



WE Party Conference
Kettering 7 – 9 September 2018

Title: Making equal pay and equal caregiving a reality in the modern labour market

Proposed by: WE Policy Committee

Co-Proposer: Eleanor Hemmens

Co-Proposer: Harini Iyengar

Type of motion: Policy motion

Motion text:

- 1 WE will reform section 1 of the Employment Rights Act 1996 in order to facilitate the core objectives
- 2 of equal pay and equal caregiving, in a practical and effective way, in the modern labour market.
- 3 Section 1(2) will be amended to require the statement of initial employment particulars to be
- 4 provided to the employee or candidate for employment “at the time at which the offer of employment
- 5 is made by the employer to the employee”, instead of “not later than two months after the beginning
- 6 of the employment”.
- 7 Section 1(4) will be amended to impose an additional requirement on all employers to inform all
- 8 employees in the statement of initial employment particulars what maternity and parental rights are
- 9 offered under the contract of employment, including attendance at ante-natal care and adoption
- 10 appointments, maternity leave, maternity pay, paternity leave, paternity pay, shared parental leave,
- 11 shared parental pay, adoption leave, adoption pay, unpaid parental leave, and flexible working, and
- 12 any non-contractual policies must also be provided.
- 13 A new subsection shall be added to section 1 to require all employers with over 250 employees to
- 14 publish on their company website their policies for employees on maternity and paternity rights
- 15 including attendance at ante-natal care and adoption appointments, maternity leave, maternity pay,
- 16 paternity leave, paternity pay, shared parental leave, shared parental pay, adoption leave, adoption
- 17 pay, unpaid parental leave, and flexible working.

Motion rationale:

18 Under the current out-of-date law, an employer is required to provide an employee with a statement
19 of initial employment particulars only within two months of the employee starting work. Further, the
20 employer is not required to provide the employee with details of maternity and parental rights
21 offered under the contract of employment, including attendance at ante-natal care and adoption
22 appointments, maternity leave, maternity pay, paternity leave, paternity pay, shared parental leave,
23 shared parental pay, adoption leave, adoption pay, unpaid parental leave, flexible working, or any
24 non-contractual policies.

25 In the modern labour market, where few employees enjoy a stable job for life, and short-term
26 working is common, many women (in particular) and men with caring responsibilities outside their
27 employment are disadvantaged in competing for jobs because they do not know at the time at which
28 they receive the job offer what their contractual rights are and what policies are in place in the
29 employer's organisation, relating to maternity and parental rights.

30 Many women and men are afraid to request maternity and paternity rights information at the time of
31 the job interview or job offer, for fear of not receiving a job offer. A Glassdoor survey in 2014 found
32 that "While happy to ask about holidays, pensions and healthcare, [...] 78 per cent of women would
33 not question a potential employer about maternity benefits at interview stage, for fear that it would
34 jeopardise a job offer"¹.

Reference:

¹ <https://www.telegraph.co.uk/women/womens-business/11223661/Maternity-benefits-Women-feel-unable-to-ask-employers-about-maternity-benefits.html>

Statistics behind this Motion

- * 54,000 women a year are pushed out of their jobs due to pregnancy or maternity leave (EHRC 2016)
- * 77% of working mums have encountered negative or discriminatory treatment at work (EHRC 2016)
- * 2.2 million people stay at home to look after children, 60% of whom are looking to get back to work (My Family Care Survey 2015)
- * 40% of employers say they would avoid hiring a woman of childbearing age (Slater and Gordon 2015)
- * 84% of generation Z and millennials seek flexibility when job hunting and the UK economy would be £165 million richer/more productive if all businesses got on board (Government's capital and wellbeing report 2017)
- * Nearly half of working mums think working flexibly has affected their ability to progress their career, although almost three quarters identify flexible work as crucial to getting more women into senior roles, (Workingmums.co.uk annual survey 2017)
- * 44% of working mums say they earn less than before they had children (Working mums research 2017)

For further statistics see, for example, Pregnant Then Screwed <http://pregnantthenscrewed.com/fact-and-stats/>

Current Wording of Section 1 of the Employment Rights Act 1996

<https://www.legislation.gov.uk/ukpga/1996/18/section/1>