



**Women's Regional
Consortium**

Consortium for the Regional Support for Women in Disadvantaged and Rural Areas

**Response to: Good Work Plan: Proposals to
support families**

**Issued by: Department for Business, Energy and
Industrial Strategy (BEIS)**

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Women's Centre Derry
ACCESS & EMPOWERMENT

WOMEN'STEC
Enabling women into non-traditional employment

**Foyle Women's
Information
Network**



Women's Regional Consortium: Working to Support Women in Rural Communities and Disadvantaged Urban Areas

1. Introduction

1.1 This response has been undertaken collaboratively by the members of the Consortium for the Regional Support for Women in Disadvantaged and Rural Areas (hereafter, either the Women's Regional Consortium or simply the Consortium), which is funded by the Department for Communities and the Department of Agriculture, Environment and Rural Affairs.

1.2 The Women's Regional Consortium consists of seven established women's sector organisations that are committed to working in partnership with each other, government, statutory organisations and women's organisations, centres and groups in disadvantaged and rural areas, to ensure that organisations working for women are given the best possible support in the work they do in tackling disadvantage and social exclusion.¹ The seven groups are as follows:

- ♀ Training for Women Network (TWN) – Project lead
- ♀ Women's Resource and Development Agency (WRDA)
- ♀ Women's Support Network (WSN)
- ♀ Northern Ireland's Rural Women's Network (NIRWN)
- ♀ Women's TEC
- ♀ Women's Centre Derry
- ♀ Foyle Women's Information Network (FWIN)

1.3 The Consortium is the established link and strategic partner between government and statutory agencies and women in disadvantaged and rural areas, including all groups, centres and organisations delivering essential frontline services, advice and support. The Consortium ensures that there is a

¹ Sections 1.2-1.3 represent the official description of the Consortium's work, as agreed and authored by its seven partner organisation

continuous two-way flow of information between government and the sector. It also ensures that organisations/centres and groups are made aware of consultations, government planning and policy implementation. In turn, the Consortium ascertains the views, needs and aspirations of women in disadvantaged and rural areas and takes these views forward to influence policy development and future government planning, which ultimately results in the empowerment of local women in disadvantaged and rurally isolated communities.

1.4 The Consortium works to advance the interests and enhance the wellbeing of disadvantaged, marginalised women in some of the most deprived areas of Northern Ireland.

1.5 The Women's Regional Consortium appreciates the opportunity to respond to the Department for Business, Energy and Industrial Strategy (BEIS) consultation 'Good Work Plan: Proposals to support families'. Women's views were gathered during a series of focus group engagements in local women's centres, through questionnaire responses and in individual interviews with local women.

2. General Comments

Accessibility of Consultation Document

2.1 Despite the focus on plain language and accessibility many public consultation documents contain jargon and policy terms which mean very little to ordinary people. WRDA guidance for public authorities on consulting with women² says that: *“the terminology can create a language barrier or make the respondent feel like they don’t know enough to take part.”* Unfortunately this is the experience of some of the women we spoke to about this consultation. There was a sense that it was too *“high level”* for them and they did not feel it was something that they would be able to respond to.

2.2 The language used in the document is often complex using a myriad of policy terms. While we understand it may be difficult to avoid the use of more complex language in a consultation of this nature we believe that the document does not meet the guidelines set out for consultations in terms of simplicity. The Government’s consultation principles states that: *“consultations should be clear and concise”* using plain English and avoiding acronyms.³ We do not believe that this has been achieved in this instance. Unfortunately this has led to a situation where some women have been put off responding to this consultation because they feel it is not for them. This can only be to the detriment of this process putting ordinary women off contributing their lived experience of existing policies and giving their views on future proposals.

Factors affecting Women’s Economic Participation

2.3 As the consultation document states: *“there is more work to be done to support female participation and to close the employment and gender pay gaps.”* It is clear that women’s economic participation in the workforce is impacted by a range of factors including the availability of flexible working and

² Women at the Heart of Public Consultation, A guide for Public Authorities and Women’s Organisations, WRDA, November 2017

https://wrda.net/wp-content/uploads/2018/10/WRDA_WomenAtTheHeartOfPublicConsultation.pdf

³ GOV.UK

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf

parental leave and pay policies. However these policies cannot be viewed in isolation from other Government policies which also impact on female participation including welfare reform and access to community based training and education. It is also imperative that these policies are supported by adequate infrastructure in terms of accessible, affordable childcare and transport provision in order that they have a realistic chance of increasing women's participation in the workforce and promoting gender equality.

“When you have been off work having kids you find that no one cares about you going back to work!”

- Focus Group Respondent

Childcare

2.4 Childcare is a hugely important issue for working parents. Childcare accessibility and affordability has an important impact on the choices that parents make about work particularly for women.

“I have three children and I've been at home taking care of the kids since they were born. I love that I have been able to do that. There was a big gap between my second and third child and I thought about going back to work when my second child started school. I found that I would have been lucky to get a job after being off for so long, never mind getting a part-time job to suit with the children. A big reason for me making the decision to not go back to work was that it would cost so much to send my children to childcare.”

- Focus Group Respondent

2.5 It has been a long held societal view that childcare is a predominantly female role. While attitudes are changing it remains the prevailing view. There is therefore a need for frameworks to be put in place to ensure that this role can be more equally shared and that the infrastructure exists so that families have genuine choices when it comes to childcare.

2.6 Equality Commission for Northern Ireland (ECNI) research highlighted that the availability of affordable and appropriate childcare is a fundamental part of the process of mothers entering, remaining in, progressing in, or returning to work. If a significant portion of female-generated income, especially in the short term, is being spent on childcare, then work may be financially unviable.⁴ ECNI said: *“Childcare should be both affordable and geographically accessible to facilitate employment.”*

2.7 Research also confirms that access to childcare can represent a particular problem for the economic participation of marginalised and vulnerable women especially those from disadvantaged and rural areas.⁵ A combination of high childcare costs and poor financial gains from working is often the reason why many low-income mothers do not enter or remain in work.

“I can’t afford childcare as I don’t get any support with it. I am lucky I have family to look after my kids. Without them I would need to leave work. My salary is not enough to pay the mortgage and childcare without some help.”

- Questionnaire Respondent

“When I do return to work I am only going back part-time. This decision was made with the cost of childcare in mind.”

- Questionnaire Respondent

⁴ Childcare: Maximising the Economic Participation of Women, Professor Ronald McQuaid, Dr Helen Graham, Dr Marina Shapira, Equality Commission for Northern Ireland, February 2013

[https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Maximising ChildcareMainReport2013.pdf](https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Maximising%20ChildcareMainReport2013.pdf)

⁵ Women’s Regional Consortium Response to ‘Delivering social change through childcare: a ten year strategy for affordable and integrated childcare 2015-2025’, November 2015
<http://www.womensregionalconsortiumni.org.uk/sites/default/files/FINAL%20WRC%20response%20C'care%2012%2011%2015.pdf>

2.8 Inadequate childcare provision including prohibitive costs is associated with this gender inequality. Therefore the ability to avail of quality, affordable, accessible childcare is of paramount importance in helping women’s participation in the labour market and also has positive impacts for gender equality.

“Childcare is too expensive – not enough offered at a reasonable rate. I had to reduce my hours to part-time and this has affected my promotion opportunities and my pension.”

- Questionnaire Respondent

“Costs of childcare are extremely high especially in non-social hours which I need as a nurse.”

