earnings. It is not the same as equal pay, where employers are required to pay people doing the same job the same amount whether they are a man or a woman.

**129.** The publication of gender pay gap data is required for:

- Most Welsh public authorities by the Welsh public sector equality duties;
- British private and voluntary sector organisations with more than 250 employees (including those based in Wales) by the *Equality Act 2010 (Gender Pay Gap Information) Regulations 2017*, which are made by UK Government Ministers. This data is available through the [UK Government’s Gender Pay Gap Portal](#);
- British public sector bodies with more than 250 employees (including some Welsh public bodies not covered by the Welsh specific duties such as the Assembly Commission) by the *Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017*, which are made by UK Government Ministers. This data is available through the [UK Government’s Gender Pay Gap Portal](#);
- Scottish public sector bodies with over 20 employees by the Scottish public sector equality duties, made by Scottish Ministers.

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<sup>106</sup> EHRC (2014) *Review of the Public Sector Equality Duty (PSED) in Wales: Full Report*, page 44

**130.** Welsh public authorities are not required to publish information to the UK Government's Gender Pay Gap Portal unless they are covered by the *Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017*. This means that it is not possible to compare pay gaps between public bodies in England and those in Wales.

**131.** The Leader of the House acknowledged this issue, telling us "it's unfortunate that we [...] didn't arrange for it to be published in that usable, one place". She also committed to publishing the information "in a usable form, preferably as open data",<sup>107</sup> which we welcome. The EHRC also suggested that they were working to collate this information.<sup>108</sup> We think that gender pay gap data for Welsh public authorities should be published to the UK Government portal.

**132.** We also heard from respondents including Slate Legal<sup>109</sup> and UNISON<sup>110</sup> that the current reporting threshold for UK private and voluntary organisations of 250 employees is too high, as it only covers 0.7% of private businesses in Wales.

**133.** We reiterate the conclusion from our recent report into [Making the economy work for people on low incomes](#) that "as part of the Economic Contract the Welsh Government should place a requirement on companies with 50 to 249 employees receiving support and to provide gender pay gap data".

**134.** We welcome the Leader of the House's suggestion that the Fair Work Commission could potentially "set up a piece of work that [...] allows us to extend the duty for our [gender pay gap] reporting. [...] it's 250 employees at the moment, and that doesn't even touch most Welsh companies because they're all much, much smaller than that".<sup>111</sup>

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<sup>107</sup> ELGC Committee, [RoP 23 May 2018](#), para 123

<sup>108</sup> ELGC Committee, [RoP 19 April 2018](#), para 100

<sup>109</sup> [PMW07 Slate Legal](#), para 3.7

<sup>110</sup> PMW03 UNISON, para 2.8

<sup>111</sup> ELGC Committee, [RoP 23 May 2018](#), para 123

## Reporting on maternity retention rates could shine a light on discrimination

**135.** Many respondents suggested that public authorities should be required to collect and publish retention rates for mothers, to track how many leave their jobs after having children.<sup>112</sup>

**136.** Maternity Action believed that “public reporting of maternity retention rates will focus attention on employer practices towards pregnant women and new mothers, much as Gender Pay Gap reporting has shone a spotlight on pay inequality”.<sup>113</sup> Chwarae Teg also supported this view.<sup>114</sup>

**137.** A participant in our focus groups also said that employers should conduct audits to establish the reasons why women may not return to work, or may leave jobs soon after returning.<sup>115</sup>

**138.** WEN said that requiring employers in Wales to report rates would be “a really good indicator” of whether employers are meeting their statutory obligations.<sup>116</sup> YESS also considered that “there needs to be a mechanism for recording when women leave employment while pregnant or on maternity leave”.<sup>117</sup>

**139.** The Cabinet Secretary for Economy and Transport told us that “the [Fair Work] Commission will be considering whether we are able to incorporate anything of this nature into the economic contract”.<sup>118</sup> We welcome this commitment, and in recommendation 9 we have called for the Economic Contract to include a requirement for businesses to report maternity retention rates.

