

# **Pregnancy and maternity: parents' workplace experiences**

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October 2026

This research is carried out by the Institute for Employment Studies (IES), on behalf of the former Department for Business and Trade (DBT).

**Research Contractor:** The Institute for Employment Studies (IES) is an internationally recognised centre of excellence with over 50 years of experience in applied research, knowledge and evidence on workplace policies and practice, operation of labour markets, education and training, employment support, human resource planning and development, and expanding inclusion of marginalised groups in the UK labour market. The IES mission is to help bring about sustainable improvements in employment policy and human resource management. We achieve this by increasing the understanding and improving the practice of key decision makers in policy and professional bodies and employing organisations.

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**Acknowledgements:** We are indebted to the research participants who chose to share their experiences in order to inform this research. We are also grateful to the project advisory group members who provided independent expertise and advice on subject-specific and methodological issues for this research and played a key role in supporting the recruitment of parents and employers for the study.

We would particularly like to thank the advisory group members: David Bharier, Head of Research at the British Chambers of Commerce; Judith Dennis, Head of Policy at Maternity Action; Nikki Pound, Women's Policy Officer at the Trades Union Congress; and Dr Rebecca Jones, Head of Research at Working Families. Their contributions to the research design, ongoing advice, and feedback throughout the project were invaluable.

We also extend thanks to the wider team at IES whose hard work and commitment helped deliver this work. Finn McAlone for contributing to research scoping and analysis. Pascale Sweeney for project support, GDPR compliance, and editing and accessibility of the report. Meghna Sharma for work on data analysis and visualisation.

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## Executive summary

Pregnancy and early parenthood represent a significant period of change in people's working lives. Over the past decade, employment rights and family-related protections have expanded across the United Kingdom (UK), including stronger parental leave entitlements, enhanced redundancy protections, and wider workplace rights introduced through recent legislative reforms. The former Department for Business and Trade (DBT) commissioned this study to build a clearer understanding of how discrimination or unfair treatment manifests today across Great Britain, how employees and employers navigate their rights and responsibilities, and what this means for future policy and practice.

### Research aims

This research aims to inform policy decisions to improve job security, workplace practice and employer awareness of their responsibilities towards pregnant women and parents in the workplace. It examines when, where and how pregnancy and parental-leave related unfair treatment occurs, and assesses the prevalence, patterns and awareness of rights across pregnancy, Maternity Leave and other parental leave types such as Shared Parental Leave, Adoption Leave and Neonatal Care Leave.

### Research questions

1. Extent and patterns of unfair treatment across leave types: What are the trends over time, sector differences and disparities across demographic groups, including dismissal, redundancy or feeling pushed to leave?
2. Timing of discrimination: When does unfair treatment occur across stages of pregnancy, leave and return to work?
3. Employer justifications: What reasons are given for dismissal, and how are these defended?
4. How discrimination manifests: The ways unfair treatment appears in workplace practice.
5. Awareness of Rights: How well do pregnant women and mothers understand their rights and the contributing factors to unfair treatment?
6. Employer Responsibilities: How well do employers understand and act on their obligations?

### Methodology

This research used a mixed-methods approach comprising of five strands. These were:

1. Literature review of 21 papers published after 2016 building on the study by Department for Business, Innovation, and Skills and the Equality and Human Rights Commission.

2. Qualitative interviews with 22 mothers and two fathers who perceived facing pregnancy/parental leave related discrimination or unfair treatment in employment in last three years.
3. Qualitative interviews with nine employers, including six large (with 250 or more employees), one medium, and two small employers (with 49 or less employees).
4. Secondary data analysis of publicly available datasets on labour market statistics, early reconciliation and employment tribunal claims between 2014 and 2024 where available.
5. Artificial Intelligence-powered analysis of select Employment Tribunal case decisions.

Primary qualitative fieldwork and the analysis of secondary datasets were conducted between September 2025 and November 2025. The findings were triangulated and are presented in five chapters to answer the research questions. Key messages from each chapter are summarised as follows:

### **Extent and patterns of unfair treatment**

Analysis of secondary labour market datasets found:

1. Women with young children cited family or personal reasons more frequently as the main reason for leaving their last job than other groups, though this fell slightly over the past decade (52% in 2014 to 45% in 2024 as per Labour Force Survey (LFS) data).
2. Men with young children are increasingly likely to leave their last job for family or personal reasons, rising from 12.4% in 2014 to 17.2% in 2024, indicating a slight shift in how childcare responsibilities are shared between parents.
3. Dismissal and redundancy as the reasons for leaving the last job remain low and have declined over time for mothers with young dependents (from 10.5% in 2014 to 7.2% in 2024 as per LFS data).
4. Clear ethnic disparities exist with Black women with dependents being 1.5 times more likely to be dismissed in their last job than White women, and six times more likely than Asian women. Patterns around leaving the last job for family reasons also vary by ethnic group, with women from Asian and Mixed ethnic groups citing this reason more frequently than Black women.
5. Maternity discrimination claims were a small (3.6%) but consistent proportion of employment tribunal cases between 2020 and 2024, with most being identified early in the conciliation process and often resolved before a formal hearing (57-61%).

### **Tribunal decisions case analysis**

Analysis comparing Employment Tribunal cases before and after the Protection from Redundancy (Pregnancy and Family Leave) Act 2023 to examine claimant experiences and employer justifications found: Employees most commonly perceived discrimination manifested as financial loss (due to failure to gain promotion, reduction in salary or bonus, low pay rise), harassment, criticism or negative comments from employer or colleagues, threats to health and wellbeing, and feeling forced to leave their jobs.

1. Timing of discrimination was perceived to be after the announcement of pregnancy, which a majority of claimants perceived to have contributed to their dismissal.
2. While the first incident of discrimination was commonly reported to be during pregnancy, dismissals were equally likely to happen either during pregnancy or before going on leave or upon returning from leave.
3. Employers' justifications for dismissal or negative treatment most often referenced performance or capability concerns, alongside redundancy-related explanations such as restructuring or surplus staffing. In many cases, employers did not provide clear justification for their actions.

### **How unfair treatment and discrimination is perceived to manifest**

Qualitative interviews with pregnant women, mothers and fathers provided insights into their experiences and perceptions of unfair treatment and discrimination in the workplace, specifically:

1. Line manager capability was the single biggest determinant of workplace experience, with lack of awareness, limited training, and inconsistent application of policy driving perceived unfair treatment.
2. Weak or inconsistent communication from line managers during leave and on return-to-work amplified feelings of exclusion, uncertainty and unfair treatment, particularly around pregnancy-related sickness and the timing of maternity leave.
3. Employees most commonly perceived discrimination to manifest through difficulties accessing flexible working, risks to health and wellbeing, harassment or negative comments, missed progression opportunities, or feeling forced to leave their jobs.
4. Unfair treatment and perceived discrimination began during pregnancy and intensified over time, in some cases forcing mothers to leave the workplace or resulting in a grievance.
5. Difficulties accessing flexible working (including denied requests, unanticipated shift changes, and return-to-office requirements) created tension within a wider context where home or hybrid working was increasingly common.
6. Inadequate health and safety practices contributed directly to stress, including inconsistent or superficial risk assessments, inadequate workplace adjustments, perceived pressure to take sick leave during pregnancy, and poor facilities for breastfeeding on return to work.
7. Reduced progression opportunities were reported, including lost promotions, diminished responsibilities, or roles that changed unfavourably during and after leave.
8. Negative workplace attitudes and cultural assumptions about motherhood and caring responsibilities shaped daily experiences of inappropriate comments and stereotyping.
9. Although based on a limited sample, fathers also reported challenges in accessing flexible work and leave to support partners after complicated births, highlighting wider issues around clarity, awareness and consistency of workplace support.

## **Awareness of Rights**

Parents' awareness of their workplace rights, and employers' awareness of their responsibility and obligations towards mothers and new parents were analysed through the qualitative interviews with parents and employers. The key messages from this evidence are:

1. Awareness of workplace rights varied widely, with most information-seeking occurring only at trigger points that is, at the beginning of pregnancy, return-to-work and when unfair treatment had occurred).
2. Parents frequently described their employer as their main source of information. Employees also turned to online searches, friends, family, trade unions or maternity support charities for guidance, however, often felt the information was complex and unclear.
3. Uneven workplace rights awareness left both mothers and fathers reliant on external sources for clarity. Clear, accessible, jargon-free, and up-to-date guidance was essential. New suggested communication channels were through midwives, health checkpoints, or digital pregnancy apps.
4. There was at times a disconnect between organisational policies and how these were experienced by employees because of day-to-day line manager practice. Low levels of line manager awareness and experience in managing parental needs represented a significant risk for organisations and could undermine strong Human Resource (HR) awareness and organisational commitment.

## **Employer practices to minimise pregnancy/maternity discrimination**

Interviews with employers highlighted the steps they take to prevent and reduce pregnancy, maternity and parental-leave-related unfair treatment, particularly during redundancy and dismissal processes. Key findings include:

1. Within the limited employer sample, only occasional instances of tribunal, grievances or unfair dismissal cases linked to maternity were noted.
2. Employers demonstrated a strong awareness of their legal obligations, striving to implement robust and compliant policies, and taking legal advice for complex cases.
3. Large employers (250 plus employees) had introduced several enhanced policies like equal maternity and paternity pay, neonatal leave, In Vitro Fertilization (IVF) leave support, and career coaching for new parents.
4. Small and medium sized employers (less than 250 employees) cited financial constraints to being proactive despite good intentions, particularly in relation to enhancing parental pay.
5. Inadequate line manager support was the main difficulty leading to informal complaints, typically due to lack of up-to-date knowledge rather than lack of intent.

6. Proactive support and communication with pregnant mothers and parents were challenging for HR to deliver, particularly in large organisations where the line managers were the main point of contact.

## **Conclusions**

Overall, the research finds that formal pregnancy- or maternity-related dismissals or redundancies are relatively infrequent. However, parents continue to encounter everyday workplace practices that shape their ability to remain in work, feel supported, and progress.

The core challenge is not widespread unlawful dismissal, but day-to-day implementation and the accumulation of everyday workplace practices that negatively shape mothers' and parents' experiences. Policies may be in place, however practice varies, specifically around flexibility, communication, and job-role design. These implementation gaps can affect retention, well-being, and progression, particularly at key transition points such as pregnancy disclosure and return to work.

The research identifies several areas where greater clarity, consistency and support may help ensure that statutory protections are experienced as intended.

## **Implications for policymakers and employers**

1. Line manager capability is a critical lever for reducing negative experiences, as line managers are the primary determinant of employee experience and the main source of implementation failure when unsure how to respond to pregnancy-related needs.
2. Policy effectiveness depends on day-to-day implementation, particularly at pregnancy disclosure and return to work. Stronger communication and clearer alignment of expectations between employees and managers at these crucial points may help reduce misunderstandings and prevent issues from escalating.
3. Flexible working decisions require greater transparency and accountability. Flexible working conversations need to be positive, open, and well-documented with reasoning and alternatives if a request is declined.
4. Improved transparency in progression and reward policies and how parental leave periods are factored into decisions would reduce long-term detriment for mothers and parents and help mitigate cumulative career impacts.
5. Stronger safeguards are needed during organisational change and redundancy processes, with employers that have sufficient resources ensuring HR and/or employment lawyer sign-off on communications and internal procedures especially for high-risk cases.
6. Access to clear, up-to-date rights information remains uneven and requires proactive employer action to ensure that clear, accurate and up-to-date parental rights information is readily accessible and consistently communicated.
7. Monitoring should shift towards experience-based indicators such as the quality of risk assessments, outcomes of flexible working requests, the role design on return, and whether return-to-work plans are agreed before leave ends.
8. Better disaggregation in routine workforce reporting, such as ethnicity-disaggregated metrics, could help ensure that inequalities are identified and acted upon early.

9. Further evidence is required for underrepresented groups and contexts for parents on Shared Parental Leave, Adoption Leave or Neonatal Care Leave.
10. Small and medium enterprise (SME) employers and employees in low-paid or shift-based roles face distinct constraints, including limited HR capacity, fewer resources, and operational pressures that make it harder to provide consistent support for pregnant women and new parents.

## Glossary

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Adoption Leave</b>                           | Statutory leave of up to 52 weeks for the main adoptive parent. Statutory Adoption Pay is available for eligible employees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Antenatal Appointments</b>                   | Health appointments during pregnancy. Mothers have a right to paid time off; partners have the right to unpaid time off for two appointments.                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>COT3 reconciliation agreement</b>            | A legally binding settlement reached through Advisory, Conciliation and Arbitration Service (ACAS) during Early Conciliation that resolves a dispute without a tribunal hearing.                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Discrimination (Pregnancy and Maternity)</b> | Unfavourable treatment that happens because someone is pregnant, has given birth, is breastfeeding, is on maternity leave, or has the right to take maternity leave. It does not need to be intentional to be unlawful.                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Early Conciliation (EC)</b>                  | A mandatory process run by ACAS to help employers and employees resolve disputes before a tribunal claim is submitted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Employee</b>                                 | A person working under a contract of employment. All employees are workers, but an employee has extra employment rights and responsibilities that do not apply to workers who are not employees.                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Employment Tribunal (ET)</b>                 | A legal body that hears disputes about employment rights, including claims related to pregnancy and maternity discrimination.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Fair Dismissal</b>                           | A lawful dismissal that fits one of the legally recognised fair reasons (capability, conduct, redundancy, statutory prohibition, Some Other Substantial Reason) as outlined in the Employment Rights Act 1996.                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Flexible Working Request</b>                 | A statutory day-one right allowing employees to request a change in hours, pattern, or location of work.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Health and Safety Risk Assessment</b>        | An assessment that employers must complete once they know an employee is pregnant. It identifies risks and sets out reasonable adjustments needed to keep the employee safe.                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Jurisdiction Codes</b>                       | Codes categorising types of tribunal cases: <ul style="list-style-type: none"> <li>• MAT – Suffer a detriment and/or dismissal on grounds of pregnancy, childbirth or maternity</li> <li>• PLD – Suffer a detriment and/or dismissal due to requesting or taking leave for family and domestic reasons including maternity, paternity, adoption, parental bereavement, ante-natal care or carers leave or time off to assist a dependent</li> <li>• FLW – Suffer a detriment and/or dismissal for claiming under the flexible working regulations or be subject to a breach of procedure</li> </ul> |

|                                                                         |                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Keep in Touch (KIT) Days</b>                                         | Up to 10 optional paid days that a mother can work during maternity leave to stay connected with their employer and prepare for return to work.                                                                                    |
| <b>Line Manager</b>                                                     | The person directly responsible for day-to-day management of an employee. Their awareness, communication and decision-making strongly influence pregnant employees' experiences.                                                   |
| <b>Maternity Leave</b>                                                  | Statutory leave for birth mothers, available for up to 52 weeks. It includes paid and unpaid periods.                                                                                                                              |
| <b>Neonatal Care Leave and Pay</b>                                      | Paid leave for parents whose baby needs care in a neonatal unit. New statutory right which took effect in April 2025.                                                                                                              |
| <b>Paternity Leave</b>                                                  | Statutory leave for fathers or partners to support the mother and care for the child after birth.                                                                                                                                  |
| <b>Pregnancy</b>                                                        | The period when an employee is expecting a child. It triggers specific legal protections and requires employers to assess risks and make reasonable adjustments.                                                                   |
| <b>Protection from Redundancy (Pregnancy and Family Leave) Act 2023</b> | Legislation that strengthens redundancy protection from pregnancy disclosure through 18 months after birth.                                                                                                                        |
| <b>Reasonable Adjustments (Pregnancy related)</b>                       | Changes to work tasks, patterns or the workplace to protect a pregnant employee or new mother. These are required under health and safety and maternity regulations, rather than the Equality Act (2010) duty used for disability. |
| <b>Redundancy</b>                                                       | A fair reason for dismissal when a role is no longer needed.                                                                                                                                                                       |
| <b>Shared Parental Leave (SPL)</b>                                      | Leave that birth parents or adoptive parents can share. It allows parents to split their leave and pay, flexibly. Research shows limited take-up and awareness.                                                                    |
| <b>Unfair Dismissal</b>                                                 | Ending employment without a fair or lawful reason.                                                                                                                                                                                 |
| <b>Unfair Treatment</b>                                                 | Negative behaviour, decisions or omissions by an employer, manager or colleague that disadvantage an employee, but do not necessarily meet the legal threshold for discrimination.                                                 |

## Introduction

Pregnancy and early parenthood represent a significant period of change in people's working lives. Ensuring fair and supportive treatment for pregnant women and new parents is an important aspect of creating inclusive workplaces. Over the past decade, employment rights and family-related protections<sup>1</sup> have expanded significantly across the United Kingdom (UK)<sup>2</sup>, including stronger parental leave entitlements, enhanced redundancy protections, and wider workplace rights introduced through recent legislative reforms. Although legislation sets out clear rights and responsibilities for employers and employees, day-to-day experiences can vary widely between employees and organisations. This research provides new evidence to help understand these variations and the factors that shape them.

Labour market metrics indicate improvements in maternal employment over the past 10 years, though disparities remain by ethnicity, sector, and age of children. These outcomes highlight where discrimination or structural barriers may still be influencing parents' ability to stay and progress in work. The UK has a higher share of women (of working age) in employment (72%) than the average for Organisation for Economic Co-operation and Development (OECD) countries (64%).<sup>3</sup> Over the past decade, LFS microdata comparing April to June quarters of 2014 and 2024 shows an increase in the proportion of women with dependent children<sup>4</sup> in employment, from 69% in April to June 2014 to 76% in April to June 2024.<sup>5</sup>

The metrics also show an increase in the proportion of women with dependent children in full-time employment across all age groups of the youngest child.<sup>6</sup> For example, the percentage of

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<sup>1</sup> These include: Employment Rights Act 2025 (which introduces major reforms, including day-one rights to paternity leave and unpaid parental leave, and forms the legal basis for strengthened parental protections from April 2026), Paternity Leave (Bereavement) Act 2024, Protection from Redundancy (Pregnancy and Family Leave) Act 2023, and Neonatal Care Leave and Pay Act 2025 in Great Britain.

<sup>2</sup> Northern Ireland operates a separate legislative framework for maternity, parental, and family-related rights, including the Maternity and Parental Leave Regulations 1999, the Parental Bereavement (Leave and Pay) Act 2022 (with statutory miscarriage leave and pay expected by April 2026), and wider forthcoming reforms.

<sup>3</sup> These are statistics for Quarter 2 of 2025. Differences in UK figures reported by the Office for National Statistics (ONS) relate to difference in estimation methodologies (refer explanation in Annex D: Qualitative research methodology).

<sup>4</sup> Dependent children in LFS microdata are counted as the number of dependent children living in a family under age 19. A child is considered dependent if living with their parents and aged 16, or aged 16-18 and in full-time education, but excluding 16-18 with a spouse/partner or child living in the household.

<sup>5</sup> Refer to Figure 3 under Outcome metrics in Annex F: Quantitative research methodology.

<sup>6</sup> Refer to Figure 4 under Outcome metrics in Annex F: Quantitative research methodology.

mothers in full-time employment with a dependent child aged zero to two years increased from 25% in 2014 to 34% in 2024, and those with a youngest dependent child between three to four years increased from 24% in 2014 to 37% in 2024. This upward trend is consistent across all other mothers with a youngest child aged 5-18 years.

Women's economic inactivity due to family responsibilities also declined between 2014 and 2024 for mothers with the youngest child aged 0-15 years. In particular, the inactivity of mothers with the youngest child aged three to four years more than halved between 2014 and 2024 from 25% to 12%.<sup>7</sup> During the same period, there were significant changes to childcare eligibility for children between nine months to three years. Economic inactivity due to family responsibilities only increased slightly for mothers with the youngest child aged 16-18 years from 6% in 2014 to 8% in 2024. Sectorally, women with dependent children remain concentrated in public administration, education and health sectors (53%) compared to sectors like manufacturing (4%) and construction (2%).<sup>8</sup>

Care responsibilities for dependent children influence working patterns and the work context choices of parents. There has been a marked shift in the availability and take-up of home-based working over the past five years. A higher proportion of women with dependent children worked from home in 2024 (23%), while men with dependent children worked from home the least (19%).<sup>9</sup> one in three women with dependent children worked part-time in 2024 (34%) compared to one in five women without dependents (20%), while the percentage of men working part-time remains less than 10%.<sup>10</sup> Additionally, prior to 2020, fathers were much more likely than mothers to report no or poor access to flexible working arrangements. This was especially true in sectors dominated by a larger male workforce like construction, mining and quarrying, and so on (O'Brien and others, 2017). However, there has been a steady increase

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<sup>7</sup> Refer to Figure 4 under Outcome metrics in Annex F: Quantitative research methodology.

<sup>8</sup> Refer to

**Figure 5** under Outcome metrics in Annex F: Quantitative research methodology

<sup>9</sup> Refer to Figure 6 under Outcome metrics in Annex F: Quantitative research methodology

<sup>10</sup> Refer to Figure 7 under Outcome metrics in Annex F: Quantitative research methodology

in men with dependent children reporting that they have special working hour arrangements, such as flexitime.<sup>11</sup>

These changes demonstrate dynamic and evolving labour market conditions for parents. Employers, trade unions and policymakers have expressed uncertainty about how best to manage these transitions fairly and consistently. As policy and legislative reforms evolve, there is a need for updated evidence on how treatment of pregnant women, mothers and other parents is experienced in practice, how employers approach their obligations, and where implementation challenges persist. This study builds on and updates prior evidence on pregnancy and maternity-related discrimination.

## Previous evidence base

In 2016, a large national survey was undertaken by the former Department for Business, Innovation, and Skills (BIS) and the Equality and Human Rights Commission (EHRC). Of the 3,254 new and expectant mothers surveyed, the study found that 77% of mothers reported having experienced discriminatory treatment during pregnancy, maternity leave, and/or on return from maternity leave (EHRC, 2016a). Half of the mothers surveyed felt their pregnancy had negatively impacted their careers, and 11% said they felt forced to leave their job. These latter respondents included, 1% who were specifically dismissed, 1% who were made redundant where others in their workplace were not, and 9% who felt forced to leave their job due to poor treatment (EHRC, 2016a, page 13). Around 6% of mothers also reported that they had been made redundant during pregnancy, maternity leave or upon their return to work (EHRC, 2016a, page 16). Separately, only 1% of 3,034 employers surveyed (mostly large-sized with 250 plus staff) reported that they had recently dismissed a pregnant employee or someone on maternity leave. Follow-up interviews with employers revealed uncertainty about what enhanced protection from redundancy meant and about their role in a complaint. The study noted employer size to be an important factor shaping women's experiences and employer responses (EHRC, 2016b).

More recent surveys (2020, 2021) by the Trade Union Congress (TUC) and Working Families (2025) provide further evidence that many mothers continue to face stigma and negative attitudes from managers and colleagues. These behaviours include being perceived as less suitable for promotion or pay rise, and reluctance to request flexible working due to fears of negative consequences. Additionally, an online survey by Randstad and Mumsnet (2025) of 1000 Mumsnet users who were primarily working parents, a third (32%) of mothers reported being subjected to derogatory comments about motherhood.