- Questionnaire Respondent

Childcare Costs in Northern Ireland

2.9 International and regional comparisons of the cost of formal childcare indicate that Northern Ireland has some of the highest childcare costs. Families are spending more on childcare in Northern Ireland than they are in other countries and in other regions of the UK. This has particular implications for women who continue to undertake the majority of childcare in the home.⁶

“I have two children under four. The cost of childcare is extortionate. It is our biggest outgoing. Despite help from grandparents we struggle to make these payments.”

- Questionnaire Respondent

⁶ Childcare in Northern Ireland: Cost, Care and Gender Equality, Northern Ireland Committee Irish Congress of Trade Unions, June 2019
<https://www.betterworkbetterlives.org/sites/default/files/publications/ICTU%20Childcare%20Report%20June%202019.pdf>

“Both myself and my husband work. We have two children under four and I work part-time. Childcare is very expensive especially when you are paying for two children.”

- Questionnaire Respondent

“Most childcare places are way too expensive.”

- Questionnaire Respondent

“The cost of childcare is very expensive compared to local salaries.”

- Questionnaire Respondent

2.10 Employers for Childcare found that a two parent household in Northern Ireland, with two children aged five or under, reported spending an average of £195 per week on childcare which equates to 41% of the average household income. In comparison to figures for England a similar couple could expect to pay 35.7% of their wage on childcare.⁷ This suggests that families in Northern Ireland are paying a greater proportion of their household income on childcare than families in England.

2.11 Research by Employers for Childcare⁸ shows that the average cost of a full-time childcare place is £166 per week, an increase of 11% since 2010. Families report spending an average of £137 per week on childcare rising to £178 where families use formal childcare only. This research also found that 50% of all families report spending more than 20% of their overall household income on childcare. This rises to 63% of lone parent households. Almost two thirds of families rank their childcare bill as their largest or second largest monthly outgoing (second only to their mortgage/rent).

⁷ Northern Ireland Childcare Survey 2019, Employers for Childcare, June 2019
<https://www.employersforchildcare.org/report/northern-ireland-childcare-survey-2019/>

⁸ Ibid

2.12 The CEDAW Committee has recently expressed its concern about childcare costs and specifically raised the situation in Northern Ireland. CEDAW said that it is: *“concerned that childcare costs remain excessive, particularly in Northern Ireland, which constitutes an obstacle for women to enter and progress in the workplace.”*⁹ The Committee recommended that government should ensure the availability of affordable and accessible childcare particularly in Northern Ireland.¹⁰

“More help from government is needed to cover childcare expenses.”

- Questionnaire Respondent

“It is really difficult for lone parents. There are no crèche facilities/childcare in this area. Women can’t afford the childcare that does exist.”

- Focus Group Attendee

“Childcare needs to be cheaper. It would be good if you didn’t have to pay out nearly your full wage to cover it. It seems that I spend nearly all my money on childcare and I’m just working to pay for it.”

- Focus Group Attendee

Access to Support for Preschool Childcare

2.13 Government help for preschool childcare costs is different in Northern Ireland. Since September 2017 eligible working parents of three and four year olds in England have been able to avail of 30 hours per week of free childcare. However in Northern Ireland parents of three and four year olds can

⁹ Concluding Observations on the eighth periodic report of United Kingdom of Great Britain and Northern Ireland, CEDAW/C/GBR/CO/8, March 2019, para 45

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GBR/CO/8&Lang=En

¹⁰ Ibid, para 46

only avail of 12.5 hours per week of free preschool education. It can only be taken over 2.5 hours per day, 5 days a week and only during term time.

“The cost of childcare is scandalous. Plus we don’t have 30 hours free childcare here – that would help a lot.”

- Focus Group Attendee

2.14 Employers for Childcare report that parents continue to be frustrated that access to childcare is considerably different in Northern Ireland than in other parts of the UK.¹¹ Their research states that: *“a large number of parents referred to the availability of 30 hours free childcare for eligible children in England and expressed their anger that similar support is not available here.”*

Case Study – Atlas Women’s Centre

“I have two children aged 2 and 4. My husband works full time on a low wage. I had to give up work due to the cost of childcare it was just too expensive and it wasn’t worth my while working to pay for childcare. I have no family here so we have little family support and were reliant on formal childcare.

Apart from tax credits we get no help because my husband works. As a result we are always struggling to make ends meet.

I’m really struggling with the cost of my daughter’s school meals at nursery which are costing £15 a week.

Sometimes I’ve had to borrow from my in-laws or my friend to help pay the bills. I think the government needs to do more to help families who are on low incomes. I think there should be specific help for childcare to make it easier for people to work so that all their wages are not going on childcare.”

¹¹ Northern Ireland Childcare Survey 2019, Employers for Childcare, June 2019
<https://www.employersforchildcare.org/report/northern-ireland-childcare-survey-2019/>

Impact of Austerity/Welfare Reform

2.15 The austerity/welfare reform agenda has brought issues around female participation in the workforce and access to flexible, affordable childcare into sharper focus. Increased conditionality in the benefits system and cuts in the value of benefits through the benefit freeze have focused attention on these issues. In addition, austerity has led to an increase in precarious working arrangements including zero-hours contracts. These patterns of working are often incompatible with family life and existing childcare provision.

2.16 One of the Government's objectives behind welfare reform was to make work pay and move people off benefits and into work. Increased conditionality within Universal Credit (UC) means that more people will be forced into looking for work when their children are younger.

2.17 Eligibility for UC has a more intensive conditionality regime. For the first time partners in jointly claiming couples will face mandatory work-related requirements. In addition claimants who are working and on a low income will face 'in-work conditionality'. As a result, claimants could face sanctions if they do not comply with work-related requirements including searching for and applying for additional work to meet an earnings threshold (based on working 35 hours a week at the National Minimum Wage).

2.18 UC has also introduced extended conditionality for lone parents, the vast majority of whom are women (91% of lone parent households in Northern Ireland). As soon as a lone parent's youngest child turns one they will be expected to attend work-focused interviews at a Jobcentre. When the child turns two they will be required to take active steps to prepare for work and once the child is three they will be expected to spend 16 hours per week in paid work or looking for work. Once the child reaches age five this will increase to 25 hours per week and from age thirteen to 35 hours per week.

2.19 The Women's Regional Consortium in Northern Ireland carried out research on the impact of austerity and welfare reform on women in

disadvantaged and rural areas of Northern Ireland.¹² This research showed some of the difficulties local women faced in getting work that fits with their childcare responsibilities. Women at focus group sessions discussed the lack of quality jobs available in their local areas (often low wage and unsuitable hours to fit in with their caring obligations) as well as the lack of flexible, affordable childcare to enable them to make the move into work or allow them to achieve better quality work.

“There is a lack of jobs here, the only jobs available are in call centres. I can’t see many women being able to take those jobs as they are mostly shift work. What happens when the kids get out of school? It is not easy for women.”

- Focus Group Attendee

2.20 Increased conditionality within the benefits system and the impact of welfare reform has greater impacts on women who are more likely to claim social security benefits, more likely to be in low-paid, part-time and insecure work and more likely to have caring responsibilities for children. The government’s drive to get more people into work makes many assumptions about the availability of affordable, accessible, quality childcare which can have a major impact on a woman’s ability to move into work.