**140.** The 2016 EHRC review of the Welsh public sector equality duties concluded that they were being used to successfully influence and scrutinise the way public bodies behave. This was supported by evidence to our inquiry. For example, Slate

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<sup>112</sup> [PMW14 Maternity Action](#), [PMW04 Sarah Rees, focus groups](#), [PMW02 YESS](#), [PMW05 Women’s Equality Party](#), ELGC Committee, [RoP 19 April 2018](#), para 182 (Women’s Equality Network (WEN) Wales and para 141 (Chwarae Teg), ELGC Committee [RoP 3 May 2018](#), para 97 (Anna Whitehouse)

<sup>113</sup> [PMW14 Maternity Action](#)

<sup>114</sup> ELGC Committee, [RoP 19 April 2018](#) para 141

<sup>115</sup> [Focus group notes](#)

<sup>116</sup> ELGC Committee, [RoP 19 April 2018](#) para 182

<sup>117</sup> [PMW02 YESS](#),

<sup>118</sup> ELGC Committee, [RoP 9 May 2018](#), para 168

Legal told us that the duties had helped reduce pregnancy and maternity discrimination within the public sector.<sup>119</sup>

**141.** We agree with respondents that reporting of maternity retention data could help identify employers with poor support for parents, or discriminatory or unfair practices. In the case of the public sector, we believe that including a requirement to report on maternity retention data as part of the Welsh public sector equality duties is the most appropriate and effective way to provide for this, given their proven effectiveness.

**Recommendation 24.** We recommend that the Welsh Government amends the Welsh public sector equality duties to include maternity retention rates as part of the employment data collected under regulation 9 of the *Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011*.

**Recommendation 25.** We recommend that the Welsh Government publishes employment data required by the Welsh public sector equality duties to a single location on the Welsh Government's website, in a format that allows the data to be analysed easily.

**Recommendation 26.** We recommend that the Welsh Government collects and publishes gender pay gap data for Welsh public authorities to the UK Government portal.

**Recommendation 27.** We recommend that the Welsh Government refines the employment data required by the Welsh public sector equality duties, with the aim of reducing the administrative burden on authorities.

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<sup>119</sup> PMW07.Slate.Legal



## 7. Employees and employers do not know enough about their rights and obligations

Parents told us that they do not know enough about their rights at work, or how to use them effectively. There is a lack of specialist advice for the period between an initial request for flexible working and when an employee leaves their job (or takes their employer to tribunal). Employers, especially small businesses, also told us that they struggle to comply with legislation.

**142.** It was clear from the evidence we received that access to advice and information was critical in preventing parents leaving work because of discrimination and unfair treatment. YESS told us that good quality conciliation services can prevent working relationships breaking down, particularly in the immediate period when a mother returns to work.<sup>120</sup> Bethan Darwin considered that the main aim should be to avoid litigation by encouraging effective and honest conversations on both sides.<sup>121</sup>

### Specialist advice for employees and employers is hard to access

**143.** There is no specialist Welsh advice helpline for pregnancy, maternity and work issues. Maternity Action runs a UK-wide advice line that is heavily oversubscribed, with only one in every five calls able to be answered, 3% of which are from Wales.<sup>122</sup> The organisation told us that 40% of their referrals are from Citizens Advice, which they said suggests that “there are a lot of agencies that don’t have that [specialist pregnancy, maternity and employment] expertise”.<sup>123</sup> They went on to say that “the callers we get have often tried calling ACAS and have come to us because they couldn’t get a detailed answer to their question”.