Other studies have documented how discrimination manifests, with mothers reporting unpleasant comments from their employer and/or colleagues, being given unsuitable work or workloads, being denied access to flexible working, experiencing bullying by their line manager, and/or failing to gain a promotion they felt they deserved (BMG and IES, 2019; TUC, 2026). Research documents that pregnant women felt unwelcome, were discouraged from accessing statutory rights, or were judged as less committed or less capable than colleagues

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<sup>11</sup>Refer to Figure 8 under Outcome metrics in Annex F: Quantitative research methodology

(Gatrell, Ladge and Powell, 2019; Hassard and others, 2020; Gheyoh Ndzi, 2021). Evidence also shows that progression opportunities may narrow during this life stage, with some mothers returning to downgraded roles or finding themselves excluded from promotion pathways (EHRC, 2016a; Working Families, 2025). Furthermore, Pregnant Then Screwed (2022)<sup>12</sup> surveyed 7,763 dads and parents who may take paternity leave, finding 25% of dads continue working whilst on paternity leave and 14% of fathers who took shared parental leave reported facing workplace discrimination.

A major contributor to mothers feeling unsafe or beginning maternity leave early is inadequate risk assessment and a lack of appropriate workplace adjustments. The BIS and EHRC study estimated that up to 21,000 women per year left jobs due to unaddressed pregnancy-related health and safety risks (EHRC, 2016a). A lack of suitable risk assessments and reasonable adjustments to accommodate the support needed poses a significant risk to the mother and child's health (Women and Equalities Committee, 2025; TUC, 2020; Gatrell, Ladge and Powell, 2019). Health complications can be exacerbated by women being assigned tasks or workloads that were unsuitable for their condition, being pressured to take time off or placed on sick leave earlier than needed, being encouraged by their employer to begin maternity leave sooner than planned, or being discouraged from attending antenatal appointments (Hassard and others, 2020). The lack of suitable breastfeeding facilities was another issue for mothers returning to work. Common challenges included finding private and hygienic facilities, storing breastmilk, finding time to breastfeed or express, lack of internal policies or guidance, and inadequate health and safety risk assessments despite these being a legal requirement (Jewell and others, 2025; Women and Equalities Committee, 2025).

Flexible working can also help address some of these health and safety concerns, by supporting parents to balance work and family responsibilities (TUC, 2021). The Parental Rights Survey (BMG and IES, 2019) found 75% of mothers are likely to be in part-time work after motherhood, while fathers are twice as likely as mothers to be on flexible hours and contracts. These findings are confirmed by O'Brien and others (2017) and the Working Families Index report (Working Families, 2025). Interestingly, the Randstad and Mumsnet survey (2025) showed that only 16% of over 1000 mothers surveyed were working their chosen flexible working arrangement, and that not having access to adequate flexible working arrangements was the strongest factor in mothers being unhappy at work. This reinforces TUC survey findings (2021) which reported that 42% of working mothers feel uncomfortable asking about flexible working in a job interview. Mothers who did not make a flexible working request at their current place of employment, said they were worried about employers' negative reaction or thought the request would be turned down.

Awareness of rights varied, with mothers generally having better awareness of parental leave rights and laws than fathers (BMG and IES, 2019). Fathers showed mixed awareness of pregnancy and maternity rights. They knew more than mothers about their own entitlement to unpaid leave for two antenatal appointments but were less aware of pregnant employees' rights to paid antenatal leave or up to 10 Keep in Touch (KIT) days.<sup>13</sup>

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<sup>12</sup> Pregnant Then Screwed [Press Releases and Research](#)

<sup>13</sup> Refer Figure 9 under Outcome Metrics in Annex F: Quantitative research methodology

The experiences of other parents taking Shared Parental Leave, Adoption Leave or Neonatal Care Leave are much less represented in research, with only limited studies exploring how discrimination may manifest for these groups (Gheyoh Ndzi, 2021; CIPD, 2022). The literature also offers comparatively little insight into the experiences of fathers, single parents, low-paid workers, shift-based roles, and employees in SMEs. Despite these gaps in the evidence, employers still hold clear legal responsibilities towards these groups of parents.

Employers across the UK have legal responsibilities to protect maternity rights, although specific provisions differ across Great Britain and Northern Ireland. In Great Britain, employers must provide statutory leave and pay to eligible workers, conduct health and safety risk assessments once informed, and protect pregnant women and new mothers from discrimination under the Equality Act 2010.

Despite these statutory obligations, evidence from the BIS and EHRC study's large scale employer survey showed that awareness and implementation of pregnancy and maternity rights remain inconsistent across workplaces (EHRC, 2016b). Most employers reported positive attitudes and believed it was in their organisation's interest to support pregnant employees, and many agreed that statutory requirements were reasonable and manageable. However, the research also found notable gaps in understanding of legal duties, with some employers unsure about their responsibilities around health and safety, antenatal appointments, and flexible working. A minority reported behaviours that could constitute discriminatory practice, such as discouraging antenatal attendance or mishandling requests for adjustments, although intentional discrimination was not always evident and some issues stemmed from limited resources or a lack of guidance, particularly among smaller employers. Importantly, robust research on employer perspectives is still limited, with the BIS and EHRC (2016) study remaining the most comprehensive to date. These gaps highlight the need for further quantitative and qualitative work to understand how legal protections are interpreted and applied in practice.

DBT commissioned this study to build a clearer understanding of how discrimination or unfair treatment manifests today across Great Britain. Additionally, the research looks to understand how both employees and employers navigate their rights and responsibilities, and what this means for future policy and practice. This report contributes to that evidence base by analysing patterns of unfair treatment, employer decision making, and parents' awareness of their rights.

## **Research aims**

The aim of this research is to inform policy decisions to improve job security, workplace practice and employer awareness of their responsibilities towards pregnant women and parents in the workplace. The research aims to understand:

1. Whether, when, where and how discrimination or unfair treatment occurs for pregnant women, new mothers and employees taking other forms of parental leave.
2. The prevalence and patterns of unfair treatment, alongside awareness of rights, for employees taking other forms of parental leave such as Shared Parental Leave, Adoption Leave and Neonatal Care Leave, and how these experiences differ from Maternity Leave.

Evidence focuses on employees in Great Britain, rather than workers or the self-employed, because employees hold additional statutory rights. These include Statutory Maternity, Paternity and Shared Parental Leave, protection from unfair dismissal, the right to request flexible working and other workplace protections.

## Research questions

1. Extent and patterns of unfair treatment across leave types: What are the trends over time, sector differences and disparities across demographic groups, including dismissal, redundancy or feeling pushed to leave?
2. Timing of discrimination: When does unfair treatment occur across stages of pregnancy, leave and return to work?
3. Employer justifications: What reasons are given for dismissal, and how are these defended?
4. How discrimination manifests: The ways unfair treatment appears in workplace practice.
5. Awareness of Rights: How well do pregnant women and mothers understand their rights and the contributing factors to unfair treatment?
6. Employer Responsibilities: How well do employers understand and act on their obligations?

Table 1 in Annex A: Methods map provides a mapping of these research questions against each source of data collected and analysed in this study.

## Methodology

This research used a mixed-methods approach comprising five strands. These were:

1. Literature review.
2. Qualitative interviews with 22 mothers and two fathers who perceived that they had experienced unfair treatment related to pregnancy, maternity or parental leave.
3. Qualitative interviews with nine employers.
4. Quantitative analysis of publicly available secondary datasets on labour market statistics, early reconciliation and employment tribunal claims.
5. Analysis of select published Employment Tribunal (ET) cases.

Primary qualitative fieldwork and the analysis of secondary datasets were conducted between September 2025 and November 2025. The findings across all the strands were triangulated and synthesised thematically following quality assurance processes. The Technical Appendix for each research strand provides more details on the methods, sample, and analytical processes.

### Literature review

The literature review built on the 2016 research conducted by BIS and EHRC to shed light on the nature, extent, timing, and impact of maternity and pregnancy discrimination, related redundancies or dismissals, and associated employer awareness and practices. A total of 21 papers published after 2016, from both academic and grey literature, were included in the review. These covered pregnancy, maternity, paternity, shared parental, bereavement and baby loss leave, and focused on the UK. Themes from the literature were used to identify important topics pertaining to pregnancy or maternity discrimination to explore in subsequent stages of this research. The review helped formulate interview discussion guides and contextualise the analysis of primary and secondary data. Methods are detailed in Annex B: Literature review methodology and a summary of the evidence is presented in Annex C: Literature review findings.

### Qualitative interviews with mothers and parents

Qualitative fieldwork aimed to capture the lived experiences of unfair treatment, discrimination, and dismissal relating to pregnancy, maternity, and parental leave. Early themes from the literature review informed the development of fieldwork materials. An opt-in screening form was developed to recruit pregnant women and parents to the study who had perceived being unfairly treated in the workplace on account of pregnancy or parenthood (see Annex E: Opt-in screening form). This screener was disseminated through networks of advisory group members.

In total, there were 241 responses to the opt-in form. The sample was then sifted for representation across sampling characteristics, and 31 respondents were invited for an

interview. Although location data was not expressly captured in the screening form, the sample interviewed were employees within Great Britain only. A total of 24 individuals who agreed to participate were interviewed. Detailed sample characteristics are included in Annex D: Qualitative research methodology. The achieved sample was diverse and included those who:

- were, or had been, ‘employees’ as defined in the Employment Rights Act 1996<sup>14</sup>
- perceived they had faced discrimination or unfair treatment at various stages of pregnancy, leave or return to work in the last three years
- had been involved in tribunal claims cases in the past three years (decided or ongoing)
- had different demographic characteristics on age, ethnicity, number of dependents, and sector

The instances of unfair treatment, discrimination, or dismissal expressed by interview participants are self-reported perceptions. Only three interviewees had been involved in an ET claim. The aim of the interviews was to give voice to perceived negative experiences in the workplace, to understand in detail how they manifest and the contextual factors that contribute to them.

## **Qualitative interviews with employers**

In response to the call for participation and outreach by members of the Advisory Group, 13 employers expressed interest in the study and were invited to interview. A total of nine employers were interviewed, including two small employers (with 0 to 49 employees), one medium-sized employer (with 50 to 249 employees) and six large employers (with over 250 employees). Sectoral representation included energy, hospitality, transport, logistics, telecommunications and manufacturing (see details in Annex D: Qualitative research methodology).

## **Employment Tribunal decisions analysis**

Approximately 200 ET case decisions were drawn to examine employers’ justifications and employees’ perceptions of unfair treatment and discrimination during pregnancy and maternity. Cases were sourced from gov.uk under ‘Maternity and Pregnancy Rights’ and ‘Parental and Maternity Leave’ jurisdiction code (MAT). Out of 3,741 published decisions (Jan 2017–Jul 2025), 1,200 cases matched ‘maternity’ and ‘dismissal’. For comparative analysis before and after the Protection from Redundancy (Pregnancy and Family Leave) Act 2023, 99 cases from 2017 and 103 cases from 2024/2025 were selected.<sup>15</sup>

The cases were analysed using an Artificial intelligence (AI)-powered tool called Elicit. This tool is used to extract large quantities of data from published documents (see Annex G: Employment Tribunal case analysis methodology for details). The variables analysed include employer characteristics, claimant characteristics, the stage and timing of the first discrimination and dismissal, how discrimination was perceived to manifest, employer

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<sup>14</sup> [Employment status: Employee - GOV.UK](#)

<sup>15</sup> [Protection from Redundancy \(Pregnancy and Family Leave\) Act 2023](#)

justifications for dismissal, and the tribunal decision. The analysis includes cases that were upheld in favour of the claimant and those that were dismissed, withdrawn, discontinued, or settled externally. Hence, findings are reported thematically in Chapter two, as the sample sizes are not sufficiently representative or randomised to report statistical frequencies with confidence.

## **Quantitative analysis of secondary datasets**

The quantitative analysis of secondary data focused on assessing existing metrics that could indicate maternity discrimination. Additional metrics were also identified to provide a more comprehensive understanding of maternity discrimination.

The secondary datasets used for the analysis included: LFS microdata; Parental Rights Survey (PRS), 2019; Annual Population Survey (APS); Family Resource Survey (FRS); OECD Family database; Understanding Society (US); data on Early Conciliations (EC) and cases returning as tribunal claims from the Advisory, Conciliation and Arbitration Service (ACAS); and aggregate statistics from the Ministry of Justice (MoJ) on employment tribunal claims received under three jurisdiction codes. These are:

1. MAT: suffering a detriment and/or dismissal on grounds of pregnancy, childbirth or maternity.
2. PLD: suffering a detriment and/or dismissal due to requesting or taking paternity or adoption leave or time off to assist a dependant.
3. FLW: suffering a detriment and/or dismissal for claiming under the flexible working regulations or be subject to a breach of procedure.

## **Study strengths and limitations**

The aim of this research is to update and build on the evidence base provided by the original BIS/EHRC research conducted in 2016 rather than replicate it. The earlier research relied on outdated sample recruitment methods such as postal opt-in letters, telephone survey, and follow-up interviews. These approaches introduced limitations, such as self-selection bias of mothers who had particularly negative experiences were more likely to take part in the research. While more contemporary data collection approaches are feasible, adopting them would reduce direct comparability with the original study's design and findings. Consequently, this research takes a complementary approach that reflects current research practices while extending the existing evidence base, rather than attempting a direct methodological replication.

The mixed-method research design adopted in this study allowed for data to be collected across multiple strands and sources. The ET decisions analysis offers a unique GB dataset of ET cases, identifying perceptions and justifications from both an employee and an employer perspective. The use of an AI tool enabled the research team to extract and sift vast quantities of textual data from the case documents. Triangulating these data provided context for the findings and their implications. The wider range of metrics recommended to the DBT will

support ongoing and future monitoring of the UK labour market in relation to pregnancy and maternal outcomes.

The study is not without limitations, and these are discussed as follows:

1. Limited data on the experiences of unfair treatment or discrimination by parents taking other forms of leave, including Paternity Leave, Shared Parental Leave, Adoption Leave, and Neonatal Care Leave, across both the qualitative research and quantitative datasets. ET cases included in this study were restricted to the MAT jurisdiction code. However, as discussed in Chapter one, the volume of cases under the PLD jurisdiction code relating to other forms of leave remains low, limiting opportunities for meaningful comparative analysis.
2. There were only three interviews with women who were dismissed and who were pursuing an ET claim. Among the three tribunal cases, two were ongoing, and one was deemed to be unfounded. Therefore, the interviews are interpreted as indicating perceived, not established, discrimination.
3. A limited number of ET cases, only 200, could be included into the detailed analysis from a population of approximately 3,741 cases under maternity-related jurisdiction codes. This was due to the non-randomised nature of the sample and the limitations of AI-enabled extraction of thematic codes; no statistical frequencies can be analysed or reported to assess shifts in patterns. Due to the small sample size, it is not possible to validate whether there is a decline in such behaviours and attitudes over time.
4. There is currently insufficient data to assess the early impact of the Protection from Redundancy (Pregnancy and Family Leave) Act 2023, which began in April 2024. Data on individuals returning after extended leave are limited, so it will take more time and a larger sample size to evaluate the effects of the legislation.

## Report structure

The key findings are organised across five chapters, with the research questions woven into each section to address the study's aims. Chapter one outlines the extent and patterns of unfair treatment, drawing on labour market outcome metrics for working parents. Chapter two then examines insights into the stage of discrimination and experiences from the ET decisions analysed for this study. Chapter three brings perspectives from the qualitative interviews with mothers and fathers undertaken in this research, while Chapter four explores levels of awareness of rights among employees and employers. Chapter five considers how employers are working to minimise and mitigate pregnancy and maternity discrimination in practice. The findings across these chapters are triangulated and discussed in the Conclusions with implications for policy, practice, and future research.

# 1 Extent and patterns of unfair treatment

This chapter presents findings from analysis of secondary datasets to describe the prevalence and extent of parents' employment, working arrangements, and trends over time in unfair treatment and/or discrimination at work. The findings highlight patterns by demographic groups, such as women's age, ethnicity, sector, and age of dependents, where data is available. The datasets used for the analysis presented here include LFS microdata for April to June quarters, the OECD Family database, ACAS data, and aggregate statistics from the MoJ. Comparative data for 10 years from 2014 to 2024 is presented where available.

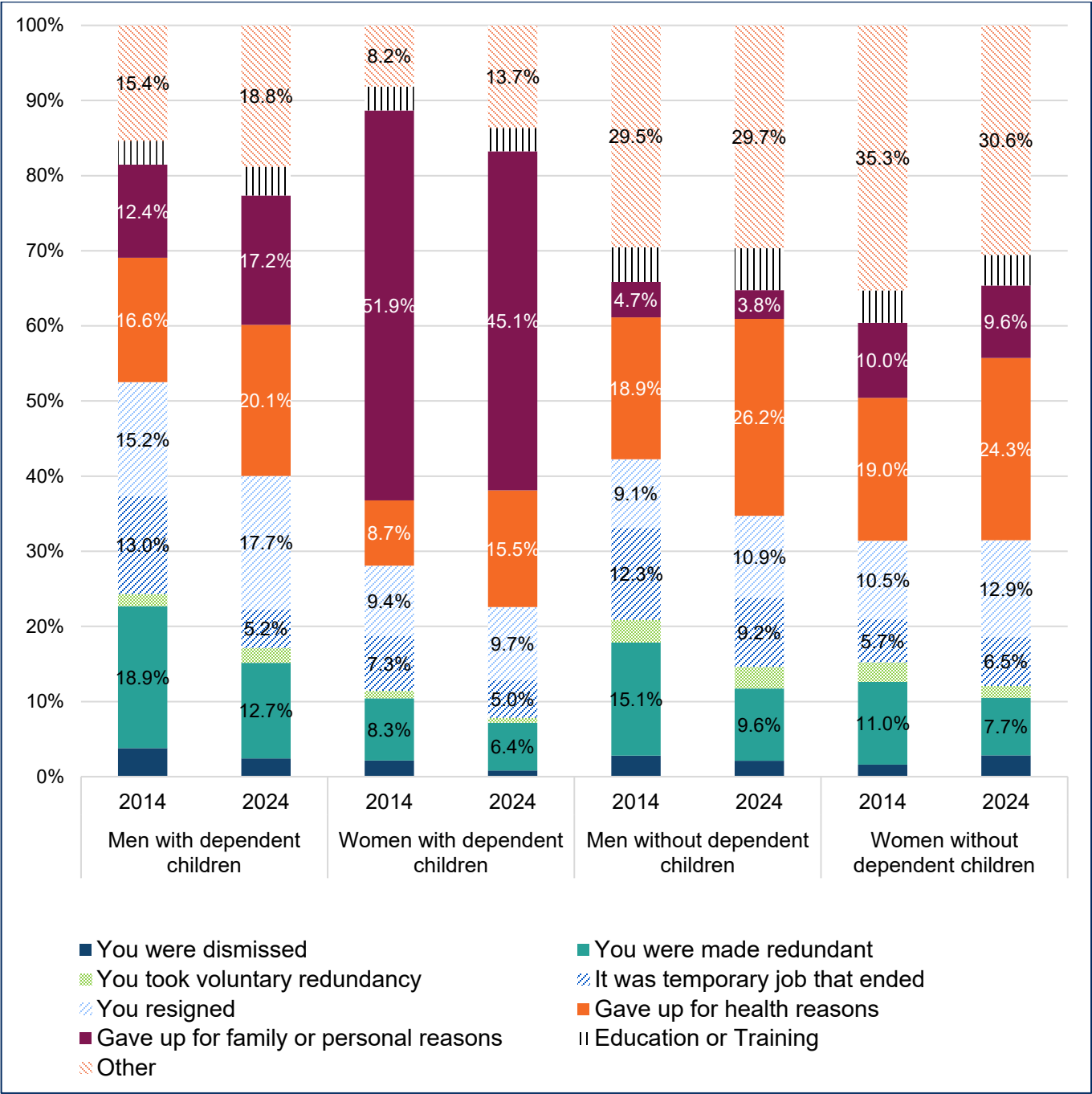
## Key Messages:

1. Women with young children cited family or personal reasons more frequently as the main reasons for leaving their last job than other groups, though this has fallen slightly over the past decade (52% in 2014 to 45% in 2024).
2. Men with young children are increasingly likely to leave their jobs for family or personal reasons, rising from 12.4% in 2014 to 17.2% in 2024, suggesting a slight shift in how childcare responsibilities are shared between parents.
3. Dismissal and redundancy rates as the reasons for leaving the last job remain low and have declined over time for mothers with young dependents from 10.5 % in 2014 to 7.2% in 2024.
4. Clear ethnic disparities exist with Black women with dependents are 1.5 times more likely to be dismissed than White women, and six times more likely than Asian women. Patterns around leaving work for family reasons also vary by ethnic group with women from Asian and Mixed ethnic groups citing this reason more frequently than Black women.
5. Maternity discrimination claims remain a small 3.8%, but consistent proportion of employment tribunal cases between 2020 and 2025, with between 37% to 42% Early Conciliation (EC) receipts returning as ET claims, with many being resolved informally or through a COT3 agreement.

Women leaving jobs that have children aged zero to four still leave for family or personal reasons far more often than any other group, although this trend is declining. In 2014, 51.9% of women who left their job and had young dependents aged zero to four years cited their reason for leaving work to be family or personal reasons; by 2024, this had dropped to 45.1%. In comparison, men leaving roles who have young children are increasingly likely to leave their jobs for family or personal reasons, rising from 12.4% in 2014 to 17.2% in 2024, suggesting a slight shift in how childcare responsibilities are shared (see Figure 1).

Figure 1 also shows that reasons for leaving a last job for reasons of dismissal and redundancy for mothers with young children have fallen and remain low (7.8% in 2024), while rates for men with young dependents are now more than twice as high (17.1%). Interestingly, over the decade from 2014 to 2024, people leaving their job for health reasons have increased across all groups.