Childcare & Austerity

2.21 In its response to ‘Delivering social change through childcare: a ten year strategy for affordable and integrated childcare 2015-2025’¹³ the Women’s Regional Consortium outlined research which evidences the adverse impact that financial vulnerability as a result of austerity can potentially have on childcare access, affordability, demand and supply. Access to quality,

¹² Impact of Ongoing Austerity: Women’s Perspectives, Women’s Regional Consortium, April 2019 <http://www.womensregionalconsortiumni.org.uk/node/150>

¹³ Women’s Regional Consortium Response to ‘Delivering social change through childcare: a ten year strategy for affordable and integrated childcare 2015-2025’, November 2015 <http://www.womensregionalconsortiumni.org.uk/sites/default/files/FINAL%20WRC%20response%20C'care%2012%2011%2015.pdf>

affordable, flexible childcare is an issue which significantly impacts on the employment prospects of women and in helping women escape in-work poverty especially in times of austerity.

2.22 The Childcare For All campaign¹⁴ has highlighted that as welfare reform begins to roll out fully many parents fear that childcare costs will leave them in debt or unable to work. The campaign is concerned that differing childcare support in Northern Ireland from GB will mean that welfare changes will have an even more adverse impact here.

Access to Childcare for Vulnerable and Marginalised Women

2.23 For vulnerable women (including ethnic minorities and lone parents) the prospect of increased economic participation can depend on the availability of appropriate integrated childcare and access to education/training opportunities at community level. A lack of appropriate integrated childcare and community education acts as a fundamental barrier to the engagement of socio-economically disadvantaged women in education and training and in employment. However this integrated provision is at risk and has significantly reduced due to austerity.

2.24 The Women's Regional Consortium raised a number of concerns in its response¹⁵ to the OFMDFM consultation 'Delivering social change through childcare: a ten year strategy for affordable and integrated childcare 2015-2025.' The Consortium recommended that Government should take proper account of the likelihood of a worsening of gender equality over the lifetime of the strategy. This is due to the relationship between women's economic

¹⁴ The Women's Support Network (WSN) is a member of the Childcare for All Coalition and endorses the principles in the Childcare for All Charter which sets out a vision of a child-centred childcare infrastructure that is affordable, accessible, flexible, high quality, which supports children's education and development, and that meets the needs of children, families, childcare workers and providers and benefits society.

<https://www.facebook.com/childcare4allni>

¹⁵ Response to: 'Delivering social change through childcare: a ten year strategy for affordable and integrated childcare 2015-2025', Women's Regional Consortium, November 2015

<http://www.womensregionalconsortiumni.org.uk/sites/default/files/FINAL%20WRC%20response%20C'care%2012%2011%2015.pdf>

participation, austerity and the restricted nature of integrated childcare/education provision for vulnerable women in the community.

2.25 In its response the Consortium also argued that any progress on childcare provision in Northern Ireland must recognise the need for low cost/no cost childcare provision for marginalised and vulnerable women in disadvantaged and rural areas. The Consortium stated that Government should recognise the case for properly sustaining childcare provision through the Women’s Centre Childcare Fund (WCCF) model on a ring-fenced, protected basis given the Fund’s positive evaluation in terms of need, impact and value for money.

“I can only do a course if it has childcare available.”

- Questionnaire Respondent

Working Poverty

2.26 There are 444,000 children in Northern Ireland, 103,400 of these children live in poverty. The majority (61%) live in households with at least one parent who is working.¹⁶ *“The likelihood of being in working poverty has been rising for families with children, with a particularly sharp increase for lone parents.”*¹⁷ This is despite the government’s claim that work is the way out of poverty.

2.27 Unfortunately, paid work is not a guaranteed route out of poverty particularly for women for a number of reasons. Women form the majority of low-waged workers and are more likely to be on zero-hours contracts. In-work poverty is not just the result of low pay, working hours are also important.¹⁸ Women are more likely to work part-time and many struggle to increase their

¹⁶ Child Poverty Briefing, NICCY, October 2017

<https://www.niccy.org/media/2904/niccy-child-poverty-briefing-october-2017.pdf>

¹⁷ Universal Credit needs reform to unlock families from in-work poverty, JRF Blog, Katie Schmuecker, September 2018

<https://www.jrf.org.uk/blog/universal-credit-needs-reform-unlock-families-work-poverty>

¹⁸ A Female Face, Fabian Society Blog, Mary-Ann Stephenson, February 2019

<https://fabians.org.uk/a-female-face/>

hours of work due to caring responsibilities. Caring for young children limits both the number of hours a person can work and the distance they can travel for work. This leaves many women locked in poverty especially when jobs are low paid.

2.28 Precarious employment¹⁹ is pervasive throughout Northern Ireland and has been on the increase over recent years. In terms of gender, women are much more likely to work in temporary employment than men with approximately 27,700 women in temporary employment compared to approximately 18,000 men. This is particularly noticeable in part-time roles with the majority of part-time temporary employees being women (68%) compared to men (32%).²⁰

2.29 While improved flexible working and parental leave policies are to be welcomed this must be accompanied by the availability of good quality work that enables women to work for a purpose. The economic participation of women is fundamentally reliant on the availability of appropriate childcare but it is also very much dependent on the availability of meaningful employment or 'work that pays' when childcare costs are factored in. In taking forward this consultation Government should give due regard to this by integrating meaningful gendered job creation ambitions into its wider policy agendas.

“Where are all these jobs? No jobs that are flexible for women they are often low paid and 40 hours a week.”

- Focus Group Attendees

¹⁹ Employment which is insecure, uncertain or unpredictable from the point of view of the worker.

²⁰ 'Insecure and Uncertain': Precarious Work in the Republic of Ireland & Northern Ireland, Irish Congress of Trade Unions Briefing, Winter 2017
https://www.ictu.ie/download/pdf/precarious_work_final_dec_2017.pdf

Gender Pay Gap

2.30 The Women and Equalities Committee said in 2016 about the causes of the gender pay gap: *“a large part of the gender pay gap is down to women’s concentration in part-time work. Many women are trapped in low paid, part-time work that doesn’t make use of their skills. This is partly due to women’s disproportionate responsibility for unpaid caring, but also because many of the sectors women work in, like retail and care, offer predominantly low-paid, part-time work.”*²¹

2.31 Government has an important role to play in highlighting the economic benefits of accessing and retaining the talent and experience of pregnant women and new parents. There is also a need to understand the scale and extent of pregnancy and maternity related discrimination which unfortunately still exists. Transparency measures within employment such as Gender Pay Gap reporting are an important tool in highlighting where discrimination is happening and identifying actions to tackle it.

2.32 The ECNI have called for prompt action to bring Section 19 of the Employment Act (Northern Ireland) 2016 into force²² so that employers must publish gender pay gap information. This should include timelines for compliance with the duties and responsibility for implementing the duties. The ECNI have also called for Government to promptly implement a gender pay strategy and action plan for Northern Ireland to address structural factors within society and the workplace without further delay.

