

## **“I was devastated by the way I was treated when I returned to work from maternity leave”** (Ruth Parks, U TV January 2016)

A female finance manager, who was made redundant following her return to work from maternity leave has been awarded £50,000 in compensation.

It is a commonly asked question. Is my employer entitled to give away my job to someone else whilst I'm on maternity leave? Well, technically no they can't. The above case touched on how Ms Parks' duties had been delegated amongst the existing team, resulting in increased hours for an existing staff member and the recruitment of two further permanent staff members. This provided the employer with ample staff coverage for the work involved, at the expense of Ms Park's absence.

An employer will attempt to create a façade of redundancy as a deliberate means of dismissing the employee returning from maternity leave, whose job has been given to someone else. What appears to be a fair redundancy consultation process may ensue, but the inevitable often happens, with the employee on maternity leave being the chosen one.

A genuine redundancy occurs where an employer identifies a true diminution of work, resulting in a need to cut back its staff numbers.

Is pregnancy discrimination a taboo subject? Some would agree, some not. It would not be inaccurate to say that pregnant women are vulnerable. They need to avoid health and safety risks, they need to avoid stressful situations. So, what about work? A recent study carried out by the Equality and Human Rights Commission revealed that less than 3% of women come forward and speak up against their employer's mistreatment of them. That is an alarmingly low rate, meaning that the remaining 97% may be exposing themselves to undue stress and risk of harm, but why?

Well, some women simply don't know their employer is doing anything wrong. Others clearly do but fear for the future security of their jobs, and rightly so, especially when there

may be a lucrative maternity pay package on offer when the time comes to start their maternity leave.

It would be accurate to report that pregnancy discrimination, in most cases, is subtle. There aren't many employers who will outlandishly harass their pregnant employee as soon as the P word has been announced. It is usually much more subtle than that. Some have reported their employer's treatment of them as being comparable to "crazy making behaviour"; causing the woman to feel that she might be the cause of it somehow or her sudden poor performance is as a result of her "baby brain".

This is a sad reality for some whereas others simply say or do nothing for fear of financial insecurity or career carnage.



## **Stand EA8, Family Expert Area**