**Figure 1: Reasons for leaving last job, men and women, with or without dependents aged 0-4 years old**

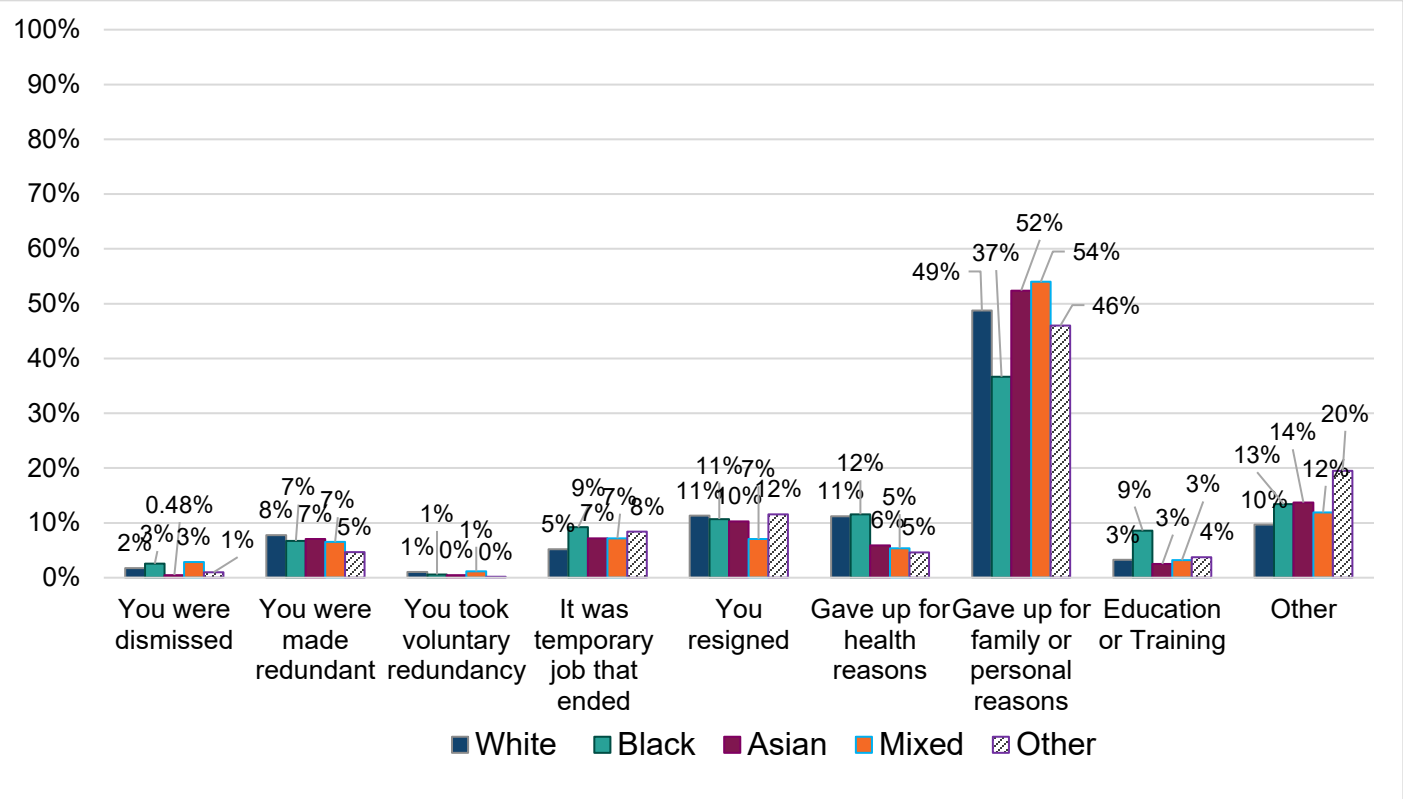


Source: Labour Force Survey April to June 2014 to 2024

Women with dependents from Black ethnic backgrounds face significantly higher dismissal rates than their White or Asian counterparts, being 1.5 times more likely to be dismissed than White women (3% versus 2%) and six times more likely than Asian women (3% versus 0.48%). Additionally, women from Asian (52%) or mixed (54%) backgrounds are more likely to

leave work for family or personal reasons compared to White (49%) or Black (37%) women, indicating the influence of cultural or social norms on these trends (see Figure 2).

**Figure 2: Reasons for leaving last job for women with dependents by ethnicity**



Source: LFS microdata, April – June 2014 to 2024.

Maternity discrimination claims remain a small but consistent proportion of employment tribunal cases, with most being identified early in the process and often resolved before a formal hearing. Between 2020 and 2025, cases under the MAT jurisdiction tracked by ACAS averaged 2.2% of Early Conciliation receipts and 3.8% of ET case receipts. While between 37% to 42% returned as ET claims, many were settled without a tribunal decision, being resolved informally or through a COT3 agreement (see **Error! Reference source not found.** under Outcome Metrics presented in Annex F: Quantitative research methodology). Data on ET receipts relating to detriment and/or dismissal on grounds of pregnancy, childbirth or maternity as tracked by the MoJ is provided in **Error! Reference source not found.** in Annex F: Quantitative research methodology under Select Outcome Metrics. This shows the receipts under MAT jurisdiction code remained under 1% of total receipts between 2017 and 2020. More recent data, however, includes only cases on the Reform system and hence is not comparable with the previous time periods.

Furthermore, complaints to the MoJ about paternity, adoption leave, and flexible working remain relatively low overall. The MoJ reported that complaints under the PLD code (covering detriment or dismissal for requesting or taking paternity or adoption leave or time off for dependants) increased from four to 28, while complaints under the FLW code (relating to flexible working rights) rose from 19 to 138 between 2023 to 2025.

There are some important data considerations to bear in mind, namely differences in how ACAS and the MoJ record maternity related cases, meaning data from both sources cannot be directly compared due to different estimation methods. This is alongside methodological discrepancies between LFS microdata and published ONS estimates due to weighting and definitional variations. These issues are discussed at length in Annex F: Quantitative research methodology. The next chapter examines tribunal evidence, providing a complementary perspective that helps illuminate the lived realities and legal interpretations, underpinning the quantitative findings outlined here.

## 2 Tribunal decisions case analysis

The chapter explores findings from available ET decisions in England, Wales and Scotland from February 2017 onwards. It reviews the employment characteristics of claimants of maternity discrimination, their workplace experiences of unfair treatment, their reasoning and perceptions of discrimination or dismissal, and employers' justifications for their actions. This strand of evidence offers a distinctive lens through which to understand not only the types of experiences that lead individuals to bring claims, but also how organisations frame and defend those decisions in formal processes.

### Key Messages:

1. Employees most commonly perceived discrimination manifested as financial loss (due to failure to gain promotion, reduction in salary or bonus, low pay rise), harassment, criticism or negative comments from employer or colleagues, threats to health and wellbeing, and feeling forced to leave their jobs.
2. The announcement of pregnancy was often perceived as the point at which unfair treatment began, and the majority of the claimants believed it directly contributed to their dismissal.
3. While the first incident of discrimination was commonly reported to be during pregnancy, dismissals were equally likely to happen either during pregnancy or before going on leave or upon returning from leave.
4. Employers' justifications for dismissal or negative treatment most often referenced performance or capability concerns, alongside redundancy-related explanations such as restructuring or surplus staffing. In many cases, employers did not provide clear justification for their actions.

Most claimants appeared to be full-time employees, with only a few in part-time, fixed-term or zero-hours contracts. Given the small sample size of cases, clear patterns could not be identified based on employer size.

### Employee perceptions and experiences

In terms of how claimants experienced discrimination in 2017 and 2024 to 2025, the most frequently reported experience across both samples was financial loss, followed by harassment and negative comments, risk to one's health and welfare, and feeling forced to leave the job. These themes emerged more commonly than negative experiences due to flexible working, breastfeeding, or job insecurity. Notably, these do not represent legally upheld unfair treatment or discrimination but demonstrate the claimant's reasoning and perceptions of their experiences offered during tribunal hearings.

The stage at which discrimination tended to first occur was typically during pregnancy or before going on leave. Many claimants commonly perceived the reason behind their dismissal to be the announcement of pregnancy, after which the employer or line manager started a process of redundancy or unfair treatment. Others reported perceived changes in behaviour towards

them, which led to the claimant feeling forced to leave their job. This highlights the persistence of unconscious bias and negative attitudes toward mothers in the workplace.

The time between the first incident of discrimination and dismissal (the ET analysis treats discrimination as any unfair treatment other than dismissal) tended to fall in two periods – either less than three months or more than 12 months – highlighting that dismissals were more likely to occur during pregnancy or upon return to work, and less likely while an employee was on maternity leave. The analysis also found that maternity leave interruptions (where leave ended earlier than planned due to either work procedures or dismissal) were fewer in 2024 and 2025 than in 2017 (one-third of cases analysed in 2017 compared to one-fifth of cases in 2024 and 2025).

## **Employer justifications for discrimination and dismissal**

The analysis across all the cases highlights dominant themes of employer justification, though a direct comparison of the employee's claim and the employer's justification could not be established.

There are five fair reasons for dismissal set out in the Employment Rights Act 1996: capability, conduct, redundancy, statutory prohibition and some other substantial reason (SOSR). However, the reasons identified in the ET decisions analysis may or may not constitute fair and legal reasons for dismissal as the sample included both upheld and dismissed cases. Rather, the analysis demonstrates the rationale offered by employers most frequently during the tribunal hearings. It is also noteworthy that in a majority of cases, employers either provided no justification at all or none that was discernible from the case documents.

In instances where maternity discrimination or unfair treatment were claimed, when an employer responded, they most often denied any discrimination, or cited (whether fairly or unfairly) performance or capability issues, followed by redundancy as a reason for their decision.

In cases where unfair dismissal was claimed, redundancy was the leading explanation where the claimant was placed in a redundancy pool, their role was no longer required, business restructuring led to redundancy, or they were surplus to staffing requirements. This was followed by the justification of business reorganisation or restructuring conditions where the claimant was dismissed due to a restructuring exercise, reorganisation of the business, their department closed, or their services were outsourced, or the claimant did not accept the new working conditions or roles.

Overall, the contrast between employees' accounts of discrimination and dismissal and employers stated justifications highlights a systemic disconnect in how maternity-related unfair treatment is understood and addressed. These findings reinforce the patterns identified in Chapter one, where quantitative evidence shows that, despite relatively low formal dismissal rates, mothers continue to experience significant disadvantage and dissatisfaction at work. Chapter three further develops this picture through qualitative interviews that illuminate the lived reality of mothers' and parents' experiences during pregnancy, leave, and return to work, underscoring how individual narratives reflect broader systemic issues also evident in the tribunal case analysis.

A number of limitations in the underlying data and analysis must caveat these findings. The sample size is relatively small and the ET cases analysed included both upheld and unsuccessful cases. This means it is not possible to distinguish between perceived and actual discrimination across outcomes, including whether dismissals were fair or unfair. Not all cases provided insights into all variables that were analysed, as there were 'no records found'. Given the absence of representative or randomised sampling, it is not possible to draw statistical interpretations and therefore the analysis only presents high-level themes and directional patterns. The ET cases analysed in this Chapter do not offer insight into the experiences of parents taking Shared Parental Leave, Adoption Leave and other forms of parental leave, as these typically fall outside the MAT jurisdiction code and so were excluded from the analysis. Finally, the absence of direct comparison of justifications between employees and employers within individual cases further constrains the extent to which firm conclusions can be drawn.

### 3 How unfair treatment and discrimination are perceived to manifest

This chapter explores how (perceived) discrimination and unfair treatment of pregnant women and mothers and fathers manifests in the workplace. It also considers at what stage of pregnancy, maternity or parental leave this (perceived) discrimination first occurs. Finally, the chapter examines whether there are similar patterns in the experiences of parents taking other forms of leave, such as Adoption Leave, Neonatal Care Leave, or Shared Parental Leave. The findings draw on experiences shared by 22 pregnant women and mothers and two fathers who were interviewed for this study (sample characteristics, opt-in process, extraction framework, and quality assurance processes are described in Annex D: Qualitative research methodology).

#### Key Messages:

1. Line manager capability was the single biggest determinant of workplace experience, with lack of awareness, limited training, and inconsistent application of policy driving perceived unfair treatment.
2. Weak or inconsistent communication from line managers during leave and on return-to-work amplified feelings of exclusion, uncertainty and unfair treatment, particularly around pregnancy-related sickness and the timing of Maternity Leave.
3. Employees most commonly perceived discrimination to manifest through difficulties accessing flexible working, risks to health and wellbeing, harassment or negative comments, missed progression opportunities, or feeling forced to leave their jobs.
4. Unfair treatment and perceived discrimination began during pregnancy and intensified over time, in some cases forcing mothers to leave the workplace or resulting in a grievance.
5. Difficulties accessing flexible working (including denied requests, unanticipated shift changes, and return-to-office requirements) created tension within a wider context where home or hybrid working was increasingly common.
6. Inadequate health and safety practices contributed directly to stress, including inconsistent or superficial risk assessments, inadequate workplace adjustments, perceived pressure to take sick leave during pregnancy, and poor facilities for breastfeeding on return to work.
7. Reduced progression opportunities were reported, including lost promotions, diminished responsibilities, or roles that changed unfavourably during and after leave.
8. Negative workplace attitudes and cultural assumptions about motherhood and caring responsibilities shaped daily experiences of inappropriate comments and stereotyping.
9. Although based on a limited sample, fathers also reported challenges in accessing flexible work and leave to support partners after complicated births, highlighting wider issues around clarity, awareness and consistency of workplace support.

The themes identified are based on participants' perceptions of unfair treatment by their employer, line manager or colleagues. These do not constitute confirmed cases of unfair treatment, discrimination or dismissal, as that can only be determined by a court. The chapter

reflects the diversity of participants' lived experiences and illustrates examples of how a particular theme manifests in practice. Verbatim quotes are included to bring to life these experiences in participants' own words. The quote attribution includes which sector the interviewee worked in and the nature of action taken or impact of the unfair treatment such as grievance filed, wanting to leave work, having left work, and/or union involvement.

## **Stage of pregnancy/maternity when discrimination was first experienced**

Negative experiences at work either occurred during pregnancy or when returning from maternity and/or parental leave. In some cases, challenges that began during pregnancy persisted throughout the leave period and either continued or were intensified in the return-to-work phase. Poor communication between the employee and their line manager during leave or upon return-to-work worsened problems, especially when combined with role-related changes, new work schedules or reporting relationships, or wider organisational restructuring. The quality and consistency of communication received by participants during pregnancy and maternity or parental leave were mixed, often depending upon the nature of workplace relationships. This ranged from being non-existent to supportive and proactive. These variations shaped perceptions of fairness and influenced how easily individuals navigated workplace changes during pregnancy, leave, and return to work.

A total of 241 responses were received on the opt-in screening form for the study (available in Annex E: Opt-in screening form). Analysis of the profile of survey respondents shows that 93 of the mothers who opted into the study shared information about the stage at which they first experienced discrimination or unfair treatment. Nearly half of these respondents stated they had experienced unfair behaviour during pregnancy (48%), while 20% mentioned the stage to be 'while being on leave' and 23% reported it to be 'after returning to work'. These findings corroborate the pattern observed in the analysis of ET cases reported in Chapter two where discrimination was claimed to more commonly begin soon after the announcement of pregnancy.

## **Difficulties accessing flexible working arrangements**

The last few years have seen significant changes to employers' policies on working from home and estate management. Flexible working emerged as one of the most prominent areas where participants perceived unfairness affecting how they managed their pregnancy, work and childcare. Interviewees shared patterns of feeling unfairly treated due to a lack of or denial of flexible working requests, how this was communicated, and the impact this had, including:

- changes to shift working patterns without consultation while on leave
- flexible working requests not being accommodated or approved
- increased pressure to adhere to return-to-office mandates
- feelings of bias and inequity when compared to colleagues' requests
- a workplace culture where flexible working was viewed negatively or discouraged

A denied request marked a critical turning point, determining whether interviewees could remain in work at all. This was often the case when flexible working requests were made after returning to work from leave and denied, or working patterns were modified. One participant described opposing proposed shift changes that were put forward before her maternity leave as they would alter her existing shift pattern and contract. However, the suggested changes were put to a majority vote without consulting her while she was on maternity leave. This change made her childcare arrangements very difficult, since her previous shift pattern complemented her husband's pattern, who was also a shift worker.

"The pattern wouldn't stay like that, so sometimes I would fall on earlies [early morning shifts] when my husband was on earlies, and there's very little childcare you can get at 4:00 in the morning, so it doesn't really work... That's a lot of childcare to either ask my parents to do or pay for that I never previously needed to pay for ... I never asked for this ... I was never consulted on it."

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#### **Mother, Transportation and Storage, union involvement in case**

While she ultimately reached an agreement with her employer, with support from her union, the outcome still required her to start work earlier and arrange extra childcare.

A similar unexpected change in working pattern was reported by another participant who had accepted a new internal role partly because it was advertised with a high degree of flexibility. However, she found her specific flexible working request rejected due to the roster being "full". She was also required to travel to the London office daily, which became physically strenuous during pregnancy. They were ultimately put on bed rest two months prior to delivery and told their maternity leave had begun (further discussed in the section on health and safety at work). Their challenge around flexibility continued even after returning to work.

"I can't keep on doing this nine to five. I have appointments, I've got kids and I need to forward plan my childcare and part of the reason why I applied for this role was for the flexibility of it, but I am now being forced into a situation that's completely inflexible, completely not the role that I signed up for."

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#### **Mother, Transportation and Storage, union involvement in case**

Interviewees whose formal flexibility request was either not accommodated or actively discouraged sought to adjust their shift patterns informally with colleagues, highlighting how organisational processes can force individual employees to absorb the problem. One mother had made a formal flexible working request three months prior to returning from leave to avoid working early shifts due to childcare issues. The request was denied, and she also perceived being denied a promotion because of making her request. She resolved the situation by negotiating informally with colleagues for shift swaps until a flexible working request was formally accepted. This suggests employees may perceive their employer as being unfair if a flexible working request is denied without exploring all possible avenues to accommodate it, even when the employer is legally justified in doing so.

Return-to-office mandates intensified these challenges, particularly when introduced during parental leave. One participant, working in an administrative and support service role in the transport sector, found their local office closed down, which required them to report to an office much further away. This return-to-office mandate was initially for one day a week, but soon increased to three times a week, increasing her cost of travel and childcare. This made it financially unfeasible for her to continue in the role.

“You've made my role untenable for me. I can't do that. If my children need me, I need to be half an hour away. You know, their dad works away. He's 2-3-4 hours away from home.”

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**Mother, Administrative and Support Service Activities, signed off work**

Feelings of inequity deepened when participants learned that colleagues had similar requests approved. For one mother working in the transport sector, the refusal of her formal flexible working request on business grounds meant she could not return to her role and felt she had no alternative but to resign. She later heard that another colleagues' similar request had been accommodated, which made her feel she had been treated unjustly. This suggests employees may assume that approval of one flexible working request sets a precedent that the employer must meet in all instances.

Participants also described other negative experiences related to flexible working, like working within organisational cultures that were unsupportive of flexibility, feeling that submitting a request had harmed their promotion or employment prospects, facing excessive delays in the processing of requests, and, in one case, believing that making a flexible request contributed to their dismissal. It must be noted that this unfair dismissal claim was not held up in the employment tribunal, illustrating how employers' legal justifications for refusal do not always align with employees' perceptions of fairness.

## **Concerns over health and safety**

Health and safety practices varied considerably across cases, with some employers offering robust support while others revealed critical gaps, particularly where role modifications were not paired with thoughtful job design and a clear sense of purpose. Given the physical demands of pregnancy and transition to parenthood, inadequate support for health and safety took various forms:

- in conducting risk assessments and making suitable accommodations
- allowing time off for antenatal or hospital appointments
- navigating sickness absence during pregnancy
- providing adequate breastfeeding facilities

Risk assessments and accommodations offered to participants were superficial or absent in some cases. One participant's manager brought a pre-filled questionnaire to the meeting, and

another had been exposed to radiation at the workplace whilst pregnant. She had since taken legal action against her employer, and the case was under investigation.

Women in safety-critical positions must disclose their pregnancy earlier to allow for suitable accommodations to be made. For example, a firefighter shared that she had to inform her line manager 11 weeks into her pregnancy, which was much sooner than she would have liked because it was essential from a safety perspective.

"I was excessively concerned about miscarriage. I had a lot of friends that had miscarried in their first pregnancy, so I didn't want to tell work straight away [but] because I was worried that something would happen. And it's not just telling the people that you work with, it's everybody on the station ... So, you could end up with like 100 firefighters knowing before you've told any of your friends and family."

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**Mother, Emergency services, grievance filed, tribunal underway**

However, a lack of awareness amongst her managers on how to handle role modifications for pregnant firefighters led to her being given a to-do list of administrative tasks around the station, which she would not have been expected to do whilst on duty, if not pregnant. This was a common pattern among interviews with mothers: when employers lacked suitable role modifications, pregnant staff were often put into administrative roles or encouraged to seek a health professional to sign them off work. These accounts highlight both the importance of appropriate job design and the challenges presented by inconsistent organisational practices.

Participants with positive experiences with their employer described significant accommodations to their job role, including limiting physical, heavy lifting, and lone working. In some cases, replacing physically demanding tasks with administrative tasks was appreciated by the employee. Other positive experiences included undertaking risks assessments and associated accommodations being put in place.

Experiences can vary not just between employers but also across different pregnancies with the same employer. A participant noted stark differences in employer support between her first, second, and third pregnancies, at an organisation she had worked for a decade. The earlier level of support was not offered to her third pregnancy, where her relationship with her line manager had deteriorated. This became especially apparent when accommodations were only offered after she was diagnosed with a health condition and went off sick.

"Just sad that it took me going off sick to have that [shorter working patterns] put in place."

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**Mother, Transportation and Storage, union involvement in case**

Access to antenatal appointments and time off for post-delivery hospital visits were important factors shaping participants' experience. Positive experiences included having flexibility and support at the workplace to attend antenatal appointments during work hours or scans on short

notice. Yet, employer practice was inconsistent here, with others mentioning they were unable to attend hospital appointments and scans during the workday flexibly.

Additionally, while attending antenatal appointments is a statutory right for mothers, fathers have no statutory protections linked to attending hospital appointments post-childbirth. A father needing to attend hospital appointments for several months after a traumatic childbirth was initially given this flexibility, but later it was withdrawn, along with his promotion application being rejected.

Another interviewee, with a shift working pattern, described having to travel one and a half hours each way on public transport to reach a doctor's appointment before or after her shift and facing negative comments about her absence from work from colleagues.

"You know it's your late night [shift], so you know it doesn't look good that you're swanning off for the rest of the day when you've got an appointment ... I'd be travelling for three hours, and I'd have to go back [to work]."

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**Mother, Information and Communication sector, union and ACAS involvement in case, grievance filed, left role**

Another challenge participants discussed was dealing with pregnancy-related sickness absence alongside planning maternity leave. Participants talked about having a health condition or experiencing sickness alongside their pregnancy and being unclear about whether and how these overlapped and should be managed. In one case, this led to confusion about when maternity leave began and when they were expected to return to work.

In organisational contexts with a strict attendance policy, there were examples of mothers, and even fathers being disciplined for taking leave for pregnancy-related health conditions or care-related absences. One father described how their partner had an emergency caesarean section a few weeks before the planned delivery date, from when he had booked two weeks of paternity leave. His employer said he could not move his paternity leave dates, despite his partner needing six weeks to recover, which resulted in taking sickness absence instead and being signed off from work based on guidance from managers, a union representative and a GP. However, this nearly resulted in disciplinary action for absence being taken against him by his employer and it threatened his job security.

Interviewees mentioned how return-to-office policies had exacerbated the difficulties with breastfeeding due to a lack of suitable facilities to express milk. One participant was told to use the toilet as the office did not have a secure room she could use, with most rooms being glass-walled or having CCTV.

## **Negative workplace attitudes and culture**

Workplace culture was strongly attributed as a key influence on the experience of discrimination and unfair treatment during pregnancy and parenthood. Women working in front-line roles in industries, such as transport, commonly cited receiving unwanted or negative comments when they disclosed their pregnancy. The quotes below illustrate the attitudes of line managers and colleagues toward pregnant women in the workplace.

"Got asked a lot if I was coming back to work because it was my third baby - so oh, you won't. You won't bother coming back if you've got three."

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**Mother, Transportation and Storage, union involvement in case**

"I was forcing myself to wear the uniform as long as I could [so as] not have to show that I am pregnant because obviously, people are straight away, they're talking. Oh, she just got here. She got a new job, and now she's pregnant."

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**Mother, Transportation and Storage Sector, union involvement in case, awaiting resolution**

These assumptions about motherhood were also felt to be held by line managers and colleagues when mothers returned to work, influencing recruitment and promotion decisions.

By contrast, working with colleagues who were parents or carers led to more positive feelings and experiences because "people recognise the importance of family" as one participant noted. This suggests that people had variable experiences at work, with policy and practice diverging greatly depending on the organisational culture. Participants working in large organisations noted a key challenge was inconsistent practices, with work experiences, both positive and negative, dependent on the team or line manager (this is discussed again later under the role of the line manager).

Interview participants also perceived unfair treatment when work-environment changes affected their workplace or job role. Examples included a role change just before pregnancy, a change in line manager before or during maternity leave, or other organisational restructuring that shaped the work context. These changes commonly exacerbated the perceived lack of communication and increased the risk that new mothers and parents would feel unfairly treated.