Northern Ireland Economy

2.33 Northern Ireland has a large rural population. Around 670,000 people live in rural areas amounting to 37% of the population.²³ Research by NIRWN

²¹ Gender Pay Gap, Second Report of Session 2015-16, House of Commons Women and Equalities Committee (HC 584), March 2016

<https://publications.parliament.uk/pa/cm201516/cmselect/cmwomeq/584/584.pdf>

²² Gender Pay Strategy and Pay Reporting, Policy Recommendations, Key Point Briefing, Equality Commission for Northern Ireland, August 2019

<https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/GenderPayPolicy-KeyPointBriefing.pdf?ext=.pdf>

²³ <http://www.rdc.org.uk/statistics>

shows that rural women are under increasing pressure from the economic climate: *“Historic underfunding of rural women’s activities and underinvestment in rural areas; centralisation of service support; lack of infrastructure, and the burden of caring responsibilities is leaving rural women experiencing more poverty and social isolation than ever before.”*²⁴

2.34 Many rural jobs are poorly paid and there is less availability of good quality, flexible jobs in rural areas. This situation leaves rural women more vulnerable to a lack of infrastructure particularly in terms of childcare and access to suitable transport to allow them to access better quality jobs.

2.35 Women’s Regional Consortium research²⁵ showed that rural women faced difficulties in getting access to good quality, flexible jobs and meant that it became necessary for them to travel to larger towns/cities for work which had impacts for both childcare and transport. They talked about the difficulties accessing flexible, affordable childcare to allow them to work and discussed problems accessing public transport in rural areas, with many stating that they needed to have a car in order to allow them to work or access services. For some women these barriers meant that they were unable to work and therefore were reliant on their partner’s income or on social security.

Case Study

“I am a single parent and I have two children. I live in a rural area and I used to have a good job in the city. I had to give up the job as I couldn’t get good quality, affordable childcare outside normal office hours to suit the job and the travel times to and from work. I had to leave home early to get to work and was home later because of the travel time involved.

I took a job closer to home so that I could drop the children off and pick them up from school. The job suits my home situation but is about a third of the salary I used to have.”

²⁴ Rural Women’s Manifesto, NIRWN, September 2015

<https://www.nirwn.org/wp-content/uploads/2016/12/NIRWN-Rural-Womens-Manifesto.pdf>

²⁵ Impact of Ongoing Austerity: Women’s Perspectives, Women’s Regional Consortium, April 2019 <http://www.womensregionalconsortiumni.org.uk/node/150>

2.36 Northern Ireland is a small business economy. Small businesses account for 99.9% of all businesses in Northern Ireland and employ more people than all the larger businesses and the entire public sector combined.²⁶ It can be more difficult for small businesses to provide flexible working opportunities and to provide enhanced parental leave as they can experience more problems with disruption to their business. These small businesses must be better supported in the provision of flexible working and parental leave and pay policies so that these rights do not simply exist on paper and employees have realistic access to them.

Abortion as a Workplace Issue

2.37 The Government will act to liberalise abortion law in Northern Ireland if the Northern Ireland Assembly does not reconvene by 21 October. While this will make access to abortions easier in Northern Ireland many working women who have had an abortion may still need additional support in the workplace.

2.38 A research study Abortion as a Workplace Issue²⁷ looked into the effects of abortion in the workplace. 19% of respondents from Northern Ireland had direct experience of abortion as a workplace issue. Of those with direct experience:

- 43% struggled to pay for the costs;
- 24% wanted time off after the abortion but couldn't afford to lose wages;
- 9% needed time off and used unpaid leave;
- 30% needed time off and used annual leave;
- 73% didn't want to disclose to anyone in the workplace.

2.39 There is still much to be done in workplaces to support women many of whom face additional challenges in their working lives. It would be beneficial

²⁶ <https://www.fsb.org.uk/standing-up-for-you/national-offices/northern-ireland>

²⁷ Abortion as a Workplace Issue, A Trade Union Survey North & South of Ireland, Briefing Paper, Northern Ireland Data, Ulster University, October 2017
<http://www.alliance4choice.com/abortion-as-a-workplace-issue>

for proposals around “Good Work” to include workplace policies which support women with the full range of issues they may experience including abortion.

“I personally had an abortion just last year and struggled to afford it. I couldn’t get any time off after either as I work as an agency nurse and do full time hours and could not afford to take time off work afterwards.”

- Abortion as a Workplace Issue Survey Respondent

“I had both a miscarriage and an abortion while an employee and the difference was striking – I could tell my employer about the miscarriage and got sick leave and support but felt there was no way I could tell my employer about the abortion. The stigma is still very strong.”

- Abortion as a Workplace Issue Survey Respondent

3. Consultation Questions

Scope of Consultation

3.1 Employment law was devolved to the Northern Ireland Assembly in 1998. Over the years most of the employment legislation passed by Westminster has also been enacted in Northern Ireland. While the proposals made in this consultation apply to Great Britain (England, Wales and Scotland) only Northern Ireland normally mirrors the legislative changes made in Great Britain therefore we feel it is important to respond to these proposals. We do not wish to see workers in Northern Ireland being denied access to any new rights to improved family related leave and pay.

Executive Summary

3.2 We are pleased to see that the consultation acknowledges that: *“lack of knowledge is a big issue and information must be available in ways that people can understand.”* This issue is raised repeatedly across a range of issues within the women’s sector. Lack of knowledge of rights and entitlements whether that be in employment, in accessing help with childcare costs or in access to social security is a huge issue meaning that many people miss out on their rights or the financial help that they are rightfully entitled to. It is therefore vital that the provision of advice and information around these policies, in a format that is easily understood, is an important consideration within this consultation.

Chapter 1 – Parental leave and pay: Supporting parents and achieving equality

Achieving Equality

3.3 The ascription to women of the social role of unpaid primary carer and domestic labourer places a disproportionate unpaid work and time burden on women. This can impact on their wellbeing as well as their economic/life prospects. It constrains their economic participation and financial

independence and increases the likelihood of women's reliance on state and/or partner income which puts them at greater risk of gender poverty.

"I think that in Northern Ireland there are still a lot of stereotypical attitudes around gender roles. Men often do not see it as their role and there is the assumption that it is the woman's role – that women are the homemakers. I hope that this is changing and things will be different in the future."

- Focus Group Respondent

3.4 The gender gap in labour market participation rates between men and women increases drastically with the presence of dependent children. The gender gap is less than 5% between males and females for those with no dependent children. For those with dependent children, the employment rate gap between males and females triples to 16%.²⁸ The Northern Ireland Committee of the Irish Congress of Trade Unions says that this employment rate gap between males and females "*is more accurately described as a motherhood employment gap.*"

3.5 The consultation states that female participation rates have significantly improved: "*At 72% the female employment rate is the highest we have seen since comparable records began in 1971 (52.8%) and is up by over three percentage points since April 2015.*" It should be noted that in Northern Ireland the female employment rate is lower and stands at 68.7%²⁹ Northern Ireland has the second lowest employment rate for women across the UK Regions and countries.³⁰

²⁸ Childcare in Northern Ireland: Cost, Care and Gender Equality, Northern Ireland Committee Irish Congress of Trade Unions, June 2019
<https://www.betterworkbetterlives.org/sites/default/files/publications/ICTU%20Childcare%20Report%20June%202019.pdf>

²⁹ Northern Ireland Labour Market Report, NISRA, August 2019

<https://www.nisra.gov.uk/system/files/statistics/labour-market-report-august-2019.PDF>

³⁰ Labour market statistics: UK regions and countries, House of Commons Library, Briefing Paper 7950, August 2019
<https://researchbriefings.files.parliament.uk/documents/CBP-7950/CBP-7950.pdf>

3.6 The consultation goes on to state that: *“this has been achieved through a variety of means, for example the introduction of family-related leave and pay and 30 hours of free childcare for eligible parents.”* As previously stated (see paragraph 2.13) Northern Ireland does not have access to 30 hours free childcare for eligible parents leaving women in Northern Ireland at a significant disadvantage when it comes to participation in the economy.