**144.** Sarah Rees told us about her experience of trying to get advice:

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<sup>120</sup> ELGC Committee, [RoP.19 April 2018](#), para 291

<sup>121</sup> ELGC Committee, [RoP.19 April 2018](#), para 264

<sup>122</sup> [PMWI4 Maternity Action](#)

<sup>123</sup> ELGC Committee, [RoP.19 April 2018](#), para 32

“I tried endless times to get through to the helpline, and it’s only open for two hours at a time, three to four days a week, and it even states on their website, ‘Keep trying, because we know we’re inundated with calls and it’s really difficult get through.’ Well, if it’s really difficult to get through, then that’s telling us that there’s a real problem and there needs to be more support for things like a helpline.”<sup>124</sup>

**145.** Other small-scale UK-wide services exist such as Pregnant Then Screwed’s free advice line and flexible working helpline, which are supported by a Manchester-based legal firm working pro-bono.

**146.** The Federation of Small Businesses (FSB) highlighted that ACAS are receiving an increasing number of calls about pregnancy and maternity issues. In 2016 it received 14,000 such calls, an increase of 10% on the previous year.<sup>125</sup>

**147.** Family Friendly Working Scotland (FFWS) is a collaborative partnership between the Scottish Government, Working Families, Fathers Network Scotland, and Parenting Across Scotland. FFWS provides free legal advice to parents and carers on employment rights and benefits, and works with organisations in the public, private and voluntary sectors to provide practical support.

**148.** We are concerned that given the increasing demand for specialist advice services, and the oversubscription of UK-wide services, parents in Wales may not be able to access the support they need. A pilot service (provided through an existing organisation) could assess the demand, and provide people with information that takes into account the Welsh legal and policy context, and in the Welsh language.

**149.** As an example of cost, the Pregnant Then Screwed helpline runs on pro-bono legal advice and costs £600 a month to operate.<sup>126</sup> We believe the Welsh Government should consider innovative models for the provision of specialist advice to enhance current provision.

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<sup>124</sup> ELGC Committee, RoP.25 April 2018, para 41

<sup>125</sup> PMW04 FSB Wales

<sup>126</sup> Pregnant Then Screwed, How does the advice line work?

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## Keeping in touch during maternity leave

**150.** Respondents told us that maternity leave is the most vulnerable time when mothers are most likely to leave their jobs.<sup>127</sup> We heard from several parents who described losing responsibilities - even losing their jobs - during maternity leave, without consultation or notification.

**151.** It is important that employers stay in touch during this time to help alleviate the difficulties of returning to work. One participant in the online discussion said that “keeping in touch” days during maternity should be compulsory,<sup>128</sup> and another said that they should be hours rather than days, to fit in with caring for a child.<sup>129</sup>

**152.** Slate Legal described their clients feeling “cut off” from work by their employers, contributing to their loss in confidence and skills.<sup>130</sup> Sarah Rees noted that the lack of communication often means that promotion opportunities are not offered to women during this time.<sup>131</sup>

**153.** We also heard of good practice. Anna Whitehouse highlighted Barclays’ “Staying in Touch” mobile app, which keeps line managers and employees on maternity leave in touch, while also providing access to relevant resources and information.<sup>132</sup>

**154.** It is clear that good communication is critical to help parents stay updated on their work, promotion and training opportunities and to feel connected to their job. Embedding simple measures such as communication into maternity plans could help retain staff and avoid unfair treatment on return to work.

## Small employers struggle with managing pregnancy and maternity issues

**155.** Bethan Darwin highlighted that the smaller the business, the bigger the blow.<sup>133</sup> We heard evidence from the small PR firm Cowshed, who said that in a small team it leaves a “massive hole” when an employee goes on maternity

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<sup>127</sup> ELGC Committee, [RoP.3 May 2018](#), para 77

<sup>128</sup> [Senedd Dialogue online discussion contribution from Jojo82](#)

<sup>129</sup> [Senedd Dialogue online discussion contribution from G567](#)

<sup>130</sup> [PMW07 Slate Legal](#), para 4.6

<sup>131</sup> ELGC Committee, [RoP.25 April 2018](#), para 47

<sup>132</sup> ELGC Committee, [RoP.3 May 2018](#), para 36

<sup>133</sup> ELGC Committee, [RoP.19 April 2018](#), para 271

leave.<sup>134</sup> But the director told us that by working flexibly and maintaining dialogue throughout that period, it is possible to retain high calibre employees.