For instance, one participant had worked for an organisation that underwent restructuring before and during her leave. While her position was retained, she was placed in a new role that she did not feel qualified for, without training. Her line manager also changed during this time, while she had completed KIT days with her previous manager. She shared how no one contacted her upon her return to work. Additionally, she was accidentally removed from the work system, exacerbating her feelings of exclusion and discrimination. After her return from leave, she heard back from her new manager two weeks later when she followed up.

"Nobody got in touch with me. No manager, no senior manager, no team leader, absolutely nobody."

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**Mother, Administrative and Support Service Activities, signed off work**

These feelings and perceptions of unfair treatment intensified when women observed policy documents or a push for inclusion by their employer publicly that contradicted their personal experience, highlighting a disconnect between policy and practice.

## Progression and promotion opportunities

Participants described lost or limited career opportunities linked to pregnancy and caring responsibilities. Examples included limited access to progression opportunities, being denied promotion after returning from maternity or other forms of parental leave and receiving limited communication about upcoming opportunities.

Illustrating the potential negative career effects of combining work and care, a father who had applied for an internal promotion reported that he was not shortlisted due to employer concerns about his having taken too much time off. This participant had to attend hospital appointments for months after the birth of a child who had severe health complications. Though he had been allowed flexibility in attending these appointments for several months, when he applied for the promotion, he was told that he would not be considered due to concerns over his office attendance. When the employee raised a grievance about this issue, the employer withdrew the flexible policy regarding attending hospital appointments, and everyone was required to use annual leave or personal time in future.

A similar perception of being denied a promotion due to pregnancy was shared by a woman working in the railway sector, who felt she was qualified for the job but was told that the role was no longer available once she disclosed her pregnancy. Another participant perceived that she was denied a progression opportunity when her employer advertised a vacancy externally and hired someone within one week, without giving the participant a chance to even apply for it.

Describing a reduction in job responsibilities after returning to work from maternity leave, one participant who worked in public administration and defence, shared how she had returned to a new, undefined role where she no longer managed a team. She noted that a male colleague who had had a child in the same week as her was able to retain their line management role and team. She met with her line manager and attempted to clarify her role by asking, "What's my job, what do I do?" She subsequently started looking for new roles and made an internal transfer. Comparing this experience to her first pregnancy, she stated that the experience on return-to-work was negative and could have been handled much better.

Another participant returned from maternity leave to find that their line management responsibilities for two assistants had been removed. Before taking leave, they had been involved in strategic meetings and were being developed by their manager to eventually step into that role upon the manager's retirement. The change illustrates how biased attitudes and implicit assumptions among senior leaders can influence judgments about the capability and career commitment of women with young children.

## Role of the line manager

Participants' experiences with their line managers were highly variable. Where managers were knowledgeable, empathetic, or had personal experience of pregnancy or caring, women described feeling supported. Where managers lacked experience or training, women often felt the burden fell on them to explain policies and request adjustments. These perceptions also

depended on the quality of their relationship with their manager before pregnancy or going on leave.

"Very much dependent on which department you're in and who your line manager is. If you have a line manager who's a mother or a female, odds are that they understand what you're going through, or they can relate in some manner."

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**Mother, Transportation and Storage Sector, union involvement in case**

For women whose line managers changed whilst they were on leave, the impact varied substantially: the new manager could improve a previously poor relationship for some, while others struggled to establish clear communication. A line manager's awareness of policies and rights related to pregnancy and maternity also heavily shaped women's experiences, where an inadequate understanding of pregnant employees' experiences or needs and a lack of training created a negative experience.

As the following quotes illustrate, some participants guided their line managers on the support that should be provided, as the managers had not supported a pregnant employee before, revealing a lack of knowledge of policies and good practice.

"When I shared the news, he said, 'Oh, I've never been in this situation. I've never actually managed a pregnant person before, so this is going to be interesting.'"

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**Mother, Transportation and Storage Sector, union involvement in case**

"He got thrown under the bus and thrown into this with no idea what was going on, and he's doing his best to support me and fight my corner... doing what he can."

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**Mother, Administrative and Support Service Activities, signed off work**

A well-informed line manager can offset the lack of wider employer support by advocating for the employee internally and sourcing relevant information. However, this places a burden on line managers and raises questions about the role of HR in implementing policies for working families and in training managers effectively.

Sensitivity within the line management relationship is crucially important. Poorly managed disclosure or interpersonal dynamics can significantly strain the relationship. In one case, tensions arose when a line manager with fertility issues reacted poorly after the interviewee disclosed possibly not wanting to continue their pregnancy. This created a tense atmosphere and a strained relationship between them. Concerns around disclosure of pregnancy to a line manager were also expressed by a father who put off disclosure due to his manager having been vocal in the workplace about unsuccessful IVF treatment and a subsequent relationship breakdown.

In small organisations with no HR support, challenges were intensified. One participant worked at a small organisation with fewer than 10 employees, and the founder was her line manager. Upon disclosing her pregnancy, it was indicated that her current role was not suitable for someone with young children. The participant also received a poor performance review on the grounds of being unprofessional. This interviewee felt it was just a guise to force them to leave. Given the small size of the employer, the interviewee could not involve anyone else for support as there was no HR department apart from an outsourced payroll company.

“There was nobody objective who I could go to speak to. So, it was just me and him. So, a lot of the meetings that we had were just between the two of us and like very much behind closed doors. He didn't believe that it was going to be the right place for somebody like me with a young child.”

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**Mother, Human Health and Social Work Activities, union involved in case, left work**

## **Patterns of perceived discrimination for parents on other forms of leave**

There was limited insight into whether and how unfair treatment differs across other types of leave, as only two fathers opted into the study, and most mothers had taken maternity leave rather than other forms of leave. In one case, a mother whose child was born prematurely felt that she was missing out on additional protection and support of neonatal leave, as the policy had not been implemented by her employer at the time.

"I also think there needs to be specific attention paid to scenarios where babies are born early or poorly. Most of the policies I came across felt like they were designed for people with full-term healthy babies, which was not my experience."

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**Mother, Education Sector, informally addressed**

The two fathers in the sample raised concerns about paternal leave rights and how the current options do not accommodate all circumstances and needs.

“It was a lot of ‘here’s what the book says, here’s what we have to do, this is your legal entitlement, we won’t go above and beyond that.’”

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**Father, Transportation and Storage Sector, under disciplinary action - ultimately not pursued**

Both reported having to take sick leave instead of an alternative form of parental leave, especially in the event where ongoing care had to be provided to the newborn child for several months. Both fathers felt they had to navigate a parental leave policy landscape that offered no flexibility to respond to their personal situations. Instead, they were forced to find ad-hoc solutions to justify their requirement for time off to their employers.

Overall, the findings in this chapter illustrate clear patterns in how unfair treatment and discrimination is perceived to manifest across pregnancy, maternity and early parenthood. The key emerging themes were around access to flexible working, health and safety adjustments, workplace culture, and the role of line managers. However, the qualitative sample is limited in

its representation across geography, sector, and ethnicity, additionally, only two fathers opted into the study, and no mothers on other leave types were interviewed. Although five people that opted into to the research reported recent ET involvement, only three could ultimately be interviewed, underscoring important evidence gaps in understanding the full range of parental experiences.

## 4 Awareness of rights

The chapter discusses the awareness of parents of their workplace rights, and employers' awareness of their responsibility and obligations towards mothers and new parents. The findings presented draw on both findings from employees and employers.

### Key Messages:

1. Awareness of workplace rights varied widely with most information-seeking occurring only at trigger points, that is at the beginning of pregnancy, return-to-work and when unfair treatment had occurred.
2. Parents frequently described their employer as their main source of information. Employees also turned to online searches, friends, family, trade unions or maternity support charities for guidance, however, often felt the information was complex and unclear.
3. Uneven workplace rights awareness continues to leave both mothers and fathers reliant on external sources for clarity. Clear, accessible, jargon-free, and up-to-date guidance was essential. New suggested communication channels were through midwives, health checkpoints, or digital pregnancy apps.
4. There was at times a disconnect between organisational policies and how these were experienced by employees as a result of day-to-day line managers' practice. Low levels of line manager awareness and experience in managing parental needs represents a significant risk for organisations and could undermine strong HR awareness and organisational commitment.

## Employee awareness

Participants had varying levels of understanding and awareness of their employment rights. Key stages for information seeking were at the beginning of the pregnancy, return to work following parental leave, or if they perceived they were unfairly treated. They also reported being interested in gaining knowledge about flexible working arrangements around the time of their return to work.

In some instances, payroll staff and line managers told interviewees they were wrong about their employment rights entitlements. For example, one interviewee, who was paid incorrectly for KIT days, was consistently told by her manager that payroll was right. After consulting lawyers and escalating the issue, she learned that she was correct and had been treated poorly during the discussions.

"If they don't tell you about it, they can get away with not giving it to you."

**Mother, Transportation and Storage Sector, union involvement in case**

Confusion over sickness absence and early start of maternity leave was an experience shared by participants. Although employees normally choose when to begin their maternity leave, if they are off sick with a pregnancy-related illness during the final four weeks before their

expected due date, the employer may automatically start the maternity leave. However, this must be clearly communicated and explained to the employee, which has not always happened in practice leading to perceptions of unfair treatment. Ensuring fair treatment relies on a shared responsibility between employees understanding their rights and employers clearly communicating and upholding them.

## **Sources of information on employment rights**

Interviewees used proactive searches and conversations with friends, colleagues and family to find information about their parental and maternity rights. For example, one mother working in retail researched online for role-specific information on lone working.

"Apart from the very little that's written in our handbook and the very little I got emailed, that was probably two pages long."

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**Mother, Wholesale and Retail Trade Sector, awaiting resolution**

Some interviewees felt well informed as they had previous experience or friends and family who could provide the information. Notably, fathers highlighted that mothers received a lot more information.

External organisations, including Maternity Action, ACAS, Pregnant Then Screwed, and trade unions were also mentioned by participants as sources of information. Information sessions on Maternity and Shared Parental Leave hosted by a union had helped a participant understand clearly what fair and unfair treatment looked like.

"I definitely thought that I knew what I was entitled to, as in I knew that it wasn't right, and that's what prompted me to speak to the union about it further."

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**Mother, Education Sector, informally addressed, union involvement in case**

Interviewees working in the transport industry said they had received booklets or documents for information but found those overwhelming due to the use of jargon and technical language. Line managers were not always reliable sources of information or knowledgeable enough, and would frequently refer employees to HR.

"I couldn't really make much sense of it ... most of it was [wasn't] laid out quite well ... it was just pages and pages of jargon."

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**Father, Transportation and Storage Sector, under disciplinary action - ultimately not pursued**

Other participants reported finding out-of-date employee policies, handbooks and intranet pages, meaning they did not have accurate information readily available. A woman discovered incorrect information about flexible working on the company intranet, which did not contain information about the updated day one right to request flexible working. She felt this showed a lack of care and attention, and as a result, she did not submit a flexible working request. She

believed this also contributed to her difficulties in completing probation and ultimately remaining in the role.

"There are grey areas when it comes to things in maternity rights. And I'm thinking surely there's somewhere that just has it all written down that you can just read."

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**Mother, Wholesale and Retail Trade Sector, awaiting resolution**

Participants underlined the need for accessible, quality dissemination methods with information on employment rights. Some suggested providing details during health or midwife appointments, through pregnancy information/management apps and/or at the time the maternity certificate is provided to the employer.

"Everyone goes to see a midwife at some point. It would probably make sense to have this information where everyone would go to see someone. Not everyone goes to antenatal classes. Not everyone goes to work and looks at their handbooks. It would be handy to have the information where everyone goes."

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**Mother, Wholesale and Retail Trade Sector, awaiting resolution**

## **Taking action**

Interview participants reported raising complaints formally through grievance procedures or tribunals, or informally through discussions with a line manager. Complaints were also escalated with support from workplace unions. Participants' reported that concerns were taken more seriously once a complaint had been submitted or when the impact on their health became evident, such as being signed off work.

Participants who chose not to act explained this decision as an effort to prioritise their own and their child's wellbeing during a demanding period. Additional reasons included limited awareness of their rights, the expectation of returning to the same workplace after leave, and the belief that raising concerns would not lead to meaningful change.

"I'm not educated enough to do it for now, and because I'm already ... my son is very demanding. I'm already on antidepressants and there's a lot of me being a mum. It's just too much to deal with."

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**Mother, Transportation and Storage Sector, union involvement in case, awaiting resolution**

Negative experiences linked to parenthood had a direct impact on participants' health and their ability to remain in work. Some women experienced negative reactions from colleagues or supervisors after acting. This created a more hostile working environment and, in certain cases, damaged the relationship with their line manager. In some cases, interviewees felt forced to leave their job.

"I'm going to kind of get out as early as I can because I don't feel appreciated."

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**Mother, Education Sector, informal addressal, union involvement in case**

These patterns demonstrate that formal grievance and tribunal processes capture only a fraction of parents' experiences, leaving a significant proportion of unfair treatment unreported and absent from official records.

## **Employer awareness of parental rights**

The employers that participated in this research appeared highly committed to the fair treatment of women during pregnancy and maternity leave. Consequently, they demonstrated good awareness and predominantly positive practice, with minimal evidence of unfair treatment or discrimination. These themes should, however, not be considered representative of all employers due to the sample limitations.

Overall, employers demonstrated awareness of their statutory responsibilities and obligations towards mothers and new parents. Several of the organisations interviewed had recently undergone a reorganisation, resulting in redundancies. In nearly all these cases, awareness of the enhanced protection for women returning from maternity leave appeared comprehensive. Employers' could describe the steps they took to ensure women were protected:

"... we'd looked at suitable alternative roles, and we didn't think that there were any suitable alternative roles, but actually did show her what the vacant roles were, and she also agreed that they none of them were suitable alternative roles..."

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**Large employer, Manufacturing Sector**

However, employers observed that the legislation could be quite complex and highly detailed, requiring specialist legal support to interpret. Even when HR teams had reviewed all the material, the rules were not always clear to staff. A continuous approach of learning and development around HR matters, like keeping up with legislative changes, was commonly mentioned. Typically, external sources such as the Chartered Institute of Personnel and Development (CIPD) and ACAS were cited as the initial point of reference when developing their understanding of an issue and translating employment legislation into practice. Employer size did not appear to influence levels of awareness or proactivity in seeking further guidance or support where necessary.

However, employers consistently noted variability in line manager awareness, particularly where managers had limited prior experience supporting a pregnant employee. Training was often holistic rather than focused specifically on maternity. Employers described hosting 'knowledge sharing' webinars on equality, diversity and inclusion topics including maternity, but not exclusively. Focused line manager training was often prioritised when the organisation underwent change, such as a redundancy process.

In several organisations, line managers were the first point of disclosure for a pregnant employee, meaning their level of understanding shaped the employee's early experience. HR may not be aware of a pregnancy until the line manager formally discloses it, making HR reliant on the line manager to follow the correct procedures.

"We've got a guide for managers on family leave... we always recommend an individual speaks to their line manager about anything in the first instance ... this manager guide, for instance, you know, the first part is about how do you react to the news, because even at a basic level... some people don't know how to line manage."

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Large employer, Legal Sector

An issue sometimes arose where significant time may have elapsed between a line manager reading a policy and having a disclosure conversation of pregnancy. Employers expressed concern that they might forget key details of the organisational policy, which could lead to non-compliance.

"I would say that HR is involved once somebody says they're pregnant, but it's difficult sometimes because managers don't let you know ... [so] down the line, you're kind of, OK. Have you done this? Have you done the risk assessments with them? You know, are you making sure that the reasonable adjustments are in place, especially if you are working out in the field ... there's a lot of that."

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Large employer, Public Sector

In larger organisations, HR's ability to provide support and guidance largely depended on the line manager's level of engagement. In smaller organisations, employers discussed a less formal approach to providing HR support. Sometimes, HR would instigate 'informal chats' with the line managers of pregnant women to 'check in' and provide support where needed. In smaller organisations, HR were more commonly aware of new pregnancies due to their proximity to the workforce.

Employers therefore highlighted line manager awareness as a key organisational risk factor, as policies were often disseminated centrally, typically via an intranet, but HR relied on individual managers to self-educate by reading the policies independently and correctly interpreting them.

"We've [HR] had to step in and resolve that for the business. But it's really small and it's not the culture of who we are ... it might be where a line manager has just not understood what is needed from them when somebody goes on maternity leave."

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Large employer, Energy Sector

Overall, the findings show that awareness of rights varies widely, shaped by how clearly information is communicated and how confidently line managers navigate parental policies.

## 5 Employer practices to minimise pregnancy/maternity discrimination

This chapter details findings on how employers were trying to address and minimise pregnancy and, maternity or parental unfair treatment and discrimination. Nine employers were interviewed for this research from different sectors and of varying size (six large, one medium and two small employers) as detailed in Annex D: Qualitative research methodology across employers.

Key messages:

1. Within the limited employer sample, only occasional instances of tribunal, grievances or unfair dismissal cases linked to maternity were noted.
2. Employers demonstrated a strong awareness of their legal obligations, striving to implement robust and compliant policies, and taking legal advice for complex cases.
3. Large employers (250 plus employees) had introduced several enhanced policies like equal maternity and paternity pay, Neonatal Leave, IVF leave support, and career coaching for new parents.
4. Small employers (less than 250 employees) cited financial constraints to being proactive despite good intentions, particularly in relation to enhancing parental pay.
5. Inadequate line manager support was the main difficulty leading to informal complaints, typically due to lack of up-to-date knowledge rather than lack of intent.
6. Proactive support and communication with pregnant mothers and parents were challenging for HR to deliver, particularly in large organisations where the line managers were the main point of contact.

### Robust and legally compliant policies

Employers demonstrated awareness of relevant legislation and sought to translate it into robust, legally compliant policies. Overall, it was considered their policies are effective, as very few formal cases of unfair treatment or discrimination were reported. Employers highlighted the need to consult legal professionals to ensure the policies were fit for purpose. They suggested that they could benefit from more support in translating legislation into practice.

Line managers' behaviour was the most common reason for complaints of unfair treatment. This was often due to a lack of compliance with internal policies, such as failure to conduct risk assessments or making changes to a pregnant person's job without consulting them. Interviewees noted that line managers' mistakes were typically due to a lack of up-to-date knowledge, rather than malicious intent.

“We've got about 8,000 people managers. So, it's hard just to communicate out to them every month and say, these are all policies that have changed... But I think even if you did every month ... we're relying on managers reading the policies at the relevant time and implementing them or taking advice where they're not sure. And that doesn't always happen, unfortunately.”

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**Large employer, Telecommunications Sector**

Larger employers especially had difficulties ensuring line manager practice was proficient, often due to the scale of the organisation. As noted by one HR leader, “we're not resourced enough to put an HR person on the shoulder of every manager who is involved in these types of decisions”. As a result, line managers often relied on proactively engaging with HR when they felt unprepared to handle maternity-related issues. However, often HR teams did attempt to proactively reach out to line managers offering guidance, coaching, and support where needed, to help ensure policies were applied consistently and fairly.

## **Redundancies**

HR led processes, particularly redundancies, were often considered ‘higher risk’ and specialist legal support was sought. This was typical across employers of all sizes; however, in larger organisations, this specialist knowledge was often in-house. In medium and smaller organisations, HR teams retained a local legal firm to provide advice and guidance. Unlike pregnancy cases, redundancies would be managed or heavily supported by HR.

Redundancies were the only circumstance in which pregnant employees or new mothers may have been compelled to leave an organisation in the last three years. Employers described their understanding of the Protection from Redundancy (Pregnancy and Family Leave) Act 2023 and the 2024 regulations, and demonstrated the steps taken to comply with legislation, including pooling women affected and offering suitable vacancies where available. In some cases, women took alternative roles, but in others, no suitable roles were available, so they agreed to a redundancy settlement. Often, employers were supported in this process by legal experts.

There was only one reported case of a redundancy process involving a new mother that resulted in an employment tribunal claim that was upheld. In this case, the senior HR person advising on the redundancy process was unaware of the organisation’s responsibilities under the Protection from Redundancy (Pregnancy and Family Leave) Act 2023 and the 2024 regulations, and a suitable alternative role was not offered. The interviewee discussed the importance of ensuring the appropriate channels and legally qualified people, with the required skills of dealing with these issues, are consulted and involved in higher risk processes.

## **Enhanced policies**

Interviewees reported some enhanced policies, most commonly relating to maternity pay and, in some cases, paternity pay. For example, large organisations offered equal paid leave entitlement for maternity and paternity. One group of employers had enhanced their maternity

and paternity provision, but not equally, while others had only enhanced their maternity provision. The smaller organisations were less likely to offer an enhanced pay policy, reportedly due to financial constraints, rather than a lack of desire.

“What the policy does is to say, well, it doesn't matter if you're a man or a woman, anybody can take [equal] family leave [of 52 weeks of which 18 weeks is fully paid]. And so, the potential for that discrimination is therefore reduced, I think, because you're not going to say, well, I'm not going to recruit a man or a woman if they're of childbearing age.”

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**Large employer, Telecommunications Sector**

In larger organisations, gender pay gap analysis was a driver for strengthening maternity pay provisions to reduce disparities. For others, pay parity was not the main issue, but rather they were driven by inequality in career development opportunities as noted by one employer that “women's careers are stunted at the point that they decide to start a family. So, we knew that there was a need to address the balance in career support for all genders.”

However, smaller businesses struggled to go beyond the statutory minimum despite wanting to improve their policies, owing to a challenging operating environment.

“When I first came it was something I wanted to improve, but then we had Covid and we couldn't really. And now cost of living crisis on top of that ... it's not something that as a business we can do right now.”

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**Medium employer, Hospitality Sector**

Less commonly, employers had enhanced their neonatal and IVF leave policies, sometimes even before legislation required them to do so. One large employer in the energy sector mentioned offering access to career coaching to expectant parents through ringfenced internal coaches specifically for maternity and parenting concerns impacting career development.

## **Communication and education**

The successful communication of parental policies, and processes was considered vital in the education of line managers, and to a lesser extent, prospective or new parents. Communication efforts typically focused on sharing relevant policy and procedures with line managers. General organisational communication around parental policies usually happened after a policy change, which may be infrequent.

General communication of maternal or paternal rights was more limited, particularly in relation to the education of the whole workforce. Typically, expectant parents were given information about the organisation's parental policies upon disclosure. This responsibility usually rested with the line manager, particularly in larger organisations. In smaller organisations, HR could often be more involved in the early stages of pregnancy. Information for parents often came in a comprehensive, user-friendly information pack with embedded links to other relevant resources that staff could discuss with their line managers. However, the degree of comprehensiveness of this guidance varied across employers.

Methods of communication predominantly involved the intranet and email. Although there were some examples of the use of webinars, network groups and trade union sessions where organisations actively shared information and guidance with the workforce, organisations found it more difficult to distribute this information to non-office based staff despite these methods. This can pose an additional risk to pregnant women and require HR to be more vigilant.

“Out in the field we've had some, have, female staff working [and] pregnant, and they'd call us up and say, well, you know, I'm pregnant. I haven't had my risk assessments or my manager doesn't understand that I can be out working ... and once [HR] have that discussion with managers, they're kind of, oh, OK, then yeah, I didn't think about that ... we've [HR] got to kind of fully support [line managers] and tell them what to do.”

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Large employer, Public Sector

Employers found it challenging to share targeted information with line managers and employees during early pregnancy, largely because notification processes rely on employees informing their line manager in the first instance. Therefore, HR was not consistently notified of pregnancy or intention to use a family policy. Due to this lack of information, it becomes challenging for HR to communicate proactively with employees, and they rely on sharing information across the whole organisation.