Focus on parental leave and pay policies

3.7 We welcome the focus on parental leave and pay policies as these policies play an important role in overcoming gender stereotypes which prevent some mothers from working and some fathers from taking time off work to care for their children. These policies are important parts of wider efforts to promote gender equality and work in conjunction with other government policies to help achieve this.

3.8 The consultation highlights affordable, quality childcare as one of the key factors in increasing female participation in the economy: *“OECD evidence suggests that affordable quality childcare is the main driver in achieving better female labour market participation outcomes; and that parental leave policies can help support this.”* Parental leave policies cannot be looked at in isolation from childcare. As the consultation states: *“the evidence suggests a positive correlation between the provision of childcare services for parents of children under three years old and female participation in the labour market (full-time and part-time employment).”*

3.9 With this in mind it is vitally important to acknowledge the issues around childcare provision in Northern Ireland previously referred to (see paragraphs 2.9 to 2.14). Northern Ireland has some of the highest childcare costs and reduced access to support for preschool childcare compared to England.

3.10 The CEDAW Committee have welcomed measures to expand childcare entitlement for working parents in England, Wales and Scotland but have expressed concern that: *“childcare costs remain excessive, particularly in*

Northern Ireland, which constitutes an obstacle for women to enter and progress in the workplace.”³¹ The CEDAW Committee have made a specific recommendation to government to ensure the availability of affordable and accessible childcare facilities in particular in Northern Ireland.³²

Paternity Leave and Pay

3.11 Paternity leave is an important part of efforts to promote gender equality. However existing paternity leave and pay provisions are not enough to facilitate true gender equality. Paternity pay is much lower than maternity pay and men earn more on average than their female partners. This means that there is more of a financial hit to families if fathers take time out to care for their children. For those families particularly those on low incomes taking this financial hit may simply not be an option.

“Paternity Leave needs to be paid better. Current levels of pay do not value the father’s role. There are still bills to be paid and dads are having to put income over the needs of their partner and child.”

- Focus Group Respondent

3.12 It is difficult to make progress on eliminating the gender pay gap without making it possible for fathers to be more involved in the care of their children. The consultation makes reference to the fact that the UK paternity leave offer is low: *“UK paternity leave offer is over six weeks shorter than the OECD average.”* It acknowledges that the rate of pay has an important impact on uptake of entitlements citing evidence from the Women and Equalities Select Committee (WESC) inquiry into fathers in the workplace which *“shows that the rate of pay is a significant determinant for take-up of parental leave in the UK.”*

³¹ Concluding Observations on the eighth periodic report of United Kingdom of Great Britain and Northern Ireland, CEDAW/C/GBR/CO/8, March 2019, para 45
https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GBR/CO/8&Lang=En

³² Ibid, para 46

3.13 Given that the rate of pay has an important impact on uptake levels and that there is more of a financial impact if fathers take time out to care for their children greater levels of financial support should be targeted at those households on the lowest incomes/working poor.

“Pay for Paternity Leave is just not enough it is too low paid. My husband took annual leave instead as he would have ended up losing two thirds of his wage taking paternity leave. We just couldn’t afford it. He kept his annual leave knowing that it would be needed when the baby was born.”

- Focus Group Respondent

3.14 Discussions with local women on the issue of paternity leave centred around duration and pay. Most of the women felt that the current two weeks was not long enough and that take-up would be greater if it was paid better. Women were clear of the benefits to the child, the father and the mother of having longer, better paid paternity leave provisions.

“Fathers should be allowed more time off. Two weeks just isn’t enough as some mothers need more help especially to prevent maternal mental health problems.”

- Questionnaire Respondent

“Fathers should get more involved at the early stages of raising their child and this could be possible if paternity leave is paid better and for longer.”

- Questionnaire Respondent

“Paternity Leave should be offered to all dads for longer than the current two weeks.”

- Questionnaire Respondent

“Paternity leave is not long enough and should be paid better. It should not be for one or the other parent. The option should be for both parents for the first month especially for mothers who have had C-sections who may have other young children at home to look after.”

- Questionnaire Respondent

“It is important for the father to help with the care of the baby and the mother. I think paternity leave should be three months and a minimum of six weeks.”

- Questionnaire Respondent

3.15 There are lessons to be learned from the Icelandic model where fathers are entitled to a more generously-paid three months of leave which is provided on a ‘use it or lose it’ basis. This has resulted in higher take-up of leave with the vast majority of Icelandic fathers taking their reserved leave. It has also meant that Iceland has topped the global gender gap rankings for many years. If it was paid on the same basis as the first three months of statutory maternity pay, but capped at median male earnings, it would cost between £200m and £400m a year, far less than the government’s marriage tax break, and a far more effective way of promoting healthy family relationships.³³

“I am envious of how they do parental leave in other countries especially the Scandinavian countries.”

- Focus Group Respondent

³³ Fathers want to take care of their children, too, but our very culture is against them, Sonia, Sodha, The Guardian, August 2018
<https://www.theguardian.com/commentisfree/2018/mar/25/paternity-leave-women-equality-gender>

3.16 Extending provisions for paternity leave will help to ensure that the government goes some way towards meeting the CEDAW Committee's recommendation that they should: *“provide further incentives to encourage men to take parental leave, such as non-transferable leave, and encourage men to participate equally in childcare responsibilities.”*³⁴

Shared Parental Leave and Pay

3.17 While shared parental leave is available to working families take-up levels are low. The consultation document states that: *“anecdotal evidence suggests that the complexity of the scheme may be a barrier to take-up.”* The issue of complexity comes up on many occasions in focus group discussions with women across a range of subject areas. Complexity in the application of government policy often results in low take-up levels. It creates the situation where people are deterred from knowing or claiming their rights and entitlements because the system is too complex. This is particularly the case for those who are the most marginalised.

3.18 Government should aim to simplify the policies available for family friendly rights to encourage take up. It is also important to ensure the availability of advice and information on these rights so that parents can get the information they need in a format they can easily understand to enable them to make the right choices for their children and families.

3.19 The availability of accessible policies that allow the sharing of parental leave is important in the context of promoting gender equality. If shared parental leave is to remain on the statute book the reasons for the low levels of take up must be analysed to determine beyond anecdotal evidence the reasons for this. This will ensure that improvements can be made to the existing provisions so that they can provide a realistic option for working families.

³⁴ Concluding Observations on the eighth periodic report of United Kingdom of Great Britain and Northern Ireland, CEDAW/C/GBR/CO/8, March 2019, para 46
https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GBR/CO/8&Lang=En

3.20 Suggestions from the advocacy group Working Families that each parent should be given their own (equally sized) pot of leave and pay, leaving a larger pot of leave to be shared between the parents however they decide could help to facilitate shared parenting. The introduction of dedicated, non-transferable ‘use it or lose it’ parental leave for fathers which is paid at a rate which acts as an incentive to uptake would help to address some of the barriers that women face in employment following the birth of a child.

3.21 Providing enhanced shared parental leave policies must be backed up by informed and supportive employers. Steps must be taken to ensure that employers have increased awareness and understanding of their obligations. Employers need easily accessible advice and guidance on these obligations so that they can provide genuinely supportive working environments for parents.