**156.** The FSB stated that 29% of small firms find maternity and paternity leave among the most time-consuming and difficult areas of legislation to comply with. They suggested that “a significant number of [small and medium-sized enterprises] are unable to secure professional advice in this area”.<sup>135</sup> Maternity Action noted “employers are more likely to comply with the law if the information on their legal obligations is readily accessible”.<sup>136</sup>

**157.** The 2016 EHRC survey found that small employers were much less likely to provide some form of guidance or training for managers on managing pregnancy and maternity. The EHRC suggested that Business Wales is not currently fulfilling this need for advice, and as the Economic Contract is rolled out there is an opportunity to review “how they handle those things on the ground”.<sup>137</sup>

**158.** The Scottish Government is currently developing a pilot mentoring on flexi-recruitment issues for small and medium sized enterprises (SMEs).<sup>138</sup> We believe the Welsh Government should evaluate the success of this pilot with the aim of improving support provided by Business Wales in this area.

**159.** The EHRC survey found that small businesses were more likely to offer no flexible working practices. YESS suggested providing financial incentives to address this.<sup>139</sup> However, the Cabinet Secretary for Economy and Transport said he was “not convinced” this would achieve the necessary behavioural and cultural change required across the business sector. He believed that the Economic Contract “is the best means to ensure that fair work, and with it flexible working, is embraced by all employers”.<sup>140</sup>

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<sup>134</sup> ELGC Committee, [RoP 9 May 2018](#), para 10

<sup>135</sup> [PMW06 FSB Wales](#)

<sup>136</sup> [PMW14 Maternity Action](#), page 7

<sup>137</sup> ELGC Committee, [RoP 9 May 2018](#), para 100

<sup>138</sup> Scottish Government, [Fairer Scotland Action Plan - action 43](#)

<sup>139</sup> [PMW02 YESS](#)

<sup>140</sup> ELGC Committee, [RoP 9 May 2018](#), para 221

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## Information should be provided early in pregnancy

**160.** A number of witnesses suggested that pregnant women should be provided with information on their employment rights during health appointments early in their pregnancy.<sup>141</sup> They suggested that a booklet or leaflet should be provided to women with a section that they can give to their employers.

**161.** This was also a recommendation made by the EHRC and the UK Parliament's Women and Equalities Committee.<sup>142</sup> In response, the UK Government told the Committee that through NHS England's Maternity Transformation Programme a digital maternity tool was being developed to bring together the best digital services and online information, including maternity-related employment rights.<sup>143</sup> It is not clear if this work has progressed.

**162.** We believe that the Welsh Government should identify ways of providing information on employment rights to women early in their pregnancy, either through health appointments or other means. However, as noted by many witnesses, the provision of information cannot replace good quality specialist advice in this area. YESS and Bethan Darwin both told us that even when people know their rights, they need advice on how to use them constructively.

**Recommendation 28.** We recommend that the Welsh Government takes action to increase the provision of specialist advice on pregnancy, maternity and employment issues, either by enhancing existing advice services or by establishing a new advice service for Wales if existing services cannot provide the necessary specialist advice.

**Recommendation 29.** We recommend that the Welsh Government identifies ways to provide information about employment rights to women at an early stage in their pregnancy, such as referrals to specialist advice services during health appointments.

**Recommendation 30.** We recommend that the Welsh Government consolidates information, sources of advice, training, and good practice relating to pregnancy and maternity issues for employers into a single location, with tailored information and advice for SMEs.