## Translating policy into practice

The day-to-day implementation of policy predominantly fell within the remit of the line manager. HR involvement ranged from proactive, hands-on support to more reactive, where line managers escalated issues as needed. This appears to be influenced by organisation size, with smaller organisations tending to report more direct HR involvement in day-to-day matters.

Larger employers were more likely to have developed clear, stage-specific procedures and guidance for line managers, from pregnancy notification through to return-to-work. Guidance typically consisted of checklists, guidance signposting to policy and access to HR. However, the degree to which this support was accessed by line managers appeared to vary, with the onus on managers to seek out the relevant document upon pregnancy disclosure. Since there is no statutory requirement or guidance for line managers to receive training, this remains a policy gap in terms of understanding their experiences and equipping them to be accountable for compliance and outcomes.

Health and safety procedures were especially well developed, with risk assessments forming a key part of pregnancy support. Employees in higher-risk roles, such as physical roles, typically would have more regular risk assessments than office-based staff. Occupational health was often assessed if the mother was deemed higher risk. Adjustments to jobs, such as reduced travel, homeworking, or a temporary change to the role, were regularly made. Interviewees emphasised the need for line managers to be “as supportive as possible” of the employee’s needs.

Flexible working requests were more common upon return to work than during pregnancy. Employers in this sample were overwhelmingly positive about accommodating these requests,

with one large employer's default stance being to "always start with yes". Another employer mentioned a "one firm" policy which began during the COVID-19 pandemic and means that "you sort of work where you need to be on the day you need to be there." Since this was available company-wide, it reduced any likelihood of discrimination on account of flexible working requests linked to pregnancy and maternity. Staff in client-facing roles self-managed the extent of flexibility requested, with no one working fewer than four days per week.

There were very few instances in which flexible working requests were denied, with employers emphasising that most requests could be balanced with business requirements. In some cases, there would be negotiation between the employee and the employer to arrive at a solution that suited both parties.

"So, we are working on that as part of a big flexible working project this year ... and looking at how the shift patterns work and how we can be more accommodating. We've very few cases where they've [flexible working requests] been turned down. The unions are very supportive of flexible working cases. It's just sometimes about educating managers around mindset and [rather than] starting from the position of no. Trying to encourage them to start from the position of yes."

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Large employer, Agriculture Sector

Larger employers reported longer lead times to introduce new policies and practices, particularly those that must engage with Trade Unions. However, for matters of strategic imperative, supported by senior leadership, some changes could be expedited. Unions were typically seen as supportive to any enhancements related to parental policy. Smaller organisations reported being more agile, and able to adjust policies and practices to respond to live situations.

## Organisational culture and employer motivation

Overall, the employers interviewed aimed to strengthen maternity and paternity provisions, prioritising employee experience over compliance-driven risk management. Culturally, it was evident that employers aimed to create working environments that were employee-centric and free from discriminatory attitudes, with some going further and actively pursuing a "gender neutral" approach to support parents. It was acknowledged, however, that maternity protections, such as enhanced protections, cannot be gender neutral.

Large employers shared that addressing paternity provisions could help to normalise men taking extended periods of family leave for care responsibilities. This could lead to a cultural shift where parenting is seen as a shared responsibility, therefore lowering levels of maternity discrimination. For example, equalising or closing the gap between maternity and paternity pay policies was partially motivated to stop parenting being perceived as "a woman's problem". One employer had even replaced their emergency family leave policy with a Life Leave policy, acknowledging diverse forms of families and the diverse needs of carers.

"I shouldn't say luckily, but we have had some males who are more senior taking that leave [Life leave] ... and one or two of them have returned in the

last few months and the intention is when the time is right to ask them to have a spotlight on them or for them to share their experiences as a senior male leader within our organisation, to influence and encourage and show support to other males that it is possible.”

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**Large employer, Legal Sector**

Employers also cited using best practices as part of their organisational strategy to become an employer of choice and to retain staff. One interviewee mentioned that their organisation could even evidence the link between enhanced parental provisions and indicators of better productivity and retention. For smaller organisations operating in a single geographical location, it was important to them to feel like they were providing quality employment opportunities to their local community.

Employers did report small pockets of concerning attitudes and behaviours regarding maternity and attempts to equalise provisions. These views were commonly motivated by concerns over the financial and operational impact that maternity leave is perceived to have on a department. These views were thought to be more prevalent in sectors that were male dominated like telecommunications, manufacturing, framing and land management. Overall, the employer insights presented in this chapter offer valuable indications of current practice, but they should be interpreted cautiously given the small sample size and the limited representation of SMEs. These gaps highlight the need for further research to better understand the specific constraints, capacities and support needs of SMEs in implementing family-friendly policies.

## Conclusions

The research found that while formal dismissal or redundancy due to pregnancy or maternity remains relatively infrequent, mothers and parents continue to experience a wide range of day-to-day practices that cumulatively shape their ability to remain in work, feel supported, and progress.

Labour market indicators show that maternal employment has risen over the last decade, and mothers continue to report negative experiences. These often manifest as difficulties accessing flexible working, inadequate health and safety adjustments, variable communication and support during leave, and inconsistent quality of return-to-work arrangements. This indicates a disconnect between employment policies and day-to-day workplace realities. Perceptions of fairness are not only shaped by the decisions taken by employers, but also by how those decisions are communicated.

Furthermore, disparities persist across ethnicity, sector and age of the youngest child. Mothers with young children remain significantly more likely to leave work for family reasons. Patterns of dismissal and redundancy continue to show unequal outcomes for different demographic and ethnic groups. Tribunal evidence further shows that perceived discrimination often begins soon after pregnancy disclosure, with claimants frequently reporting financial detriment, negative comments, or threats to job security. However, employers commonly cite performance, capability or restructuring as reasons for dismissal.

Taken together, the findings suggest that the core challenge is not widespread unlawful dismissal, but day-to-day implementation and the accumulation of everyday workplace practices that negatively shape mothers' and parents' experiences. Policies may be in place, but practice varies, specifically around flexibility, communication, and job-role design. These implementation gaps can affect retention, well-being, and progression, particularly at key transition points such as pregnancy disclosure and return to work. These conclusions should be read with awareness of the study's data considerations and limitations. Tribunal decisions, qualitative accounts and employer testimonies each offer valuable insight, but samples were necessarily small. Insights from small and medium-sized enterprises were particularly limited. Nevertheless, triangulation across diverse evidence sources allows for a clear set of themes and areas for policy attention. Together, the findings point to practical opportunities to improve day-to-day implementation of rights and to create more consistent, supportive conditions for parents at work.

## Implications for policymakers and employers

This research suggests several areas where greater clarity, consistency and support may help ensure that statutory protections are experienced as intended.

### **Pregnancy disclosure and return to work**

Policy effectiveness depends on day-to-day implementation, particularly at pregnancy disclosure and return to work. Strengthening communication and aligning expectations

between employees and managers at these points may help reduce misunderstandings and prevent issues from escalating. Prioritising early conversations, alongside clear support and communication can facilitate a positive experience. This is key at critical points of employees' parental journey such as disclosure, risk assessment, reasonable adjustments, KIT planning, return to work and role design.

Flexible working decisions require greater transparency and accountability. Although many employers were open to flexibility, workers' perceptions were influenced by how decisions were communicated, how alternatives were explored, and whether processes felt timely and transparent. Employers must convey that each request is assessed on its individual merits, and approving one employee's request does not create an organisational precedent, as decisions depend on the specific role, operational context, and timing of the request. Flexible working conversations need to be positive, open, and well-documented with reasoning and alternatives if a request is declined. This helps manage expectations and maintain confidence that flexible working rights are being applied fairly and consistently, thus reducing perceptions of arbitrariness that can lead to frustration or attrition.

### **Raising line managerial capability and confidence**

Line manager capability is a critical lever for reducing negative experiences. Line managers are the primary determinant of employee experience and the main source of implementation failure if unsure how to respond to pregnancy-related needs. Strengthening line manager capability, through targeted training, clearer procedural guidance, early HR involvement and access to real-time support, could reduce inconsistency, improve lawful decision-making and limit escalation to disputes or labour market exit.

Employers should ensure managers have timely access to clear, straightforward guidance, supported by regular light-touch training and microlearning on lawful handling of flexibility, pregnancy risk adjustments, neutral language and bias awareness, safeguarding, and communication during leave. Early HR involvement as an intermediary to support the line manager can help reinforce consistency in practice, not only for complex or high-risk cases.

Improved transparency in progression and reward decisions would reduce long-term detriment for mothers and parents. Strengthening these systems would also give line managers clearer guardrails when making decisions that affect progression. Strengthening early conversations, clear documentation, and timely HR involvement could help resolve concerns before they escalate into formal grievances or tribunals. Equipping line managers with practical guidance on constructive problem-solving may foster earlier resolution and maintain trust.

### **Closing the information gap**

Access to clear, up-to-date rights information remains uneven and requires intervention within the workplace. Employers should proactively ensure that clear, accurate and up-to-date information on parental rights is readily accessible to employees, helping to close persistent gaps in awareness and support. Employees often sought advice at key transition points, yet some encountered information that was outdated, overly technical or difficult to navigate. Making guidance more accessible, both in format and in the channels through which it is

shared, may help ensure individuals can understand their rights and options at the time they need them. Employers should audit and update internal handbooks or intranet pages (especially on day one flexible working, and parental leave policies).

Proactive provision of standardised, plain-language information through government and health-sector touchpoints, such as midwife appointments and digital pregnancy services can ensure consistent reach regardless of employer size or capability.

## **Risk-proofing organisational change processes**

Stronger safeguards are needed during organisational change and redundancy processes. The findings indicate heightened risk for pregnant employees and recent returners during restructuring. Larger employers with sufficient resources highlighted the need for high-risk redundancy and re-organisation processes involving pregnant employees, or those on or recently returned from maternity leave, to have HR and/or employment lawyer sign-off on communications and internal procedures. Transparent documentation and clear explanations of the rationale for decisions may also help address the perception of unfairness expressed by some participants. Employers must also actively search for suitable alternative roles and keep a written record of offers and responses. Providing clearer guidance on how to apply the fair reasons for dismissal to case-specific circumstances would support employers to make more consistent and legally robust decisions.

## **Monitoring progress and closing evidence gaps**

Monitoring should shift towards experience-based indicators and better disaggregation. Monitoring areas such as the timeliness of risk assessments, outcomes of flexible working requests, the quality of roles on return, and whether return-to-work plans are agreed before leave ends could offer a fuller picture of how parents navigate work during pregnancy and the early years. The persistent ethnic disparities in dismissal rates highlights the need for focused monitoring and interventions on race equality. Including ethnicity-disaggregated metrics in routine workforce reporting could help ensure that inequalities are identified and acted upon early.

Further evidence is required for underrepresented groups and contexts for parents on Shared Parental Leave, Adoption Leave or Neonatal Care Leave. The current low evidence on discrimination of these parents could either indicate fewer issues, or reflect lower awareness, lower uptake of these leave types, and barriers to pursuing claims. Given the substantially smaller populations taking these forms of leave compared to maternity leave,<sup>16</sup> more nuanced monitoring is needed before drawing conclusions about underlying patterns of unfair treatment.

The early impact of the Protection from Redundancy (Protection and Family Leave) Act 2023 and 2024 reforms cannot yet be assessed until more parents complete the protected period after returning to work. Targeted support remains essential for women with young children, who continue to leave work for family reasons at far higher rates than other groups. At the same time, rising dismissal and redundancy rates among men with young dependants suggest that future policies should recognise emerging vulnerabilities across both parents. Together,

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<sup>16</sup> [HMRC data on parental leave uptake](#) between 2014 and 2024.

these experience-based indicators will help shift the focus beyond dismissal rates alone and provide insight into the points where support may be strengthened.

Finally, SME employers and employees in low-paid or shift-based roles face distinct constraints, including limited HR capacity, fewer resources, and operational pressures that make it harder to provide consistent support for pregnant women and new parents. These contexts require tailored guidance and proportionate support, as resource limitations can amplify risks of inconsistent practice, reduced access to accommodations, and limited awareness of rights.

Improving outcomes for pregnant employees and new parents requires strengthening the everyday processes that shape their experience. Both Great Britain and Northern Ireland have taken steps to strengthen legal protections for maternal employment. Despite the rise of mothers in employment, the evidence suggests that the intended benefits of these reforms are not always reflected in day-to-day workplace experiences. The most effective areas for improvement are practical ones: equipping line managers with clearer guidance, supporting consistent and well-timed conversations, reducing uncertainty around flexible working decisions, and ensuring that accurate, stage-specific information reaches every parent wherever they work. Enhancing these routine practices would help narrow the gap between compliance in principle and fairness in practice, support smoother transitions for pregnant employees and new parents, and better realise the spirit of recent reforms.

## Annex A: Methods map

**Table 1: Mapping of research questions to data sources analysed**

| S. N. | Research Questions                                                                                                                                                                                               | Parental interviews | Employer interviews | ET decisions analysis | Secondary datasets |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------|-----------------------|--------------------|
| 1     | Extent and patterns of unfair treatment across leave types: What are trends over time, sector differences and disparities across demographic groups, including dismissal, redundancy or feeling pushed to leave? |                     |                     | ✓                     | ✓                  |
| 2     | Timing of discrimination: When does unfair treatment occur across stages of pregnancy, leave and return to work?                                                                                                 | ✓                   |                     | ✓                     |                    |
| 3     | Employer justifications: What reasons are given for dismissal and how these are defended?                                                                                                                        |                     | ✓                   | ✓                     |                    |
| 4     | How discrimination manifests: The ways unfair treatment appears in workplace practice.                                                                                                                           | ✓                   |                     | ✓                     |                    |
| 5     | Awareness of Rights: How well do pregnant women and mothers understand their rights and the contributing factors to unfair treatment?                                                                            | ✓                   | ✓                   |                       |                    |
| 6     | Employer Responsibilities: How well do employers understand and act on their obligations?                                                                                                                        |                     | ✓                   |                       |                    |

## Annex B: Literature review methodology

The literature review aimed to shed light on the nature, extent, timing, and impact of maternity and pregnancy discrimination, related redundancies or dismissals, and associated employer awareness and practices. Findings from the literature review were used to pinpoint the main themes related to pregnancy and maternity discrimination that needed further exploration in later parts of the study. Building on the 2016 research conducted by the Department for Business, Innovation and Skills and Equality and Human Rights Commission on the pregnancy and maternity-related discrimination experiences of mothers and employers, 21 papers were included in the final literature review. Both grey and academic literature were included, with the majority reflecting the experience in the UK. Papers were published between 2016 and 2025. Maternity, paternity, shared parental, bereavement and baby loss leave are all considered in the literature, with gaps in the literature identified around neonatal and adoption leave.

### Search Criteria

The terms used in the literature search process are shown in **Error! Reference source not found.**

**Table 2: Search string terms used for literature review**

| Primary                      | Secondary         | Tertiary          |
|------------------------------|-------------------|-------------------|
| Maternity                    | Discrimination    | Support           |
| Mothers                      | Unfair dismissal  | Benefits          |
| Pregnancy                    | Redundancy        | Employer          |
| Pregnant women               | Unfair treatment  | Employment        |
| Parental leave               | Leaving job       | Health and safety |
| Maternity leave              | Leave work        | Pay               |
| Shared parental leave        | Fair dismissal    |                   |
| Adoption leave               | Treated poorly    |                   |
| Neonatal care leave          | Returning to work |                   |
| Family leave                 | On leave          |                   |
| Employer practice            | Flexible working  |                   |
| Paternity/paternal leave     |                   |                   |
| Child/baby Bereavement leave |                   |                   |

## Screening and sifting

Search results were title screened by researchers for relevance as per the following inclusion criteria:

- relevance to research questions
- papers published since 2016 (including post-COVID context)
- only UK studies (international papers only included for comparison purposes)
- grey literature and academic papers
- not including papers on pay disparity or discrimination

Once the papers had been screened, a long list was compiled. Documents on this longlist were then sifted and assessed for relevance to the research questions and quality, producing a final shortlist of papers for extraction.

Searches were conducted using CoPilot and ChatGPT for initial sense-checking, and using Google Scholar, Gov.uk, and Google to manually search for relevant papers. Papers shared by DBT and the project advisory group were also considered.

## Extraction and analysis

The final papers (n=21) were reviewed against a thematic extraction framework in Excel to capture information in a structured manner. The extraction framework was first created deductively, with initial codes drawn from the research questions, search terms, and themes in the EHRC report, and then fine-tuned inductively by adding any relevant codes emerging from the evidence. Initial findings and themes were shared for the development of fieldwork materials (interview discussion guides) at a team working meeting.

## Annex C: Literature review findings

Discrimination and unfair treatment were reported at all stages in the literature, with the highest incidence occurring during pregnancy. Adams and others, (2015) in Hassard and others, (2020) found that women were more likely to report poor treatment during pregnancy, compared to during maternity leave and their return to work.

The literature highlighted that mothers and parents experienced discrimination or unfair treatment at all stages of pregnancy and motherhood. Discrimination and/or unfair treatment during pregnancy at work were discussed in half of the papers (n=12). As highlighted in previous research (EHRC, 2016a), 77% of mothers responding to the survey reported experiencing negative or possibly discriminatory behaviour at work during their pregnancy. Within this literature, three specific papers focused on baby loss or bereavement leave (CIPD, 2022; Boncori and others, 2024; Women and Equalities Committee, 2025). One in five women was reported to experience such loss in their lifetime (Women and Equalities Committee, 2025), but the literature highlighted how understanding and support in workplaces was poor, which could lead to poor treatment.

More than half the papers (N=12) reported experiences of discrimination during leave. Where maternity leave was discussed, it was typically in conjunction with experiences before going on (during pregnancy) and returning from leave. Potentially due to a reduced level of contact with employers, fewer papers solely discuss experiences of discrimination or unfair treatment whilst on maternity leave. Where there were these experiences, they tended to focus on not being adequately informed about progression opportunities whilst on leave or poor experiences during keeping in touch days. Additionally, papers focusing on this stage considered the influence of pay during leave and the impact that this can have on decisions to return to work, especially where there is unequal access to parental leave options (Working Families, 2025). Of the various types of leave, maternity leave was most common in the literature, followed by a smaller number of papers on paternity, shared parental, and bereavement or baby loss leave. Papers on adoption or neonatal leave were not found and have been identified as a gap in existing research. A similar number of papers discussed the discrimination and/or unfair treatment experiences of mothers and parents returning to work, including experiences whilst managing childcare and changes in becoming a parent. Experiences of unfair treatment or discrimination may result from the gendered differences when returning to work, with men typically remaining in full-time work and women reducing their hours from full-time work (Gov.uk, 2021). Due to perceived potential negativity on returning to work, some mothers were reluctant to engage with Shared Parental Leave (Gheyoh Ndzi, 2021). Women were more likely to have to reduce their working hours compared to men, mainly due to childcare responsibilities, which impact their ability to return to and progress at work (Working Families, 2025).

### **Manifestation of discrimination and unfair/poor treatment at work**

Discrimination, based on maternity or parental status, at work was the most common type of treatment discussed in the papers (n=8), with one paper specifically discussing gender discrimination (Gheyoh Ndzi, 2021). Discrimination was discussed during pregnancy, whilst on leave and also after the return to work and included a variety of behaviours and experiences,

including bullying and victimisation or demotion in tasks or responsibilities, to unfair dismissals (Fluchtmann & Bargu, 2023). Unfair (n=5) and poor treatment (n=4) in employment were also commonly discussed, in relation to a lack of support and poor access to employer policies or practices. In one paper, stigma related to pregnancy and how this led to discrimination and experiences of disadvantage was discussed (Hassard and others, 2020).

Hassard and others (2020) and Gatrell, Ladge and Powell (2019) explain how some of these behaviours from employers are the result of pregnant women and mothers 'violating' the 'ideal worker' construct. This construct assumes that employees are fully devoted to their careers and unencumbered by outside obligations, so motherhood is not aligned with those assumptions and can lead to these negative behaviours from employers and other colleagues (Williams, 2000, in Hassard and others, 2020). Pregnant women may be "devalued" in the workplace as pregnancy is associated with physical limitations and the potential for time away from the workforce, which also goes against the "ideal worker" expectations (Fox & Quinn, 2015, in Hassard and others, 2020). Gatrell, Ladge and Powell (2019) explained how employers' decisions to respect or contravene maternity protection laws are based on their perceptions of how the pregnancy will affect the workplace, as whilst pregnancy may be celebrated within a family context, it is stigmatised in the workplace, suggesting that the context in which a pregnant woman or new parent works can influence whether or not they experience discrimination or unfair treatment (Fox & Quinn, 2015 in Hassard and others, 2020).

## **During pregnancy**

A fifth of mothers experienced harassment or negative pregnancy-related comments in their workplace (EHRC, 2016a). Additionally, the TUC (2020) reported that one in 10 pregnant women were questioned about their commitment to work by employers or managers during the Covid-19 pandemic. Gheyoh Ndzi (2021) explained that discrimination can be 'worse for pregnant women as they are perceived by employers as less committed and less competent'.

Pregnant women report feeling unwelcome and out of place if they do not conform to workplace systems, which becomes more difficult when the physical symptoms and 'leakage' (vomiting and the growing pregnant shape, for example) of pregnancy become visible and disruptive to organisational systems (Gatrell, Ladge and Powell, 2019). Additionally, pregnant women were less likely to be hired, despite being better qualified than other applicants (Cunningham & Macan, 2007, in Hassard and others, 2020).

Pregnant women also reported being discouraged from attending antenatal classes or appointments during working time (di Marco and others, 2018, in Hassard and others, 2023). Gatrell, Ladge and Powell (2019) suggested that the divergence of pregnant women from the 'ideal worker' also meant that permission to leave work to attend prenatal appointments during work time was declined if this was deemed to inconvenience employers, despite maternity protections in the UK allowing this time away from the workplace.

## **Baby loss and bereavement**

Stigma and taboo around baby loss and the low visibility of early pregnancy endings in the workplace were identified as a driver for the poor provision of support by women who have

experienced a bereavement (Boncori and others, 2024; Women and Equalities Committee, 2025). This could result in many not wanting to share their experiences. In a survey by the CIPD (2022), reasons for mothers not disclosing included that they felt that it was a private matter, concern around questions, a fear that it would possibly impact their career and others who feel there is too much stigma. Additional reasons for not disclosing include not knowing what support options were available, wanting to appear in control or feeling embarrassed or upset (Boncori and others, 2024). Employer support was deemed important (just as important as colleague support, if not more), but only half of those surveyed actually felt supported when going through this loss (CIPD, 2022). Where women did disclose a pregnancy or baby loss, this tended to be to line managers or HR to agree on time off or to negotiate flexibility.

## **Dismissal**

Dismissals and redundancies were only discussed in a small proportion of the literature, even following additional searches, suggesting that there is a gap in the evidence base. In previous research by the EHRC (2016a), 11% of mothers included felt that they had been forced to leave their job, and the majority of whom had felt treated so poorly that they felt they had to leave their workplace (9%). A smaller proportion were dismissed or made redundant when others in their workplace had not been (1% each). The research highlighted that around 6% of mothers had been made redundant during pregnancy, maternity leave or during their return to work. Another paper identified how a higher proportion of mothers had been made redundant compared to working women without children (Adams and others, 2015, in Hassard and others, 2021).