3.22 Women are much more likely to leave employment if there are barriers to accessing their rights and entitlements whether this is from unsupportive employers or through a lack of information about their rights. Government should work to ensure that women are not facing any barriers to accessing advice and guidance about family leave entitlements.

3.23 Providing more dedicated leave for fathers in this way would again help to meet the CEDAW recommendation that the government should: “*provide further incentives to encourage men to take parental leave, such as non-transferable leave, and encourage men to participate equally in childcare responsibilities.*”³⁵

3.24 Greater levels of support should be targeted at those households on the lowest incomes/working poor. Financial support should be targeted at those who need it the most. Without financial support many lower income

³⁵ Concluding Observations on the eighth periodic report of United Kingdom of Great Britain and Northern Ireland, CEDAW/C/GBR/CO/8, March 2019, para 46
https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GBR/CO/8&Lang=En

households will simply not be able to afford the luxury of taking up extended parental leave provision because they are unable to afford it.

3.25 Women who contributed to our research were clear that more time off should be provided to fathers when their children are young and that pay rates for this leave should be increased to make it a viable option for families. There was some concern that attitudes from employers may mean that some men would be reluctant to take their entitlements to shared leave.

“I feel paternity leave should be longer. I think fathers often feel they can only take two weeks because of the employers cultural opinions even though maternity/paternity can be shared.”

- Questionnaire Respondent

Maternity Leave and Pay

3.26 If there is reform of parental leave arrangements and fathers were given more flexibility and/or enhancements in relation to pay then there would need to be consideration of equality of treatment between both partners in the family. For example, this would mean that if fathers were allowed to take their leave in blocks then this flexibility should also be offered to mothers within Maternity Leave and Pay.

Parental leave for parents of older children

3.27 In most cases once a child goes to school the need for parents to take leave to care for their child during the working day significantly reduces. However there will always be events and circumstances which arise that may result in the need for parents to take leave to care for their child/children. This is therefore an important right for working parents.

3.28 The aspect of this leave most in need of reform is the fact that it is unpaid leave. This is a major disincentive to parents to take this leave especially for those on lower incomes.

3.29 There are a number of other aspects of the current arrangements with regards to parental leave which are in need of reform in order to encourage take up of this right:

- **Qualifying period** – parents have to be working for their employer for one year to qualify. This can be a major disincentive for some groups such as lone parents (most of whom are women). Lone parents could be deterred from taking employment if they have to wait a year to access these rights. Women are more likely to be in temporary and insecure work so may find it hard to meet the qualifying criteria with these type of working arrangements.
- **Length of notice** – parents must give 21 days notice before the start of this leave. This is a long period of notice and for some more urgent circumstances which may require a parent to take parental leave almost immediately this may be too long.
- **Restrictions on the length of leave** – the leave must be taken in blocks of at least one week. This could discourage parents from taking a day off for short but important issues such as attending the child's school as they will not be paid for the full week. In addition there is a maximum limit on the amount of leave which can be taken in a year limited to 4 weeks. In some circumstances four weeks may be insufficient to provide care for the child.
- **Employers can postpone the leave** – employers can postpone the parental leave for up to 6 months.

Towards a comprehensive suite of parental leave policies

3.30 Current parental leave policies have developed over time and while some aspects of the leave are well known and embedded into current employment practices, eg, maternity leave, others such as shared parental leave are much less well known and take up levels are low. Knowledge of the full range of rights and entitlements around parental leave is a critical part of ensuring that parents can make choices which are right for them, their children and families.

3.31 While moving to a completely new model for family-related leave and pay would require significant resources, as acknowledged in the consultation document, it may be the best of way of ensuring that the policy objectives are met. There is a strong argument to be made for the introduction of a single, new model for family-related leave like the Iceland model. There is a lot to be said for simplification within the system both in terms of improving knowledge about the rights available and in terms of making it easier for fathers to take time off to care for their children which in turn helps women’s participation in the labour market.

3.32 It is also important that in the development of any new models for parental leave that this is not done in isolation from other government policies which support parents to combine work and family life. Childcare infrastructure is a key consideration and there are particular issues around the existing provision of childcare in Northern Ireland (see previous section). Work on addressing gender inequality is also reliant on wider Government policies on boosting meaningful gendered job creation given that women are concentrated in low-paid, part-time and insecure work.

3.33 In discussions with women about new models for family-related leave most women agreed that mothers needed a substantial block of leave when the baby is born particularly if they are breastfeeding. In discussions around paternity leave there was general agreement that there needed to be longer, better paid leave for fathers around the birth of a child. Discussions around the Icelandic model were mostly favourable with women agreeing that families might find it beneficial that fathers/partners had access to a block of leave when the baby is a little older. This may help to make the transition back to work easier for both mothers and babies.

“Many mothers want a good block of time off after having a baby especially if they are breastfeeding. It takes a while for a mother to feel ready to go back to work.”

- Focus Group Respondent

“Giving dads entitlements to paid leave which can be taken when the mother returns to work sounds good. This would help mothers to go back to work and help the children adjust when the mum is not there.”

- Focus Group Respondent

“If you are breastfeeding you need to be with the baby especially in the early days. Babies are so mother dependent initially. After the first number of months then it becomes easier and babies are not so dependent on their mother and enabling dads to be more involved would be good.”

- Focus Group Respondent

Chapter 2 – Neonatal Leave and Pay: Proposals to support parents of children who require neonatal care following birth

3.34 There are many challenges for parents and families following the birth of a baby or babies needing neonatal care. Aside from the stress and anxiety there are many practical issues to be considered not least if there are other children involved. The existing parental leave and pay arrangements often do not provide the necessary support to these parents. This often means that these parents use their existing maternity/paternity leave while their child/children are still in hospital.

Case Study

“My son was born at 24 weeks (16 weeks early). He was in neonatal care for 4 months. At that time there was only 14 weeks paid maternity leave. I had to start my maternity leave immediately when he was born early.

That meant that my maternity leave was all used up before he got out of hospital. I then went on a period of sick leave before taking unpaid leave from my job to look after my son. I didn't go back to work until a year after my son got out of the neonatal ward. He was being tube fed and on oxygen when he left the ward so I couldn't leave him with anyone else. How could I have gone back to work? I couldn't have!

At that time there was no paternity leave so my husband had no time off other than using annual leave. We had a 3 year old daughter too so it was really difficult to arrange for her to be looked after while we were at hospital or work. The guilt you felt about leaving her to be at the hospital was awful. Plus the financial burden of being without pay for so long and the additional costs of being at the hospital were a big drain.

There were so many stresses, worrying about our son's health, worrying about the care of our daughter and the guilt over not being around for her, worry about work and maternity leave running out, worrying about bills, etc. These are all stresses you don't need when you are in this situation.”

3.35 These statistics from Tiny Life³⁶ show the extent of this issue in Northern Ireland and the impact on parents when their baby has had a stay in neonatal care:

- Around 1,900 babies are born too soon, too small or too sick and are admitted to neonatal care in Northern Ireland each year.
- It is expensive to have a baby but when born premature/sick these costs spiral.
- Mum and dads had to pay for food and drink with the reported costs averaging £65/week.