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<sup>141</sup> [PMW02.YESS, PMW03.UNISON, ELGC Committee, RoP.19 April 2018](#), para 25 (EHRC)

<sup>142</sup> House of Commons Women and Equalities Committee (2016) [Pregnancy and Maternity Discrimination](#), para 81

<sup>143</sup> [UK Government response to the House of Commons Women and Equalities Committee report on pregnancy and maternity discrimination](#), January 2017

## Careers advice is not appropriate for parents returning to work

**163.** We heard evidence that Careers Wales does not provide advice that is suitable or useful for parents returning to work, especially those mid-career. Sarah Rees said:

“I don’t think that Careers Wales is sufficient to anyone over the age of 25[.] To be a woman and walk into a careers centre where there’s a lot of 16 to 18-year-olds, when you’re already at a disadvantage because you’ve lost your confidence, or you’ve lost your job, it’s not something that many mothers want to do [...]

There’s no support on the Careers Wales website that’s tailored specifically to women or mum returners. [...] What they don’t talk about also is the major barriers for mums—flexible working [...] It doesn’t even mention the Parents, Childcare and Employment programme.”<sup>144</sup>

**164.** Chwarae Teg supported this, and added that careers advice also has an important role in tackling gendered ideas about certain jobs or sectors.<sup>145</sup>

**165.** The Minister for Welsh Language and Lifelong Learning noted that information on the Careers Wales website is deliberately generic to make it easier to navigate.<sup>146</sup> However, we received evidence that parents returning to work after having children need specific advice and information that is not currently provided. This includes information about how to request flexible working, childcare options, legal rights and career progression. There is an opportunity to build this specialist support into the new Employment Advice Gateway and Working Wales programme as part of the Employability Plan. We consider that this sort of support would complement the aims of the new Childcare Offer.

**166.** We also believe the Welsh Government should assess the success of the Scottish Government’s **“Returners” project**, which aims to help bring experienced women back into the workplace after a career break. The project provides one to one guidance, career clinics, access to webinars and three month placements in life sciences, digital skills and engineering. Such a scheme in Wales could also help fulfil the recommendations of the **Talented Women for a Successful Wales** report.

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<sup>144</sup> ELGC Committee, **RoP.25 April 2018**, para 73

<sup>145</sup> ELGC Committee, **RoP.19 April 2018**, para 246

<sup>146</sup> ELGC Committee, **RoP.9 May 2018**, para 297

**Recommendation 31.** We recommend that the Welsh Government reviews and improves the advice and information available through Careers Wales for parents returning to work, and provides training for careers advisers on pregnancy and maternity issues.

**Recommendation 32.** We recommend that the Welsh Government builds specialist support for mothers returning to work into the Employment Advice Gateway and Working Wales programmes.

**Recommendation 33.** We recommend that the Welsh Government assesses the Scottish Government’s “Returners” project and explore the feasibility of running a similar scheme in Wales.



Llywodraeth Cymru  
Welsh Government

## 8. Issues outside the Welsh Government's control

We heard a substantial amount of evidence about issues that are not devolved to Wales, such as employment law and parental entitlements. If the Welsh Government is to “bring gender to the forefront of all decision-making”, it should use its influence at a UK level to advocate on behalf of parents in Wales on a range of issues.

**167.** Non-devolved issues were explored in more detail by the UK Parliament Women and Equalities Committee in its inquiry into pregnancy and maternity discrimination in 2016.<sup>147</sup> We received very similar evidence to our inquiry, suggesting that these issues remain unresolved.

**168.** The non-devolved issues raised by respondents included:

- **Tribunal time limits:** witnesses including the Wales TUC,<sup>148</sup> YESS,<sup>149</sup> Slate Legal,<sup>150</sup> Sarah Rees<sup>151</sup> and a number of individual respondents told us that the three month time limit to bring a claim was too short, and that it should be increased to at least six months.
- **Redundancy protection:** Maternity Action and YESS<sup>152</sup> suggested that employers should be prohibited from dismissing a woman during pregnancy, maternity leave and 4 months after they return to work, as is the case in Germany.
- **Shared parental leave:** As YESS<sup>153</sup> and WEN<sup>154</sup> highlighted, there is higher take up in countries where the leave is on replacement pay (i.e. when

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<sup>147</sup> House of Commons Women and Equalities Committee (2016) [Pregnancy and Maternity Discrimination](#)