The Women and Equalities Committee (2025) and TUC (2020) highlighted the need to increase protections against dismissals during pregnancy and early maternity. This is especially important as those returning to work will have additional responsibilities and financial dependencies that rely on them remaining in work. During the Covid-19 pandemic, many pregnant women were unfairly targeted for redundancy or furlough (TUC, 2020).

Fluchtmann and Bargu (2023) reviewed the similarities and differences between OECD countries in the protections from dismissal during pregnancy and whilst on parental leave, where all protect women from dismissal during pregnancy and maternity leave, though the extent varies. However, there are still special circumstances under which dismissal is allowed. For example, in many countries, protection from dismissal begins when the employer is made aware of the pregnancy, which could be problematic for those who did not properly inform their employer about their pregnancy. In Spain and Italy, women are covered regardless of when they told their employer about their pregnancy, but in the UK, dismissed employees have the burden of proof to show that their employer was aware of their pregnancy at the time of dismissal to challenge the decision. Mothers in most OECD countries (excluding in France, Italy, Norway, Portugal and Spain) are protected against dismissal before their maternity leave starts, where the dismissal protection typically begins when the mother informs the employer about the planned leave.

## **Flexible working**

There were negative consequences for some mothers who requested flexible working (11%), but generally, for most types of flexible working, around three-quarters of mothers who put in a request had this approved (EHRC, 2016a). In a survey by the TUC (2021), mothers were reluctant to request flexible working hours due to 'negative and discriminatory workplace cultures' and were put off from asking what they needed. Women were also more likely than men to say that they would not feel comfortable asking about flexible working. Those who did ask were frequently turned down, and those who were able to work flexibly experienced discrimination and disadvantage; 86% of surveyed mothers reported experiences of these behaviours. Additionally, for those who did put in a flexible working request, some mothers did not ask for the flexible working pattern that they wanted, due to feeling like it would not be approved or worry that their employer would perceive the request negatively (EHRC, 2016a). A survey by Randstad and Mumsnet (2025) identified that only 16% of mothers surveyed were on their chosen flexible working arrangement, and that not having access to adequate flexible working arrangements was the greatest influence for mothers being unhappy at work. This is all happening despite flexible working being vital for many mothers to remain in their jobs (TUC, 2021). Additionally, women are typically more likely to be working part-time, working a job share or term-time working than men, who are more likely than women to work in a hybrid way (O'Brien and others, 2017; Working Families, 2025), suggesting that access to types of flexible working is gendered. However, fathers are much more likely than mothers to report access to none or poor flexible working arrangements, especially in more male-dominated sectors (O'Brien and others, 2017).

## **Missed progression opportunities**

In a survey by Randstad and Mumsnet (2025), a third (32%) of mothers reported experiencing comments about motherhood impacting the quality of their work. This prejudice against mothers was also reported in many papers, highlighting the negative perceptions that are held about mothers returning to work, especially around promotions. Mothers reported not being informed about promotion opportunities whilst on maternity leave, feeling like they were treated with less respect and that their opinion was less valued (EHRC, 2016a). In recent research, nearly half of mothers (48%) surveyed said that they were perceived by their employer as less suitable for a promotion or pay rise since becoming a mother. In another paper, mothers who were aware of the negative treatment that other women had experienced whilst pregnant in the workplace had caused them not to disclose their pregnancy, especially if they were applying for a promotion (Gheyoh Ndzi, 2021). When returning to work, mothers were likely to see promotional opportunities decrease, and even when returning to the same job, they were less likely to progress at work compared to their male counterparts (Gov.uk, 2021). This is a gendered issue, as women are more likely to have to consider childcare options before looking for a new job or promotion than men, which can be a barrier to progression and typically means that a partner or family member has to reduce their hours or quit their job due to childcare responsibilities as childcare options are not accessible to all (Working Families, 2025).

## **Health and safety**

The mothers surveyed also felt that there were influences on their health and increased risks due to these behaviours, as they were not allowed to work flexibly, take breaks or discouraged from attending appointments during working hours (EHRC, 2016a). Multiple papers (Women and Equalities Committee, 2025; TUC, 2020; Gatrell, Ladge & Powell, 2019) raised concerns about the health and safety of pregnant women and new mothers at work, where risk assessments were not conducted and reasonable adjustments were considered to accommodate the support needed. The EHRC (2016a) report highlighted that up to 21,000 women a year left their jobs because pregnancy and maternity-related health and safety risks were not addressed. Examples include not being given a chair in later stages of pregnancy and having to go on maternity leave early due to not having reasonable adjustments in place (Gatrell, Ladge and Powell, 2019).

## **Breastfeeding**

A small number of papers discussed mothers' experiences of breastfeeding at work. Around a fifth of mothers were breastfeeding when they returned to work, but this was deemed to be difficult, especially for those who were not able to work from home (Jewell and others, 2025). In the research conducted by EHRC (2016), a fifth of mothers reported having negative experiences related to breastfeeding, and a similar proportion reported that returning to work influenced their decision to stop breastfeeding their child, mainly due to the assumed or real mismatch between the practicalities of breastfeeding and work. However, mothers who had continued to breastfeed when returning to work reported not having a negative experience when discussing this with their manager or employer. Common challenges for breastfeeding mothers at work included finding private and hygienic facilities, storing breastmilk, finding time to breastfeed or express, internal policies and guidance and a lack of health and safety risk assessments, despite these being a legal requirement (Jewell and others, 2025; Women and Equalities Committee, 2025).

## **Pay**

In the literature, multiple papers discussed the financial pressures that come with parenthood, with some parents cutting their leave short due to economic pressures and the need to earn (Working Families, 2025). In a survey by Maternity Action (2025), many parents experienced financial pressures whilst on maternity leave. Some borrowed money or used credit cards, resulting in debt, others took on additional work and over half of the respondents and a third of their partners cut their maternity or parental leave short to go back to work to earn again. Mothers reported buying less healthy food as it was more expensive, using their electricity and heating less, accessing food banks or cutting down on food for the rest of the family to afford infant formula. Only 3% of respondents didn't worry about money during pregnancy or maternity leave. Additionally, women who were the recipients of occupational maternity pay were less likely to say that they worried about or struggled with their finances. This also influenced the decision to take shared parental leave as Gheyoh Ndzi (2021) identified that many parents could not take shared parental leave because maternity leave tends to be more generous, therefore parents have to decide for the mother to remain not working. Additionally, there were pay issues related to discrimination, where scheduled pay rises were not given due

to non-attendance at meetings whilst on maternity leave (Women and Equalities Committee, 2025) and the perception that being a mother made an employee less suitable for promotions and pay rises (Randstad & Mumsnet, 2025). Cook (2014, in Hassard and others, 2020) identified the “motherhood wage penalty”, where pregnant women are paid less, alongside being less likely to be promoted and hired, which would have consequences for future earnings. On the other hand, men who are fathers are more likely to earn more than men without children, known as the “fatherhood wage premium”.

## **Fair dismissals**

Fair reasons for dismissal were not discussed in many of the papers, but the most common reason for fair dismissal was for not having a suitable alternative position available on the return after maternity leave, which is in line with current UK legislation (EHRC, 2016b). Only 2% of employers who responded to the survey had made a pregnant employee or woman on maternity leave redundant, with half of the cases due to not being able to offer a suitable alternative position. In OECD countries, closure of the business (even partial) or serious or gross misconduct by the employee, for example, unethical behaviour or employment contract breaches, are fair reasons for dismissal. France has particularly strict rules, under which an employee cannot be dismissed during pregnancy or maternity leave, even for typical dismissal reasons, such as serious misconduct or business closure. Instead, the notice period can only be given at the end of maternity leave. However, employees on parental leave can be dismissed for any valid reason not related to leave and pregnancy (Fluctmann & Bargu, 2023).

## **Impact of unfair treatment**

The evidence indicates that unresolved workplace risks during pregnancy can precipitate avoidable labour-market exits. 4% of mothers reported leaving their job because pregnancy-related risks were not adequately addressed, underscoring gaps in employers’ health and safety responses and escalation pathways (EHRC, 2016a). Even when mothers returned to the same employer after maternity leave, a downgrading was sometimes visible. While most returners nominally resumed the same job title, a subset experienced unwanted changes to role content, reduced responsibilities, or a diminished sense of value; others were moved into roles they did not want; and almost one in 10 felt worse treated post-return than before pregnancy (EHRC, 2016a). Together, these patterns point to a disconnect between formal job protection and the lived reality of post-return role quality.

Studies link pregnancy-related discrimination to poorer psychological wellbeing and lower work engagement among expectant workers, with small to medium associations observed (Hassard and others, 2023). At the experiential level, women describe concerns about prejudiced judgements of their dedication and capability and the downstream effects on professional identity, health and career (Hassard and others, 2023). Longitudinal evidence suggests that workplace climate, particularly supportive cultures around work–life balance, reduces experienced stigma, which in turn predicts better psychological wellbeing, higher job satisfaction and lower turnover intentions both during pregnancy and postnatally (Fox & Quinn, 2015 as quoted in Hassard and others, 2020). More generally, scholarship on unfair treatment documents substantial emotional harm; the “anguish of mind” formulation captures the

psychosocial toll of sustained or subtle mistreatment during pregnancy (Gatrell, Ladge and Powell, 2019). Collectively, these findings locate stigma and micro inequities as mechanisms linking organisational context to wellbeing and retention (Hassard and others, 2023; Hassard and others, 2020; Gatrell, Ladge and Powell, 2019).

## **Demographic patterns**

There were differences in how unfair treatment and discrimination were experienced by pregnant women and mothers with different characteristics. This varied by personal and work characteristics. However, the literature did not identify how these characteristics intersect and combine to increase the level of discrimination or unfair treatment, which is important to consider for the remaining research. Protected characteristics such as gender identity, sexual orientation and migrant status were not considered in the current literature but may need to be considered in the future.

## **Personal characteristics**

Mothers with disabilities or long-term physical or mental health conditions were more likely to experience unfavourable treatment (Adams and others, 2015, in Hassard and others, 2020) or discrimination whilst pregnant or on maternity leave (TUC, 2020) than those without. There was also lower awareness of the law regarding antenatal appointments for mothers with a health condition and lower access to maternity pay allowances (Gov.uk, 2020).

There was little on the differences in experiences of discrimination by ethnicity, despite combined discrimination being an important consideration for policy development. There were differences in awareness, with white respondents to the Parental Rights Survey (Gov.uk, 2020) having more awareness of the law regarding antenatal appointments compared to other ethnic background groups. There were limited differences by ethnic groups included in the survey results, apart from differences in access to maternity and paternity leave, with respondents from white ethnic backgrounds being more likely to take these types of leave. In their flexible working survey, the TUC (2021) found that respondents from Black and minority ethnic backgrounds were more likely to have a flexible working request denied compared to white respondents. Access to various types of parental leave was worse for parents from an Asian background, where they were more likely not to be eligible, potentially due to being more likely to work for an SME where access is poorer (O'Brien and others, 2017; Working Families, 2025).

Single parents were at a disadvantage in terms of pay and working patterns compared to parents raising their children together. The Parental Rights Survey (Gov.uk, 2020) found that single parents were less likely to receive maternity pay (including Statutory Maternity Pay, Maternity Allowance and Occupational Maternity Pay). Single mothers were more likely to have a flexible working request denied when returning to work (TUC, 2021), despite potentially needing the flexibility to facilitate childcare.

The literature identified how younger mothers (aged 25 or under) tended to experience higher levels of discrimination (Adams and others, 2015, in Hassard and others, 2020), to have a lower awareness regarding antenatal appointments and access to maternity pay (O'Brien and

others, 2017; Gov.uk, 2020), as a result of the types of work that are typically conducted by young parents.

A mother's educational background was identified in two papers as influencing behaviours during the return to work. Those with a degree were more likely to go back to work full-time (Gov.uk, 2021), whereas those with lower-level or no qualifications had less awareness of the law regarding antenatal appointments and uncertainty over their maternity leave (Gov.uk, 2020).

## **Work characteristics**

Length of service with an employer led to some differences in the experiences of discrimination. Previous research identified that mothers are less likely to experience discrimination if working for an employer for a longer time (five years plus, in this case). Those who have less experience (under a year) with an employer were more likely to feel forced to leave their job or who had experienced a risk or impact on their health and wellbeing, than those with longer service, despite those who have worked for an employer for two to five years being likely to have experienced discrimination. It appears that five years of service is where experiences change. Additionally, access to rights and protections was influenced by a shorter length of service (TUC, 2020), along with uncertainty and a lack of awareness of the law, legal entitlements and the amount of leave offered (Gov.uk, 2020). Maternity pay increases or allowances were also less likely amongst those with a shorter length of service (Gov.uk, 2020).

Mothers who worked in a skilled trade reported feeling forced to leave their jobs, with negative consequences for their finances, job opportunities, status, and job security (EHRC, 2016a). In service occupations, there was a higher likelihood of a risk or impact on a mother's health and wellbeing (EHRC, 2016a), experiencing discrimination (Adams and others, 2015, in Hassard and others, 2020) and being less likely to be eligible for paid parental leave (O'Brien and others, 2017). On the other hand, mothers working in admin or elementary roles were the least likely to report experiences of discrimination (EHRC, 2016a). The role type also influenced whether or not a mother breastfed, with those in managerial or professional jobs more likely to do this at work (Jewell and others, 2025), which may be the result of having the flexibility and environment in which to do so.

Low-paid women are more likely to be ineligible or less likely to access maternity leave, flexible working opportunities (Working Families, 2025) or maternity pay (including Statutory Maternity Pay, Maternity Allowance or Occupational Maternity Pay), specifically those who are low-paid (Gov.uk, 2020), working flexible hours or self-employed (O'Brien and others, 2017). Low-paid mothers are more likely to be forced out of work or to lose pay, through being made to take sick leave when not sick, taking unpaid leave, beginning their maternity leave early or leaving work entirely, typically due to unaddressed health and safety concerns, compared to women on a higher income (TUC, 2020). There was uncertainty for low-paid mothers around their legal entitlement to and the amount of leave offered by their employer (Gov.uk, 2020). This also had consequences for when mothers return to work, as lower-income families have fewer financial resources for childcare and are unable to build a financial buffer to manage periods of not working, increasing the likelihood of going into debt in the future and the need to return to work sooner than desired (Working Families, 2025). On the other hand, higher-paid women were

more likely to have secure employment, better eligibility to maternity leave, the financial ability to take the leave offered (Working Families, 2025) and were more likely to have flexible working requests accepted on their return (TUC, 2021). This could relate to the types of roles and sectors worked in, where flexible working is more readily available to higher-paid roles.

Working patterns also influenced the experiences of discrimination, with those on zero-hours contracts facing significantly more limitations compared to those on full-or part-time contracts, including no entitlement to paid time off for appointments, ineligibility for maternity or shared parental leave, the inability to request flexible working arrangements and a lack of protection against unfair dismissal. These contract types could “mask or enable” discrimination against pregnant women and mothers, who may be dismissed or denied future work (TUC, 2020).

## **Awareness of rights**

Awareness of rights in the workplace was not discussed in all of the literature, but where it was discussed, generally mothers had a better awareness of the rights and law around parental leave compared to fathers or other parents (Gov.uk, 2020). There was a better understanding of Maternity Leave compared to other types of leave, where knowledge of shared parental leave was particularly poor (Gheyoh Ndzi, 2021; Randstad & Mumsnet, 2025).

Knowledge amongst fathers about their rights was mixed, too. The Parental Rights Survey (Gov.uk, 2020) highlighted a high level of uncertainty by parents (fathers more than mothers) about how much leave they were entitled to and their rights around attending antenatal appointments. Only a third of survey respondents knew that a father or a pregnant woman’s partner has the right to unpaid time off work to attend two antenatal appointments.

On returning to work, a lack of awareness of government childcare support and unpaid parental leave was highlighted in the Working Families (2025) survey, which could potentially put parents at a financial disadvantage and influence working patterns. Unpaid parental leave could be the only option for some to manage their childcare responsibilities, with the Employment Rights Bill set to make this a day-one employment right. Respondent parents who were unaware of unpaid parental leave shared that they would be likely to use it in the future.

Additionally, Boncori and others (2024) described poor awareness about baby loss or bereavement, or what was available focused on physical recovery, did not include the impact on their partner, and often underestimated experiences in terms of the impact and duration of an early pregnancy loss.

Not all of the literature highlighted a lack of information, as details about rights in the workplace came from various sources, including friends, family, colleagues, and employers. Moreover, the lack of awareness may not be due to employees not knowing where to look. A CIPD (2022) survey found that employers were inadequate at sharing the support and information available to employees. This issue was more pronounced in the charity sector compared to private and public sector employers.

The literature identified how many mothers would like more information so that they are aware of their rights and employers’ responsibilities during pregnancy, maternity leave and when returning to work. The priorities included information about breastfeeding at work, parental

leave, keeping-in-touch days and the rights of self-employed, temporary workers and contractors, which were identified in focus groups for the Women and Equalities Committee (2016) paper. The women in the focus groups also called for accessible information that is all stored in one place, that is well-advertised and is in simple, more understandable language with minimal jargon and legal language.

## **Employer awareness and practice**

Employers frequently report high awareness of their legal obligations, but the depth of that knowledge can be limited. Surveyed employers commonly state strong awareness of rights for pregnant employees (69% reporting “high awareness”) and near-universal (98%) recognition of their duty to conduct general health and safety assessments (EHRC, 2016b). Yet the same studies show uncertainty in application, with one-third of employers seeking guidance in the preceding three years and notably poor understanding around nuanced duties such as enhanced redundancy protections and the practical meaning of compliance (EHRC, 2016b).

From the employee perspective, awareness reported by employers does not reliably translate into consistently lawful or supportive practice. Many women experience shortcomings in risk management: nearly half report that employers failed to act on identified pregnancy risks, underscoring a gap between general health and safety compliance and pregnancy-specific adjustments (TUC, 2020). Mothers who return to work describe mixed support, including inadequate facilities or breaks for breastfeeding or expressing, with one in five breastfeeding mothers feeling their needs were not willingly supported (EHRC, 2016a). Flexible working is widely accepted “in principle” by employers, but 50% of surveyed mothers report that requests are often rejected or only partially accepted. Some are required to revert to full-time on-site work (TUC, 2021). These findings converge on a pattern: administrative compliance is not the same as experiential compliance.

Similarly, HR professionals and line managers express confidence about accommodating breastfeeding employees (71% and 88%, respectively), while simultaneously displaying gaps in understanding how long mothers may breastfeed, how expressing can be facilitated, and the underlying health, legal and practical considerations (Jewell and others, 2025). Breastfeeding and infant-feeding support encapsulates the tension between awareness and delivery. On the employer side, around half report clarity on responsibilities and about half provide facilities to express milk, suggesting a baseline of positive intent (EHRC, 2016b). On the employee side, a substantial minority encounter insufficient breaks, reluctance to provide rooms, or the absence of any practical plan, with 21% of breastfeeding mothers reporting inadequate support on return (EHRC, 2016a). Smaller organisations and public-facing sectors (education, health and social work) citing job-design and space constraints as barriers. However, this results in many mothers in the UK stopping breastfeeding earlier than intended (Jewell and others, 2025). The result is a high degree of variability of practice across workplaces.

On flexible working and return-to-work, 88% of employers frequently regarded flexibility as reasonable (EHRC, 2016b). Supportive practices include phased returns, KIT days, flexibility on hours and location (Randstad, 2025). 29% of employers offer flexibility in start and finish time to help with school drop offs and pickups and 28% proactively promote flexibility (CIPD, 2022). However, other research describes employers as gatekeepers with frequently declined

requests on operational grounds. Half of surveyed working mothers reported that their request was rejected or only partly accepted, with some being compelled back to full-time on-site patterns (TUC, 2021). Major reasons for declined requests include not fitting with operational requirements and it not being possible to reorganise work amongst other staff. Large organisations may be better resourced for formal entitlements but face intra-team resentment and workload issues (EHRC, 2016b).

Practice around Shared Parental Leave illustrates low procedural literacy and under-communication. Studies report managers unable to explain Shared Parental Leave, workplaces lacking a clear Shared Parental Leave policy, and employees inferring that Shared Parental Leave is effectively “not on offer” when policies are absent or opaque (Gheyoh Ndzi, 2021). Fathers report a lack of clarity on Shared Parental Leave procedures which may result in less time spent at home, in turn affecting mothers. Only about half of parents who sought guidance through their employer thought this was good or very good (Randstad, 2025). In practice, policy may be in place, but weak internal communication and limited manager capability depress uptake.

On pregnancy and baby loss, organisational awareness and policy maturity remain low. Few employers have standalone policies (about 9%), a sizeable minority lack any formal coverage, and many senior decision-makers do not know whether a policy exists. Although some employers indicated this was covered as part of other wider policies (CIPD, 2022). Employees reporting early pregnancy endings describe mixed organisational reactions, ranging from supportive to uninformed or even distressing responses, showcasing the importance of first-line response protocols and training (Boncori and others, 2024). Exemplar employers such as National Health Service (NHS) Trusts offering up to 10 days paid leave for the person who is pregnant and five for partners, suggest a trajectory toward normalising compassionate practice, but gaps remain large and uneven (Women and Equalities Committee, 2025).

A key explanation for the awareness–practice divide is the central role of the line manager. Multiple strands of evidence emphasise that line managers are the immediate gatekeepers of both support and discrimination. Employees’ accounts often attribute unfair treatment to individual managers rather than to the organisation as a whole, while employer-side inquiries also identify line-manager behaviour as an important determinant of outcomes (Davis and others, 2005 as quoted in Hassard and others, 2020; EHRC, 2016a). The Women and Equalities Committee highlight the need for systematic training at all management levels, noting that evidence provided show that much discrimination “goes on at line manager level” (Women and Equalities Committee, 2016). In practice, where managers have the knowledge, capacity and motivation, employees report better experiences; where they do not, formal policy is routinely blunted by local norms, time pressures and operational constraints (Hassard and others, 2020).

Underlying attitudes and perceptions further mediate practice. Employer surveys reveal that a non-trivial minority endorse stereotypes that pregnant women and new mothers are less committed or less interested in career progression, and some perceive maternity-related rights as unreasonable or difficult to facilitate (EHRC, 2016b; Hassard and others, 2020). Qualitative accounts document employers who, despite acknowledging legal prohibitions, rationalise discriminatory hiring decisions, describing pregnancy as a disruption to “ideal worker” norms

and at times proposing punitive responses to non-disclosure at interview (Gatrell and others,2019). For employees, these biases result in practical obstacles such as rejected flexible working, sidelining, and pressure to re-conform to pre-parent norms. In this way, informal culture can trump formal policy (TUC, 2021; Gheyoh Ndzi, 2021; Hassard and others,2020).

In previous research (EHRC, 2016b), only a small proportion (5%) of surveyed employers reported receiving a formal complaint relating to pregnancy or maternity discrimination. Typically, the complaint was withdrawn (28%), and a similar proportion (28%) reported that the issue was resolved. Employers tend to have formal complaint procedures in place and feel that the working environment allows for honest communication. However, employers speculated that some mothers may not make complaints about perceived discrimination or poor treatment because they do not want to be seen as a troublemaker or were concerned about any negative repercussions.

## Annex D: Qualitative research methodology

Qualitative fieldwork was designed to capture the lived experiences of unfair treatment, discrimination, dismissal of pregnant women, mothers and parents on other forms of leave in order to understand how these were manifesting in the workplace and what the contextual and contributing factors were. Given the sensitive and confidential nature of the topic, all fieldwork comprised of one to one interviews instead of focus group methods.