³⁶ It's not a game: the very real costs of having a premature or sick baby in Northern Ireland, Bliss & Tiny Life, 2014
http://www.tinylife.org.uk/downloads/its_not_a_game.pdf

- Parents had to meet travel costs – worked out on average £65/week including both petrol and public transport.
- 91% of parents reported family finances were worse off as a result of the hospital stay.
- Additional costs averaged £229/week or £1,374 over the course of the baby’s stay in hospital.
- Average stay in survey was 6 weeks. For some it was only days and for others (1 in 6) they had stays of 12 weeks or more. Some had 20 weeks or more.
- Over half (59%) mums said maternity leave was not long enough for parents of premature/sick babies.

“No parent wants extra money or time off for something like this. You are not hoping your child goes into neonatal care to get extra time off or more pay. This leave and pay is for those who really need it to cope with an extremely stressful time.”

- Focus Group Respondent

“When you have a baby in neonatal care it doesn’t stop once the baby leaves neonatal care. In the following weeks and months there are lots of hospital appointments and check ups. Lots of these children need more of their parent’s time. If you start your maternity leave early you are cutting off the time at the other end when your child maybe still hasn’t got to the stage they should be at for their age. I had to return to work when my boys were still behind in their development.”

- Focus Group Respondent

3.36 Given the nature of this leave and the fact that in most cases parents will not have known that they need to access neonatal care when they became pregnant there is a real need for the provision of extra support to these parents both in terms of leave and pay. In the majority of cases these parents will not have been able to make preparations for this eventuality and it

is therefore likely to have a serious impact on their emotional, financial and working lives. We would also argue that these rights should also be available to those who are self-employed for the same reasons.

“You can’t plan for this type of leave, well I couldn’t as I didn’t know that my son was going to be premature. No one wants to have to use this type of leave as it means their baby is sick or needs extra care. It would make a big difference to parents with children in neonatal care to have access to additional leave and pay.”

- Focus Group Respondent

3.37 Women at focus groups felt very strongly that parents of babies who need to spend time in neonatal care should have access to additional leave and pay. This would help to remove the worry of making ends meet or of leave running out. The women agreed that parents do not need these additional worries at a time which is already very stressful.

“Having a period of neonatal leave and pay at the end of maternity would have been a significant help for me, it would have been great.”

- Focus Group Respondent

“You can’t underestimate the emotional impact of having a child in neonatal care. It is so important to have the necessary time off work and the support of your employer while going through this.”

- Focus Group Respondent

“My son was in neonatal care for four months. Even after he got out of hospital he was being tube fed and on oxygen. I couldn’t leave him for a whole year. I had training in resuscitation and in tube feeding and I couldn’t have left him with anyone else.”

- Focus Group Respondent

Case Study

“I had twin boys who arrived 9 weeks early. They were both in neonatal care for 5 weeks. They were my first children so it was a very emotional time for us.

I was self-employed so when I went into labour early I had no idea when I was going to have an income again. I was getting maternity benefits from the Government but the amount of help was low and with two babies most of this money went on nappies! Plus we had extra costs with travel back and forwards to the hospital, food, etc.

Added to this my husband had started a new job so he didn’t qualify for Paternity Leave. He ended up working for most of the 5 weeks the boys were in neonatal care and just came to see them in the evenings. He tried to save his leave for when the boys got home. He took annual leave days here and there after the boys got out of hospital.

I would really like to see neonatal leave and pay introduced. I think it should be available to those who are self-employed also.”

3.38 Any time spent in neonatal care is time taken away from the family’s ability to spend time caring for their child outside of the medical environment. Therefore it would be beneficial if rights to neonatal leave and pay were extended to all parents of children who have spent time in neonatal care. If there is a need to restrict this leave then we would advocate that access to neonatal leave and pay should be restricted to parents whose children have spent a minimum of one week in neonatal care. We feel this is necessary as paternity leave entitlements are so short.

3.39 The proposals suggest limiting access to this leave to those with the main responsibility for caring for the child had it not been admitted to neonatal care. In discussing this with women it became clear that in some cases extending eligibility may be important. In considering the needs of lone parents particularly (the majority of whom are women) extending eligibility to grandparents or other family members such as aunts/uncles could be very beneficial. Given the fact that people now have to work longer before retirement more and more grandparents may find themselves working and less able to help in these situations without access to this right. Providing additional support to more vulnerable groups such as lone parents could potentially help them to stay in work and mean they are less likely to give up a job if they find themselves in this situation.

3.40 It is important that the introduction of rights to statutory neonatal leave and pay should be 'day one' rights. As previously stated few parents know that their child is going to need access to neonatal care so it is difficult for them to plan for this eventuality. Research has shown the benefits to babies of high levels of parental involvement including skin-to-skin contact. Evidence shows better outcomes for babies when their parents are involved in providing hands-on care while they are in hospital including weight gain.³⁷

“Neonatal leave and pay need to be day one rights the same as maternity. Lack of leave and pay are just added stresses you don't need to have when you have babies that need this care. It is not just the babies that need support it is also the mums. Most have been through a traumatic experience and they need extra help and support.”

- Focus Group Respondent

³⁷ <https://www.bliss.org.uk/research-campaigns/campaigns/by-their-side-campaign>

3.41 While the Government proposes that employed parents have a ‘day one’ right to neonatal leave they propose that a qualifying period of service should exist for neonatal pay. We strongly disagree with this and believe that both statutory leave and pay should be ‘day one’ rights. Having a child in neonatal care has a huge impact on family finances, with national research finding that it costs on average an additional £2,256 per family.³⁸ A neonatal stay brings with it many additional costs including travel and food, childcare for other children and overnight accommodation to stay near to the baby. These parents should not be faced with a loss of earnings because they have not worked for their employer for long enough.

3.42 There is ample evidence within existing parental leave policies such as paternity leave to suggest that pay is an important factor in ensuring take up of rights. Pay is a significant barrier to parents taking the time off work they need to care for their baby.³⁹ Many parents cannot afford to take unpaid leave at a time when their finances are already under pressure. There is no point having rights on paper that do not provide proper support for families and therefore do not get used in practice. These rights must provide a realistic option for working families to enable them to spend this important time with their children. It is therefore vitally important that access to statutory neonatal pay is also a ‘day one’ right.

3.43 Northern Ireland research shows that one in six who took part in the Tiny Life survey had a stay of 12 weeks or more in neonatal care and some had 20 weeks or more.⁴⁰ It would be ideal if there was no cap on the length of neonatal leave and pay. It is arguable that those parents with children in neonatal care for the longest periods of time need this leave and pay the most as their child is likely to be the most seriously ill with ongoing health needs even when they leave hospital. If there must be a cap on the maximum

³⁸ Ibid

³⁹ Ibid

⁴⁰ It’s not a game: the very real costs of having a premature or sick baby in Northern Ireland, Bliss & Tiny Life, 2014

http://www.tinylife.org.uk/downloads/its_not_a_game.pdf

number of weeks of leave and pay available to help maintain affordability then we would argue that it should be set at the longest possible number of weeks.

“Any amount of time off to make up for the time spent in neonatal care would be good. But obviously it is better if this leave is longer especially if your baby has been in neonatal care for longer as they are likely to have more issues.”

- Focus Group Respondent

3.44 We would strongly advocate that the maximum number of weeks of neonatal leave should be the same as the maximum number of neonatal pay in order to ensure that eligible parents can receive pay throughout their leave period. As previously stated the issue of pay is a significant barrier to parents taking the time off work they need to care for their baby. This is particularly the case for those on the lowest incomes.

“Pay is a huge barrier to taking family related leave. If this leave is not paid it just puts people off taking it.”