<sup>148</sup> [PMW13 Wales TUC](#)

<sup>149</sup> [PMW02 YESS](#)

<sup>150</sup> [PMW07 Slate Legal](#)

<sup>151</sup> [PMW04 Sarah Rees](#)

<sup>152</sup> ELGC Committee, [RoP.19 April 2018](#), para 52

<sup>153</sup> [PMW02 YESS](#)

<sup>154</sup> ELGC Committee, [RoP.19 April 2018](#), paras 150 and

salary is replaced, rather than just providing an allowance) and it is reserved for the father/partner. Sweden was cited as an example, where 68.5 weeks of non-transferable shared parental leave is available on a flexible basis to partners. Payments are funded by the Swedish Social Insurance Agency (as opposed to the employer) through the tax system.

- **Self-employed parental entitlements:** Sarah Rees highlighted the recommendations of the UK Government-commissioned [Self-Employed Review 2016](#) to enhance the level of Maternity Allowance provided to the self-employed in the first 6 weeks to bring it in line with Statutory Maternity Pay for employed people. Shared parental leave is not available to self-employed fathers.
- **Right to request flexible working:** currently employees have to wait 26 weeks before they can request flexible working. YESS<sup>155</sup> and Anna Whitehouse<sup>156</sup> considered that it should be a right to request it from day one of a job.
- **Gender pay gap reporting:** evidence from Slate Legal<sup>157</sup> and the Women's Equality Party<sup>158</sup> suggested that the reporting threshold for businesses of 250 was too high (it only covers 0.7% of businesses in Wales), and some considered that other factors such as ethnicity, age, disability should be considered as part of reporting<sup>159</sup>.

**Recommendation 34.** We recommend that the Welsh Government should make representations to the UK Government to:

- increase the time limit for bringing a claim in maternity and pregnancy discrimination cases from 3 to 6 months;
- provide the right to request flexible working from day 1 of a job;
- enhance the level of Maternity Allowance provided to the self-employed in the first 6 weeks to bring it in line with Statutory Maternity Pay for employed people, and extend shared parental leave to self-employed fathers;

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<sup>155</sup> [PMW02 YESS](#)

<sup>156</sup> [ELGC Committee, RoP.3 May 2018](#), para 24

<sup>157</sup> [PMW07 Slate Legal](#)

<sup>158</sup> [PMW05 Women's Equality Party](#)

<sup>159</sup> [ELGC Committee, RoP.19 April 2018](#), para 101 (EHRC)

- extend redundancy protection for women returning to work after maternity leave, similar to the German model;
- increase the level of Shared Parental Leave and reduce the complexity of the system; and
- lower the gender pay gap reporting threshold.



## Annex A: employment data required to be collected by Welsh public authorities by the Welsh specific equality duties

Section 9 of the [Equality Act 2010 \(Statutory Duties\) \(Wales\) Regulations 2011](#) requires public authorities to collect and publish a range of employment information.

The EHRC's [guide to the duties](#) states that:

A listed body in Wales must collect and publish on an annual basis the number of:

- people employed by the authority on 31 March each year by protected characteristic
  - men and women employed, broken down by:
    - job
    - grade (where grading system in place)
    - pay
    - contract type (including permanent and fixed term contracts)
    - working pattern (including full time, part time and other flexible working patterns)
- people who have applied for jobs with the authority over the last year
- employees who have applied to change position within the authority, identifying how many were successful in their application and how many were not
- employees who have applied for training and how many succeeded in their application
- employees who completed the training
- employees involved in grievance procedures either as complainant or as a person against whom a complaint was made
- employees subject to disciplinary procedures
- employees who have left an authority's employment.

All of the information above must be presented for each of the different protected characteristics. The exception to this requirement is the data on job, grade, pay, contract type and working pattern, which must be broken down only in relation to women and men.

An authority may use its annual report to publish this employment information.

An authority cannot require any employee or applicant to provide any information in relation to their protected characteristics.