### Sampling criteria

Given the focused intent of the research questions (refer **Error! Reference source not found.** for mapping of research questions to research method), a purposive sampling approach using the criteria in Table 3 was used as a guide for inclusion. An online opt-in process was designed to facilitate contacting eligible participants with lived experience of unfair treatment due to pregnancy, maternity or parental leave. This also ensured their informed consent and personal data protection. Information collected through a screening form during the opt-in process helped inform decisions about who was invited to participate in the study. Sampling was purposive to allow for diversity within the sample on a best-fit basis rather than representativeness.

**Table 2: Sampling criteria**

| Target group                                       | Interview | Inclusion criteria for diverse representation                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mothers facing discrimination                      | 20        | <ul style="list-style-type: none"><li>• Those who are or have been ‘employees’ by employment legislation definitions</li><li>• Stage of pregnancy when discrimination occurred – pregnant, on maternity leave, returning from maternity leave</li><li>• Women involved in tribunal claims cases in past 3 years (decided or ongoing)</li><li>• Number of pregnancies</li><li>• Different sectors</li></ul> Minority group characteristics – age, gender, ethnicity |
| Women and/ or men on other forms of parental leave | 5         | Other parents facing discrimination due to adoption/ paternity/ shared parental leave/ neonatal care leave                                                                                                                                                                                                                                                                                                                                                         |
| Employers (large – 250 and more employees)         | 5         | Mix of sectors                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

|                                                                  |   |                         |
|------------------------------------------------------------------|---|-------------------------|
| Employers (small – 0- 49 employees/ medium – 50 - 249 employees) | 5 | Mix of size and sectors |
|------------------------------------------------------------------|---|-------------------------|

## Participant Recruitment

Early themes from the literature review informed the development of fieldwork materials like the opt-in screening form and interview discussion guides. A project Advisory Group was instituted with representatives from Working Families, Maternity Action, the Trade Union Congress (TUC), and the British Chambers of Commerce. They advised on the development of fieldwork materials and recruitment. An online screening form (refer to Annex E: Opt-in screening form) was designed to capture important details about participants to check eligibility as per the sampling criteria. The screening form was disseminated through networks of Advisory Group members in order to recruit parents who had faced unfair treatment, discrimination and dismissal into the research study.

A Privacy Notice was attached to the communication materials used for participant recruitment detailing the data protect rules followed in the study. A process of informed consent was followed with each participant, explaining the study aims and their right to withdraw. IES' Ethics Committee reviewed our approach to the research and signed off on our approach. Given the sensitive nature of the interviews, a trauma-informed approach was used, prioritising choice, voice, trust and transparency for participants. Our advisory group reviewed the research tools to ensure sensitivity in language.

Interview participants were compensated for their time and participation in the research with an online voucher of £50.

## Sample achieved

In total, there were 241 responses to the opt-in form. These responses were then sifted for representation across sampling characteristics. A total of 31 respondents were invited to the interview, of which 24 were interviewed. Sample characteristics are included in the tables below. These represent self-reported information during the opt-in process which sometimes was found to differ from the actual facts shared during the interview.

Most selected interview participants had taken maternity leave (**Error! Reference source not found.**) with only two participants with paternity leave or other forms of leave. These were self-reported.

**Table 4: Interview participants - Type of leave taken**

| Type of leave        | Participants | Percentage |
|----------------------|--------------|------------|
| Maternity Leave only | 16           | 67%        |

|                                                                                             |   |    |
|---------------------------------------------------------------------------------------------|---|----|
| Maternity Leave and Neonatal Care Leave                                                     | 2 | 8% |
| Maternity Leave Shared Parental Leave                                                       | 1 | 4% |
| Other                                                                                       | 2 | 8% |
| Paternity Leave and was not able to take any leave                                          | 1 | 4% |
| Maternity Leave                                                                             | 1 | 4% |
| Paternity Leave, Neonatal Care Leave, Unpaid Parental Leave, was not able to take any leave | 1 | 4% |

Only five participants reported having been involved in an employment tribunal claim in the previous three years. However, of these, only three were confirmed as tribunal cases during interview, with one being an internal grievance redressal. This points to the wider prevalence of perceptions of unfair treatment or discrimination but smaller number of people pursuing a complaint. This phenomenon is discussed in Chapter 4 under the sub-section Taking Action.

**Table 3: Interviewee participants - Employment tribunal claim**

| <b>Tribunal claim</b>                                            | <b>Participants</b> | <b>Percentage</b> |
|------------------------------------------------------------------|---------------------|-------------------|
| No, I have never pursued an employment tribunal claim            | 19                  | 79%               |
| Yes, I currently have an active employment tribunal claim        | 5                   | 21%               |
| Yes, I have had an employment tribunal claim in the last 3 years | 0                   | 0%                |

Tables 6 and 7 show the representation of age and ethnicity within the sample achieved, with a higher proportion of participants from a White ethnic background compared to ethnically minoritised groups.

**Table 6: Interview participants - Age**

| <b>Age group</b> | <b>Participants</b> | <b>Percentage</b> |
|------------------|---------------------|-------------------|
| 25 – 29 years    | 2                   | 8%                |
| 30 – 34 years    | 7                   | 29%               |
| 35 – 39 years    | 14                  | 58%               |
| 40 yrs or older  | 1                   | 4%                |

|                   |   |    |
|-------------------|---|----|
| Prefer not to say | 0 | 0% |
|-------------------|---|----|

**Table 4: Interview participants - Ethnicity**

| <b>Ethnicity</b>                                                                                               | <b>Participants</b> | <b>Percentage</b> |
|----------------------------------------------------------------------------------------------------------------|---------------------|-------------------|
| Asian, Asian British or Asian Welsh                                                                            |                     | 0%                |
| Black, Black British, Black Welsh, Caribbean or African                                                        | 4                   | 17%               |
| Mixed or Multiple ethnic groups                                                                                | 1                   | 4%                |
| White: English, Welsh, Scottish, Northern Irish, British, Irish, Gypsy or Irish Traveller, Roma or Other White | 19                  | 79%               |

Parents who had more than one child were also considered for inclusion as it was expected they would be able to speak to a greater number of experiences or leave taken or compare and contrast employer practice between pregnancies where appropriate.

**Table 5: Interview participants - number of children**

| <b>Number of children</b> | <b>Participants</b> | <b>Percentage</b> |
|---------------------------|---------------------|-------------------|
| 1                         | 10                  | 42%               |
| 2                         | 7                   | 29%               |
| 3                         | 6                   | 25%               |
| 4 or more                 | 1                   | 4%                |

Table 6 shows the representation across sectors<sup>17</sup> demonstrating a good spread of sectors with a slight oversample from the transport and storage sector.

**Table 6: Interview participants - Employment sector at the time of unfair treatment/discrimination**

| <b>Sector</b>                                 | <b>Participants</b> | <b>Percentage</b> |
|-----------------------------------------------|---------------------|-------------------|
| Administrative and support service activities | 2                   | 8%                |
| Arts, Entertainment and Recreation            |                     | 0%                |

<sup>17</sup> Based on LFS classification

|                                                                      |   |     |
|----------------------------------------------------------------------|---|-----|
| Construction                                                         | 1 | 4%  |
| Education                                                            | 2 | 8%  |
| Human Health and Social Work Activities                              | 1 | 4%  |
| I am not sure                                                        | 3 | 13% |
| Information and communication                                        | 2 | 8%  |
| Other Service Activities                                             | 1 | 4%  |
| Professional, scientific and technical activities                    | 1 | 4%  |
| Public administration and defence; compulsory social security        | 2 | 8%  |
| Transportation and Storage                                           | 8 | 33% |
| Wholesale and retail trade; repair of motor vehicles and motorcycles | 1 | 4%  |

## Analysis Framework

A thematic analysis framework was developed to ensure that all interview data was coded consistently and systematically. The framework, constructed in Excel, was informed by findings from the evidence review, early themes emerging from the qualitative interviews, and DBTs' policy priorities. It enabled the research team to capture detailed information about each participant's personal circumstances, workplace context, and the specific incident of unfair treatment. Coding also recorded employer practice and the participant's response to the incident.

To understand how experiences varied over time, the discussion guide and analysis framework were structured to capture data at three points in the parental leave journey: prior to leave, during leave, and upon return to work. This structure supported the identification of when and how perceived discrimination or unfair treatment tended to occur.

Once coding was completed, the research team held an analysis workshop to review emerging patterns, explore how participants' experiences clustered, and consider how these insights could best inform policy development. The emerging themes were quality assured by the Project Manager by reviewing the extraction framework. They were then tested and refined through discussion with the project advisory group and DBT stakeholders during a dedicated workshop.

## Interviews with employers

Recruitment of employers took place by means of our advisory group and via IES networks. A separate call for participation was circulated detailing the study's aims and requirements. Relevant individuals from employer organisations were directly contacted by an IES researcher with an invitation to participate in the research.

In total, 14 employers expressed interest in participating in the study and were invited to interview. Of these, nine employers were interviewed, including two small employers (with zero to 49 employees), one medium-sized employer (with 50 to 249 employees) and six large employers (with over 250 employees). Sectoral representation included energy, hospitality, transport, logistics, telecommunications and manufacturing. The sample characteristics are provided in Table 7.

**Table 7: Sample spread of employers**

| Employers | Interviewed | Sectors                                                                                                                                      |
|-----------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Small     | 2           | Manufacturing, transport and storage                                                                                                         |
| Medium    | 1           | Accommodation and food service activities                                                                                                    |
| Large     | 6           | Agriculture, forestry and fishing; Manufacturing; Electricity and gas; Information and communication; Professional, scientific and technical |

Analysis of employer interviews followed a similar approach to interviews with parents. Employer size was taken into consideration when looking at trends in practice.

## Annex E: Opt-in screening form

### Introduction

The Institute for Employment Studies (IES) has been commissioned by the former Department for Business and Trade (DBT) of the UK Government to carry out research on maternal outcomes and pregnancy, maternity and parental discrimination at work. This study aims to understand the nature and impact of maternity/parental discrimination and unfair treatment at work.

This form has a set of questions to gather information and contact details from pregnant women, mothers, and/or parents interested to take part in the research.

IES are looking to speak with individuals who are currently employed or were employed within the last three years and during that time faced discrimination and/or unfair treatment related to pregnancy, maternity, or parental leave and responsibilities. This includes experiences such as:

- dismissal or compulsory redundancy
- feeling pressured or forced to leave your job
- being treated poorly or unfairly due to pregnancy, maternity leave, or parental status

Your story matters. By sharing your experience, you can help raise awareness and drive change.

The form should take less than five minutes to complete.

### <page break>

This page allows you to let us know you would like to take part in the research. If you meet the eligibility criteria, a researcher from IES will reach out to schedule a one-hour interview, which can be conducted online or by phone.

Please note:

- Submitting your details does not guarantee selection for the study.
- You are under no obligation to participate, even if contacted.

We appreciate your interest and look forward to hearing from you.

If you have any questions, please see the [Information Sheet](#) and [Privacy Notice](#) and contact the designated research team members.

Your contact details

Your name –

Email –

Phone number -

Your experience

Have you experienced discrimination or unfair treatment, including dismissal or redundancy, during formal employment in the last 3 years due to pregnancy, maternity or parental leave? – Y/ N

*[Continue if Y, if N participants go to a page with the following message – We thank you for your interest in taking part in our study. We are looking to capture experiences of individuals who have faced discrimination or unfair treatment including dismissal or redundancies during formal employment in the last 3 years.]*

Which of the following types of leave have you had in the last 3 years? Please tick all that apply

- Maternity Leave
- Paternity Leave
- Shared Parental Leave
- Adoption Leave
- Parental Bereavement Leave
- Neonatal Care Leave
- Unpaid Parental Leave

When did the discrimination or unfair treatment at work occur? [Tick all that apply]

1. At announcement or during pregnancy
2. When requesting leave or when going on leave

While I was on leave

After returning to work from leave

What form of unfair treatment or discrimination at work have you faced due to your pregnancy, maternity, or parental leave status? [tick all that apply]

1. I was dismissed
2. I was made compulsorily redundant whereas others at my workplace were not
3. I felt forced to leave the job (for example, due to poor treatment, lack of flexible working, health or safety issue, and so on)
4. Other discrimination (open text box)

In the last 3 years, have you been involved in an employment tribunal claim related to pregnancy, maternity or parental discrimination at work?

1. Yes, I currently have an active employment tribunal claim
2. Yes, I have had an employment tribunal claim in the last 3 years
3. No, I have never pursued an employment tribunal claim
4. Prefer not to say

Do you have any support, or accessibility needs that we should be aware of to help you take part comfortably in this research? (We want to make sure everyone can participate fully, so please let us know if there is anything we can do to support you. While we may not be able to meet every request, we will do our best to accommodate your needs within the interview format wherever possible. Examples of accommodations include evening appointments, split interviews, choice between audio and video call and having someone present during the interview.

1. Yes
2. No

Short open text box

**<page break>**

Finally, we would love to learn a bit more about you so we can make sure we are hearing from a diverse range of voices.

Your employment

1. Which sector or industry were you working in when you experienced pregnancy, maternity, or parental discrimination? Accommodation and food service activities
2. Administrative and support service activities, Agriculture, forestry and fishing
3. Arts, Entertainment and Recreation
4. Construction
5. Education
6. Electricity, gas, steam and air conditioning supply
7. Financial and insurance activities
8. Human Health and Social Work Activities
9. Information and communication

10. Manufacturing
11. Mining and quarrying
12. Other Service Activities
13. Professional, scientific and technical activities
14. Public administration and defence; compulsory social security
15. Real estate activities
16. Transportation and Storage
17. Water supply, sewerage, waste management and remediation activities
18. Wholesale and retail trade; repair of motor vehicles and motorcycles
19. Activities of households as employers; undifferentiated goods - and services - producing activities of households for own use.
20. Activities of extraterritorial organisations and bodies

What was the size of the employer where you experienced discrimination or unfair treatment at work?

1. 0 - 49 employees
2. 50 - 249 employees
3. 250 or more employees
4. I don't know

About you

What is your sex?

1. Male
2. Female
3. Prefer not to say
4. Other [Text box follows]

Which age group do you belong to?

1. 16 - 24 years
2. 25 -29 years
3. 30 – 34 years

4. 35 – 39 years
5. 40 yrs or older
6. Prefer not to say

What is your ethnic background?

1. Asian, Asian British or Asian Welsh
2. Black, Black British, Black Welsh, Caribbean or African
3. Mixed or Multiple ethnic groups
4. White: English, Welsh, Scottish, Northern Irish, British, Irish, Gypsy or Irish Traveller, Roma or Other White
5. Other ethnic group
6. Prefer not to say

How many children do you have?

1. 1
2. 2
3. 3
4. 4 or more
5. prefer not to say

Submit

**<page break>**

Thank you so much for opting into this research. We really appreciate your time and interest. A member of our team will be in touch soon with the next steps if you are eligible to take part in the research. Please note that completing the form does not guarantee your participation or obligate you to participate.

## **Annex F: Quantitative research methodology**

The quantitative methodology comprises of two main phases. The first focuses on evaluating the robustness and accuracy of the metrics previously developed by DBT to measure aspects of maternity discrimination, while the second involves identifying and constructing additional metrics to provide a more comprehensive understanding of maternity discrimination across different data sources.

### **Quality Assessment of existing metrics**

The quality assessment began with a review of 24 existing metrics derived from the Labour Force Survey, the Parental Rights Survey, the Annual Population Survey, and OECD data, initially selected to capture a wide range of issues related to maternity discrimination in employment. To ensure that these indicators were conceptually valid and measured what they intended to, a thorough examination was undertaken of how each variable was constructed. This included verifying the definitions, the coding categories applied, and the original purpose of each survey question.

Part of the assessment consisted of confirming that the presented metrics were derived from groups of interest accurately defined. For example, when measuring employment rates against individuals living with dependents under 19 years old in the Labour Force Survey, it was essential that those population samples were representative of individuals with genuine parental responsibilities. As a part of this process, data was screened for inaccuracies and potential outliers that could distort results. Further details are discussed for each dataset under the construction of datasets section.

A further aspect of the quality evaluation involved replicating the graphical and tabular results provided by DBT and comparing them with the analysis generated after review. This allowed us to confirm whether survey weights and other statistical procedures had been applied correctly and consistently across datasets. Any significant discrepancies identified in the replication stage prompted a closer inspection of the construction of the metrics to maintain analytical reliability.

### **Selection of new metrics**

Once the quality of the existing metrics had been verified, the second phase involved expanding the metric set to include additional indicators that could capture other dimensions of maternity discrimination not yet measured. The selection process was informed by thematic findings from the literature, preliminary insights from the qualitative interviews, and the most frequent issues raised in employment tribunal cases which involved maternity discrimination and unfair dismissals. The review of these sources provided strong evidence on which measures to focus on when searching the datasets and their variables.

The selection process involved exploring several publicly available datasets, including those already used by DBT, such as the Labour Force Survey, the Parental Rights Survey, and the OECD employment indicators, and incorporating new data sources, such as the Family Resources Survey, Understanding Society Survey, ACAS records, and administrative data

from the MoJ. This allowed both aggregate indicators and a range of individual circumstances related to maternity discrimination to be taken into account.

Overall, 78 new metrics were identified across all datasets. These new metrics were systematically listed and constructed following the same methodological steps applied during the quality assessment of the initial DBT metrics to ensure comparability and consistency. As part of selecting these metrics, each was evaluated and classified according to its priority for policy and analytical purposes.

The prioritisation method took two main dimensions into account:

- the strength of the metric's conceptual relevance to maternity discrimination,
- the adequacy of its sample size for producing statistically reliable results

For instance, some indicators, although potentially associated with maternity discrimination, were found to relate more broadly to motherhood penalty, such as availability and usage of childcare facilities by gender or gender-based labour inequalities rather than workplace discrimination, while other metrics, despite bringing a strong conceptual relevance, were based on small sample sizes (typically below 100 observations) that would not have provided meaningful estimates and could not be considered suitable for robust analysis.

Following this evaluation, the total of 102 metrics were categorised into high, medium, and low-priority groups, reflecting the relative strength of available indicators of pregnancy, maternity, and parental discrimination in secondary UK public data sources. Each metric was assessed against the following criteria:

1. **Relevance:** the degree to which the metric directly relates to pregnancy, maternity, or parental discrimination, its mechanisms, or its labour market outcomes.
2. **Data quality:** the robustness and reliability of the data underpinning the metric, including sufficiently large and representative sample sizes, consistent measurement, and the production of reliable estimates.
3. **Trackability:** the extent to which the metric can be easily accessed and monitored over time through regular, repeatable data collections that enable trend analysis and longitudinal monitoring.
4. **Actionability:** the usefulness of the metric for informing policymaker decision-making, guiding interventions, supporting policy evaluation, or contributing to future monitoring frameworks.

High-priority metrics were those that performed strongly across most criteria. Medium-priority metrics were those that met some criteria but had notable limitations, or where stronger high-priority alternatives were available. Low-priority metrics were those assessed as weak across several criteria. The categorisation reflects analytical judgement of the research team across these criteria rather than a numerical scoring system.

**Table 11: Number of metrics and priority level across datasets**

| Survey Dataset                                        | High priority | Medium priority | Low priority | Grand Total |
|-------------------------------------------------------|---------------|-----------------|--------------|-------------|
| Advisory, Conciliation and Arbitration Service (ACAS) | 2             | 7               |              | 9           |
| Annual Population Survey (APS)                        |               | 1               |              | 1           |
| Family Resource Survey (FRS)                          |               | 2               | 12           | 14          |
| Labour Force Survey (LFS)                             | 12            | 4               |              | 16          |
| Ministry of Justice data                              | 2             |                 | 2            | 4           |
| OECD Family Database                                  | 1             | 13              | 5            | 19          |
| Parental Rights Survey (PRS)                          | 13            | 15              | 8            | 36          |
| Understanding Society (US)                            |               |                 | 3            | 3           |
| Total                                                 | 30            | 42              | 30           | 102         |

## Construction of each dataset

### Labour Force Survey

The Labour Force Survey (LFS) for the April to June quarters of the years 2014 to 2024 was used. The LFS is a nationally representative survey that collects detailed information on individuals' economic activity and employment characteristics across the UK. From this dataset, metrics on employment status, type of employment (such as part-time work, flexible contracts, and working from home), and experiences of redundancy, voluntary redundancy, and dismissal were identified. These variables provide a comprehensive overview of labour market conditions over time that can be associated with maternity discrimination circumstances.

For the analysis, the working population was defined as individuals aged 16 to 64 who are either the head of the household or the partner or spouse of the head, and who are classified as an adult by the survey. To construct the parenthood population, individuals with dependent children were identified using variables that indicate whether respondents live with any dependent children aged under 19. To ensure accuracy, only those who confirmed living with at least one dependent under 19 and who reported that the youngest dependent was under 19 years old were included. Finally, cases in which individuals reported living with dependents but where the age difference between them was less than 16 years were excluded. Despite acknowledging that there may be parenthood cases with a lower age gap, this exclusion aimed to ensure that the dependents are likely to be the respondent's children, rather than siblings or

other relatives, thereby focusing the analysis on those individuals who have clear parental responsibilities.

The main limitation encountered when constructing this dataset was in comparing the results derived from the LFS microdata with the published ONS statistics<sup>18</sup>. Although many of the results were relatively similar (particularly for individuals with dependent children), the identification of those without dependents led to statistical discrepancies in some key metrics. Unfortunately, these differences are difficult to reconcile, as the ONS does not clearly specify how these groups are constructed (that is, which specific variables are used and which specific outliers are cleaned), even after following the definitions provided in their glossary. Consequently, the statistics presented here, derived from the LFS microdata, are those that represent the closest possible alignment with the published ONS figures.

To illustrate, the ONS defines dependent children as those living with their parent(s) who are either aged under 16, or aged 16 to 18 and in full-time education, excluding 16 to 18 year-olds who have a spouse, partner or child living in the household. In the LFS, the variable used to identify dependent children is FDPCH19, which counts the number of dependent children in a family under age 19. This variable is assumed to reflect the ONS definition that is, including children aged 16 to 18 in full-time education and excluding those aged 16 to 18 with their own spouse, partner or child. Minor definitional differences between the ONS and LFS variables may therefore introduce a small degree of variability into the analysis.

More substantial differences in the representation of certain groups, such as men without dependent children, who are largely attributable to differences in weighting approaches. The ONS uses household weights, assigning equal weight to each household member, whereas the LFS uses person weights, which assign different weights to individuals. Additionally, the ONS revised its weighting methodology after 2021 to more accurately reflect employment patterns, which has altered the representation of some demographic groups, including 16 to 24 year olds. These methodological differences may also affect other groups reported in this study.

## Parental Rights Survey

Data from the Parental Rights Survey, provides detailed insights into the experiences of women and men before and after the birth of their child who was aged 12 to 18 months at the time of the survey, particularly in relation to their current and previous employment (if different). The survey explores aspects of employment quality and characteristics surrounding pregnancy, parental leave and returning to work and includes questions addressing workplace attitudes and potential discrimination from employers or businesses. This dataset enables comparisons of individuals' employment circumstances before and after childbirth (or adoption)

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<sup>18</sup>

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/familiesandthelabourmarketukmaindatasetusingthelabourforcesurveyandannualpopulationsurvey>  
<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/articles/familiesandhouseholdsstatisticsexplained/2019-08-07>

in key metrics such as type of work, roles, responsibilities, pay, employment continuity, and perceived workplace fairness.