- Focus Group Respondent

3.45 We acknowledge that it is important for employers to know when their employees need to take leave so there does need to be some level of communication between parents and employers. In discussions with some of the women who had experience with neonatal care they highlighted how fragile the situation is with these babies. The baby’s health can change so quickly sometimes within a matter of minutes and this makes it difficult to both keep employers informed and provide details of how long the baby is likely to stay in neonatal care. It could be the case that notice is being given when babies are still critically ill and parents will have much to deal with both practically and emotionally.

“Having a baby in neonatal care is really, really difficult. The baby can be doing really well and then all of a sudden their condition deteriorates. The situation is very fluid, sometimes it is hour by hour with the condition of the baby. Every case is different.”

- Focus Group Respondent

3.46 It is important that in developing notice requirements around statutory neonatal leave and pay that these are light touch and informal given the circumstances. Notice requirements must be flexible and sensitive to the situation. Stringent requirements for regular contact/evidence of entitlement between employees and employers may cause an extra burden and additional stress on these parents. This will be a particular issue for fathers who will be required to give notice when the baby is still likely to be in neonatal care. For some fathers communication with their employer may be particularly difficult especially if the baby’s health is fluctuating.

“Of course the employer has a right to know what is going on. But it has to be done sensibly. It’s the same as sick leave you don’t appreciate your employer badgering you if you are off sick. Communication with the employer should be done informally now and again when the baby is in neonatal care. It is so fragile in the early days, like a rollercoaster so it’s hard to be sure about things.”

- Focus Group Respondent

3.47 Despite the existence of legislation being in place to protect against discrimination/harassment on the grounds of pregnancy and maternity for over 40 years this type of discrimination is still fairly common. ECNI report that on average more than a fifth of complaints of discrimination they receive are about sex discrimination and of these 21.5% are to do with pregnancy or maternity.⁴¹ Unfortunately a number of the women involved in our focus

⁴¹ <https://www.equalityni.org/Blog/Articles/August-2019/Pregnancy-and-maternity-discrimination-remains-an>

groups reported issues with their employer while their baby was in neonatal care including feeling pressurised into coming back to work.

“Being able to access neonatal leave and pay would have made things much easier. I took sick leave after my maternity leave and during this time my employer was putting pressure on me to return to work. I felt under pressure to go back. Having neonatal leave would have taken that pressure off me as my employer would have left me alone until this leave was over.”

- Focus Group Respondent

3.48 It is therefore vital that protections should be in place for parents who wish to take up any new entitlements to neonatal leave. A parent on neonatal leave should have the right not to be treated unfavourably, or to be dismissed because they are taking or seeking to take Neonatal leave. They should also have the same right to return to work that they would have if they were taking other forms of family related leave. Providing these rights would provide valuable protections for parents in this situation and encourage uptake of this leave. Without these protections being in place some parents may find it difficult to take the leave they need to care for their children.

Chapter 3 – Transparency: Flexible working and family-related leave and pay policies

3.49 There is a strong business case for flexible working practices and the benefits are well known for both employers, employees and their families. Flexible working plays a key part in supporting women and new parents to remain and progress in work. However there are a number of drawbacks to the existing law on flexible working which can mean that many working parents are unable access it.

“Flexibility is so important in terms of work, life, balance when you are a mother.”

- Focus Group Respondent

3.50 At present only employees who have worked for the same employer continuously for the last 26 weeks are able to avail of this right. The way the legislation is designed puts the burden on the employee to justify how their flexible working request will work. The law also says that managers can reject a request based on specific grounds making it comparatively easy to say no to a request for flexible working.

3.51 After having children, some women are forced to give up work or go part-time because of a lack of flexibility from their employers. This means that these women miss out on opportunities and the economy loses out on their contribution. Flexible working can help women and new parents to balance work with childcare while also helping employers retain talented staff.

“Parents need family-friendly work policies. We have two daughters who will be in childcare when I go back to work after maternity leave in the next couple of weeks. The bottom line is that children will get sick and they often do one straight after the other! There is always the dilemma do I call in sick, take annual leave, take carer’s leave, etc. How do we manage this between us as a couple? You don’t want to go back to work feeling like you are a burden on your employer either. Flexibility around working hours is really important.”

- Focus Group Respondent

“Flexibility at work is good for helping you figure out childcare. Having a flexible employer makes things easier all round.”

- Focus Group Respondent

3.52 We agree with the Flex for All Campaign⁴² which is calling for a change in the law so that flexible working is open to all workers from day one in the job. The campaign is also calling for employers to consider when recruiting for a role how it can be done flexibly and to publish the flexible working options available when advertising the position. Publishing flexible working options allows women and men to make informed decisions about work and how they balance it with being a parent.

3.53 Research into flexible working in the UK workforce by Timewise⁴³ shows that 87% of all full time employees either work flexibly already or say they want to. Researchers found that most part-time jobs were for the lowest paid roles with fewer opportunities for flexibility in middle salary ranges. This can contribute to the gender pay gap as many mothers who work flexibly on low salaries become stuck in these jobs and unable to move to better-paid jobs.

3.54 In order to ensure that everyone has equal access to the labour market government should make flexible working a day one right available to everyone. Employers should offer all jobs on a flexible basis including senior positions unless there are genuine business reasons why it is not possible.

3.55 The CEDAW Committee has recommended that the UK government take action on making access to flexible working a day one right by recommending that the government: *“consider removing the 26-week waiting period for employees who wish to apply for flexible working arrangements.”*⁴⁴

3.56 This consultation poses a number of questions around publishing family-related leave and pay (above the statutory minima) and flexible working policies which relate to large employers (250+ employees). We would like to

⁴² A campaigning coalition of flexible working champions in the UK – Fatherhood Institute, Fawcett Society, Mother Pukka and Pregnant Then Screwed

⁴³ Flexible Working: A Talent Imperative, Timewise, September 2017

https://timewise.co.uk/wp-content/uploads/2019/06/Flexible_working_Talent_Imperative.pdf

⁴⁴ Concluding Observations on the eighth periodic report of United Kingdom of Great Britain and Northern Ireland, CEDAW/C/GBR/CO/8, March 2019, para 46

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GBR/CO/8&Lang=En

see these requirements introduced for all employers regardless of size. All employers should be required to publish their family-related leave and pay and flexible working policies so that potential employees can make informed decisions.

“If you knew going into a job that it was able to done flexibly you would be more encouraged to apply.”

- Focus Group Respondent

3.57 Flexible working depends on genuinely supportive employers so that these policies go beyond words and are committed to in practice. It can be more difficult for smaller businesses to give a range of flexible working options. Given that Northern Ireland is a small business economy this should be given special consideration so that smaller businesses have access to the help and support they need to provide greater opportunities for flexible working to their workers.

3.58 In general there is need for more information and guidance for both employees and employers on flexible working provisions. Employees need more guidance on their rights as well as how to make successful applications for flexible working which make it harder for employers to refuse. Equally employers need support and guidance in order to be able to handle requests for flexible working.

4. Conclusion

4.1 The importance of parental leave and pay and flexible working policies in overcoming gender stereotypes and in the promotion of gender equality cannot be denied. These policies play a crucial role in getting women into employment and in helping to tackle disadvantage and gender inequality. They also enable employers and the wider economy to make the most of women's talent and experience.

4.2 It is vital that these policies provide modern approaches to support families in the workplace so that they truly achieve work life balance and promote gender equality.