To construct the analytical dataset, the sample was classified into three main groups, each defined by their parenting nature: core mothers, as the primary representative sample of biological and adoptive mothers with a child aged 12 to 18 months at the time of the survey; core fathers, as the primary representative sample of biological and adoptive fathers with a child aged 12 to 18 months at the time of the survey; and the share parental leave group, representing those parents who opted to share their Parental Leave entitlement. In line with the aims of this research focusing on employee experiences of workplace discrimination, the sample was restricted to employees only, excluding self-employed respondents.

The main limitation of this dataset concerns the use of representative weights for individuals in the Shared Parental Leave category. As the Parental Rights Survey 2019 technical report states<sup>19</sup> the sampling strategy for this group differs from that of the core mothers and fathers due to the small population size of parents who had taken Share Parental Leave during the survey period. As a result, the Share Parental Leave group is not statistically representative.

Another limitation concerns the variable “Unfair treatment during pregnancy”. This measure captures a range of 13 negative experiences that may occur not only during pregnancy but also during maternity or parental leave and upon returning to work. However, the official documentation does not clearly specify how these cases are coded in the published statistics. To ensure consistency, this variable was constructed by assigning an affirmative case of unfair treatment if any such incident was reported at any of these stages: during pregnancy, during maternity leave, or after returning to work. Conversely, the case of “not experienced any unfair treatment” was coded if none of the 13 experiences were reported at any point.

## **OECD Family data**

The OECD indicators were obtained from the OECD Family Database<sup>20</sup>, which provides comparative information on family outcomes and public policies across OECD member countries. The available datasets compile harmonised data from national and international sources, covering a wide range of topics related to family and childcare policies. For this analysis, indicators relating to the following themes were selected: families, children and employment status; workplace hours and time for caring; general policies for families with children; child-related leave; formal care and education for very young children; and typology of childcare systems.

From the entire list of available indicators, those with an indirect association with maternity discrimination, particularly those that have a clear relation to the motherhood penalty, gender differences in parental leave and childcare responsibilities, and public spending aimed at supporting women’s participation in the labour market after motherhood, were included in the master metrics list.

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<sup>19</sup> <https://www.employment-studies.co.uk/system/files/resources/files/Parental%20Rights%20Survey%202019%20Technical%20report.pdf>

<sup>20</sup> <https://www.oecd.org/en/data/datasets/oecd-family-database.html>

The main limitation of this dataset is that many selected indicators lack the most recent data, and in several cases, data is available only for a single point in time, limiting the ability to assess changes or trends over time. Furthermore, variations in national reporting and data collection periods may limit the comparability of some indicators across countries. Although the OECD and ONS both use the LFS to calculate employment rates, their figures can differ due to methodological choices.

The ONS calculates employment using UK-specific definitions based on people aged 16 and over who worked at least one hour in the reference week or were temporarily away from a job, including employees, the self-employed, unpaid family workers and people on government-supported training programmes. By contrast, the OECD applies harmonisation and standardisation procedures to ensure comparability across countries, including adopting a standard working-age population of 15 to 64 and counting as employed those who worked for at least one hour or were temporarily absent but retained a formal job attachment. As a result, while the UK's female employment rate is identical in OECD and ONS outputs, differences between UK and OECD averages arise from cross-country policy and labour-market differences rather than definitional disparities.

## **Understanding Society**

Understanding Society provides valuable longitudinal data on individuals and households across the UK. It is one of the few large-scale surveys that includes data on pregnancy, usually difficult to obtain from other public sources. Data from the Understanding Society Survey, covering all available waves from the first to the most recent, were examined for trends related to pregnancy and labour market participation.

Although the study includes a dedicated module on the Pregnancy and Early Childhood (PEACH) dataset, this component primarily focuses on parenting styles, early child development, and family well-being, rather than employment characteristics or workplace conditions. Furthermore, within the broader Understanding Society dataset, the sample of pregnant women is relatively small, limiting the potential for robust statistical analysis and subgroup comparisons. Consequently, this dataset offers limited information relevant to maternity discrimination.

## **Family Resources Survey**

The Family Resource Survey (FRS) provides detailed information on the incomes and living circumstances of household and families in the UK, making it a valuable source for assessing the financial implications of raising children, and therefore individuals' behaviour related to participate in the labour market. FRS data was assessed for the financial years 2016 to 2017 to 2023 to 2024. From this dataset, metrics related to the costs of childcare, statutory maternity, paternity, adoption, and shared parental payments, as well as wage levels, were identified to estimate the proportion of household and individual income spent on dependent children. This would allow for an indicative analysis of the financial burden associated with childcare and parental responsibilities. Unfortunately, several of these variables have relatively small sample sizes, which has limited the reliability and depth of the analysis. As a result, a

comprehensive statistical assessment of these particular measures was not possible for the scope of this analysis.

### **Advisory, Conciliation and Arbitration Service data**

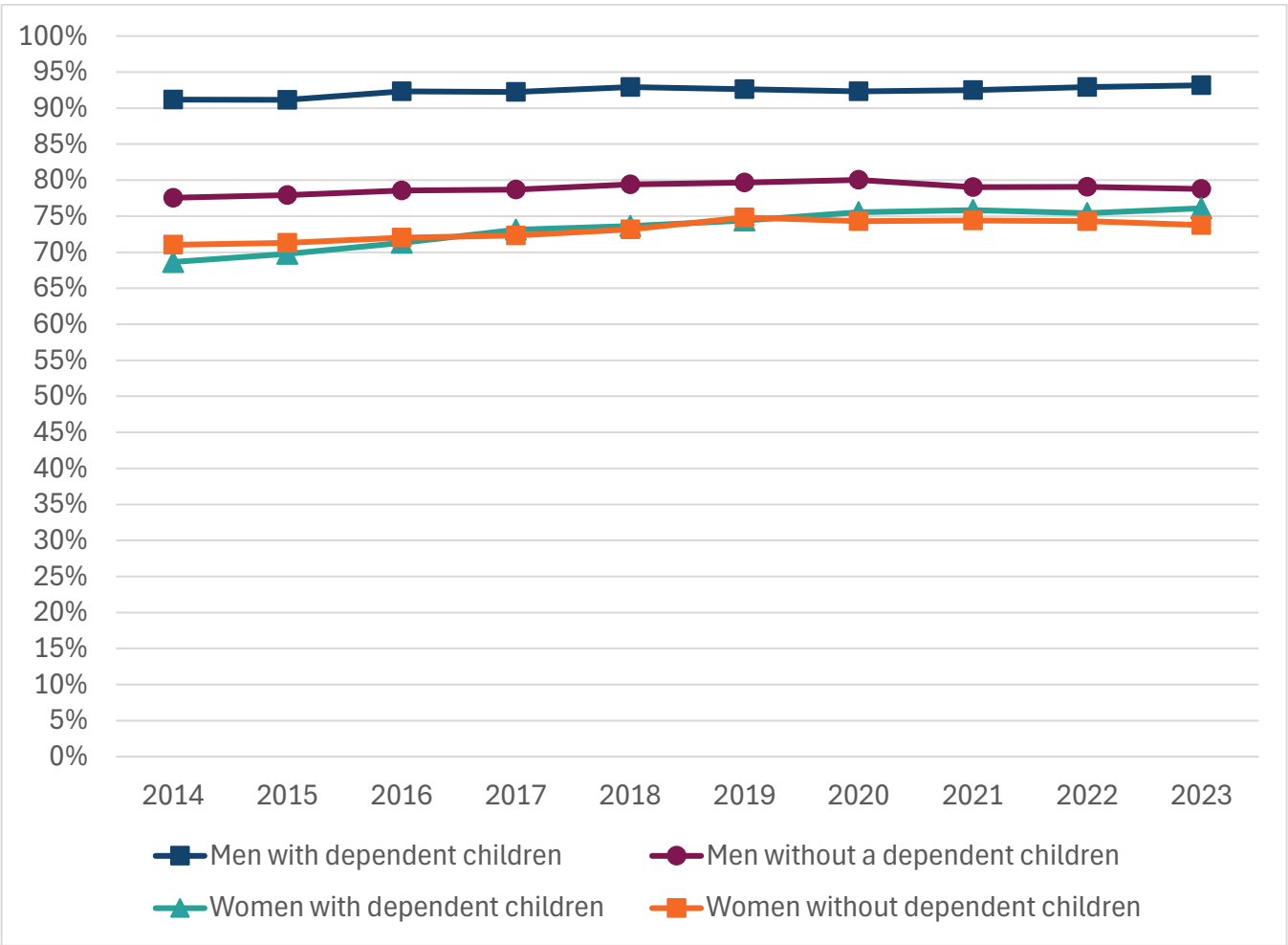
The Advisory, Conciliation and Arbitration Service (ACAS) provides information EC and Employment Tribunal cases across England, Scotland, and Wales. Data on employment cases falling under the jurisdiction of maternity detriment or dismissal (MAT) were analysed, specifically the percentage of EC case receipts, the percentage of cases progressing to Employment Tribunal, and the proportion of cases resolved either formally or informally through legally binding COT3 conciliation agreements. ACAS data on the number and proportion of helpline calls related to maternity discrimination were also available. However, as information on the total number of helpline calls across categories was not available, it was not possible to assess the relative change in the percentage of calls for pregnancy/maternity discrimination over time.

### **Ministry of Justice data**

Finally, aggregated data from the Ministry of Justice (MoJ) on Employment Tribunal cases across England, Scotland, and Wales that fall under the jurisdiction of maternity detriment or dismissal (MAT), PLD (Suffer a detriment and/or dismissal due to requesting or taking paternity or adoption leave or time off to assist a dependant) and FLW (Suffer a detriment and/or dismissal for claiming under the flexible working regulations or be subject to a breach of procedure) were analysed. The two main indicators obtained were: receipts (the number of claims logged with an Employment Tribunal) and disposals (the number of cases that have reached an outcome, whether through judgement, withdrawal, or settlement). These indicators were collected for the category “suffer a detriment and/or dismissal on grounds of pregnancy, childbirth or maternity” over the financial years 2007 to 2008 to 2024 to 2025. Therefore, this dataset provides valuable insight into the volume and trends of maternity discrimination cases that have progressed to the Employment Tribunal. However, from the 2023 to 2024 financial year onwards, the MoJ introduced changes to their recording and classification system for these claims. As a result, the figures from 2023 to 2024 and subsequent years are not directly comparable with those from previous years, limiting the ability to conduct consistent time-series analysis.

# Select Outcome Metrics

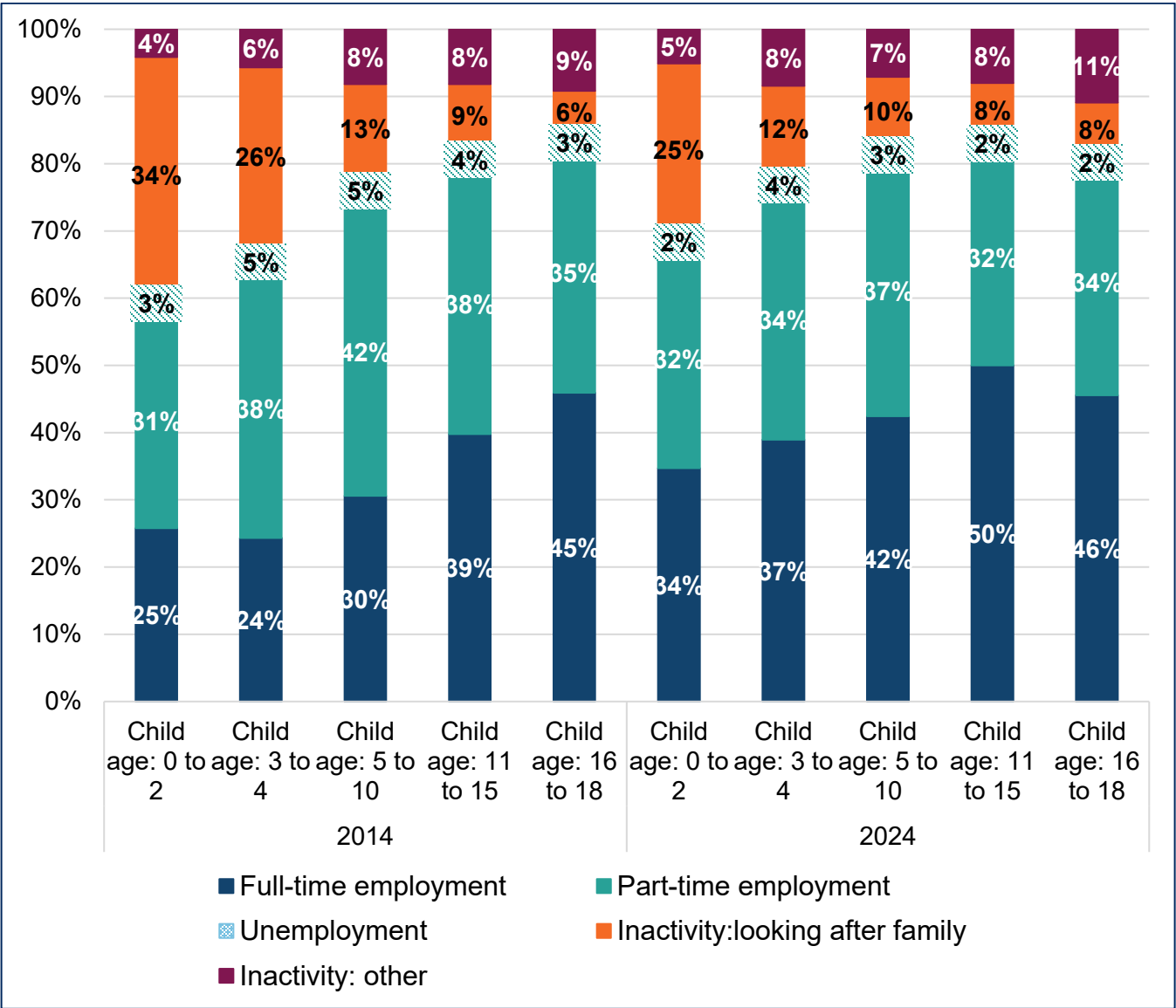
Figure 3: Employment rate of men and women, with or without dependents



Source: Labour Force Survey microdata<sup>21</sup>

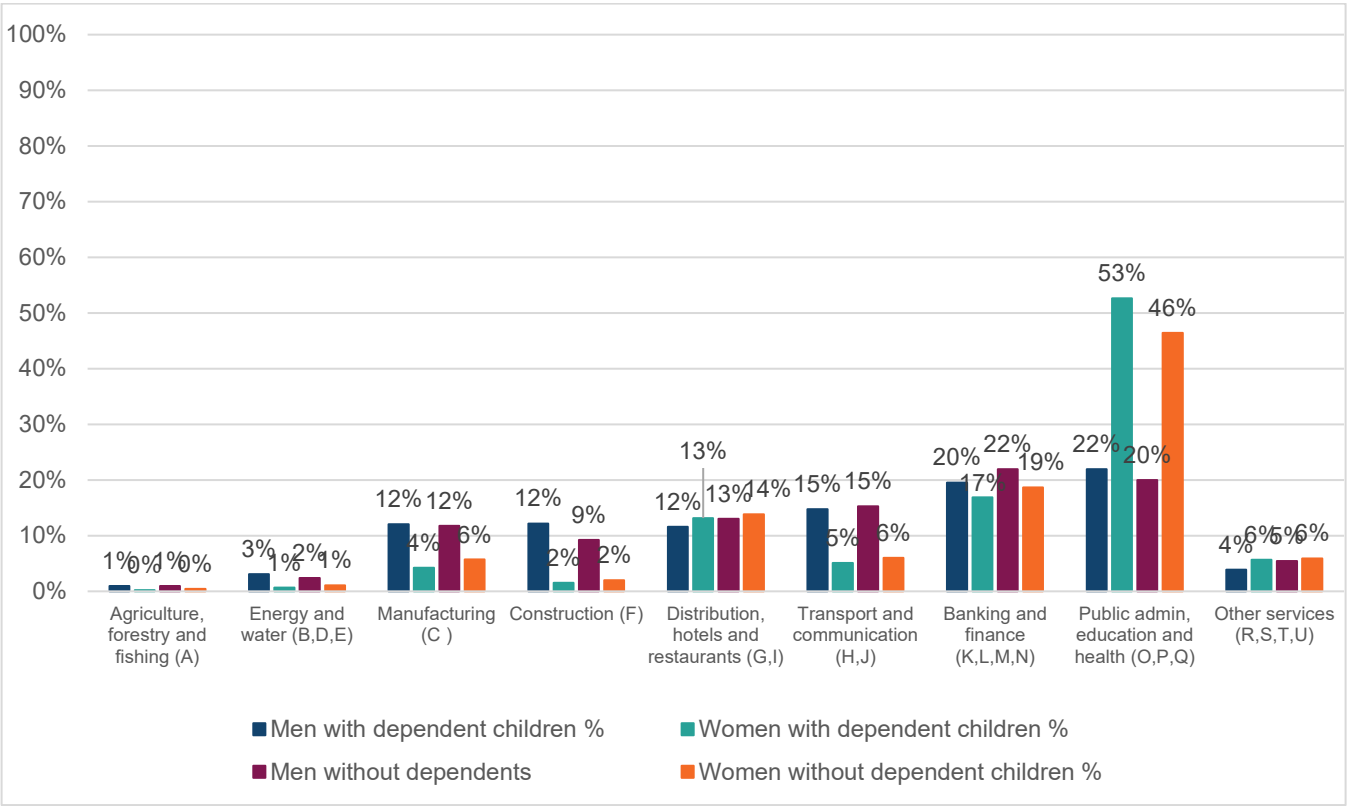
<sup>21</sup> The ONS has reported that the employment rate of mothers with dependents has overtaken that of both women and men without dependents since 2017 (refer ONS publication Families and the labour market, UK - Office for National Statistics). However, as discussed under the Construction of datasets section, differences in weights used by ONS when analysing LFS microdata have likely led to a slightly different estimate of the percentage of men without dependents in employment.

Figure 4: Employment status of mothers by age of the youngest child



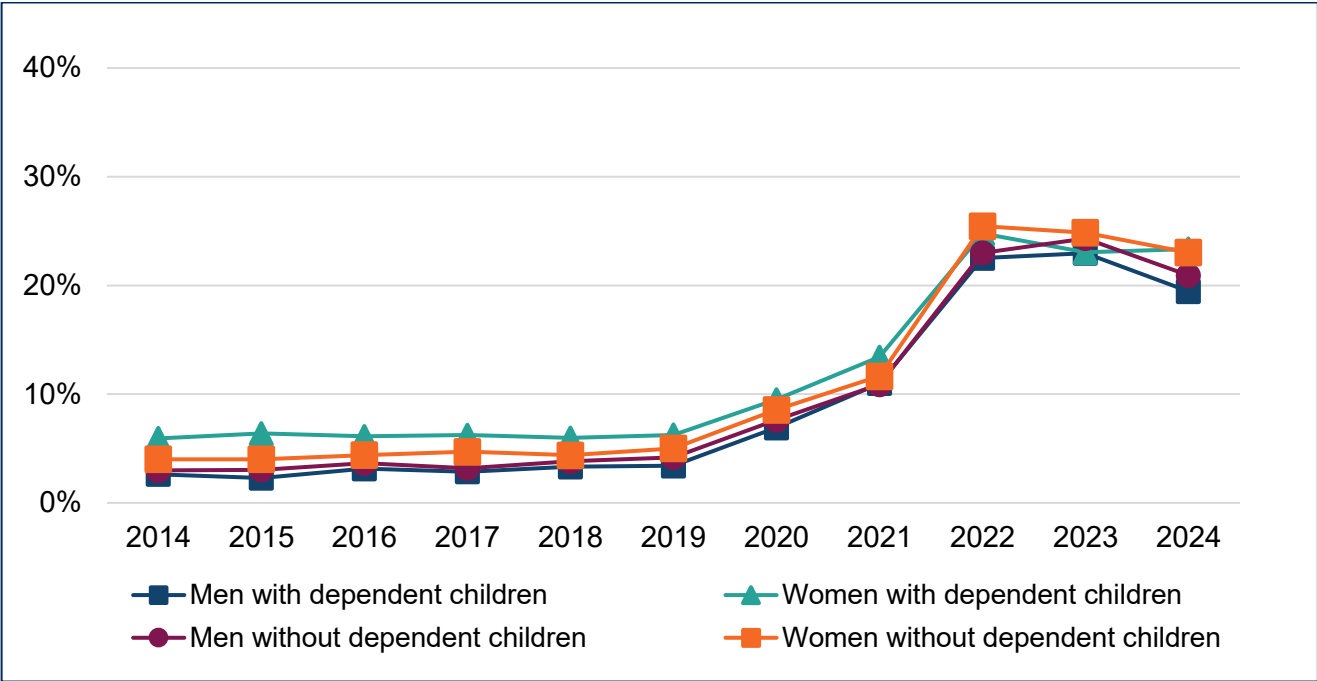
Source: Labour Force Survey microdata, April to June 2014 and April to June 2024

Figure 5: Sectoral distribution of employment by gender and dependent status



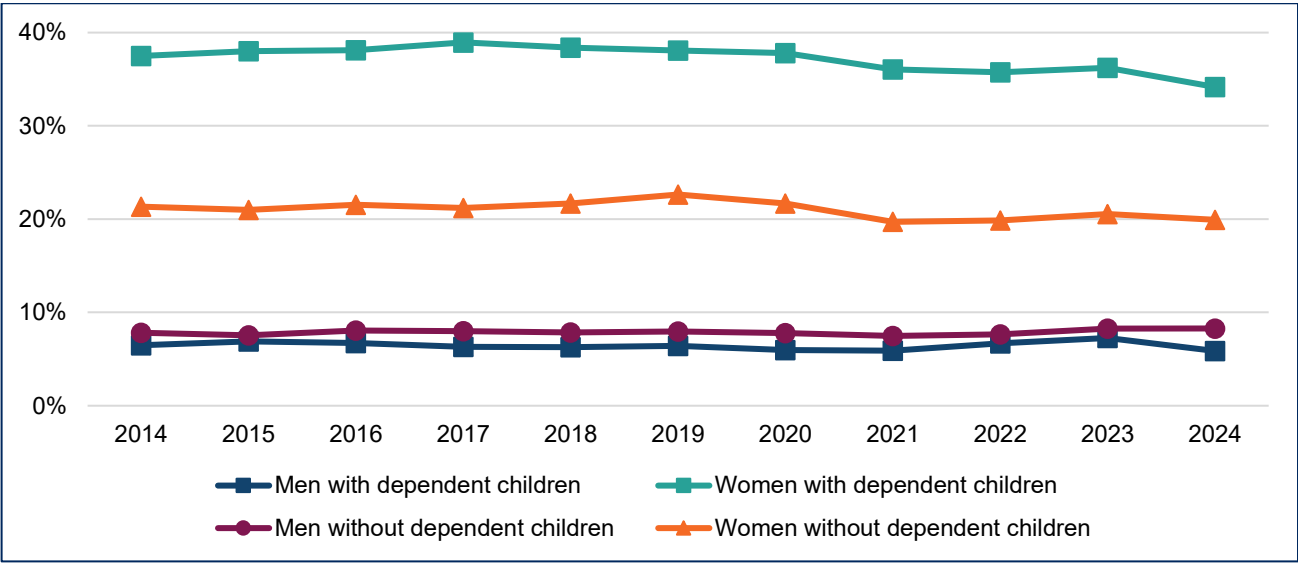
Source: Labour Force Survey microdata, April to June 2024

**Figure 6: Percentage of employees working mainly from home**



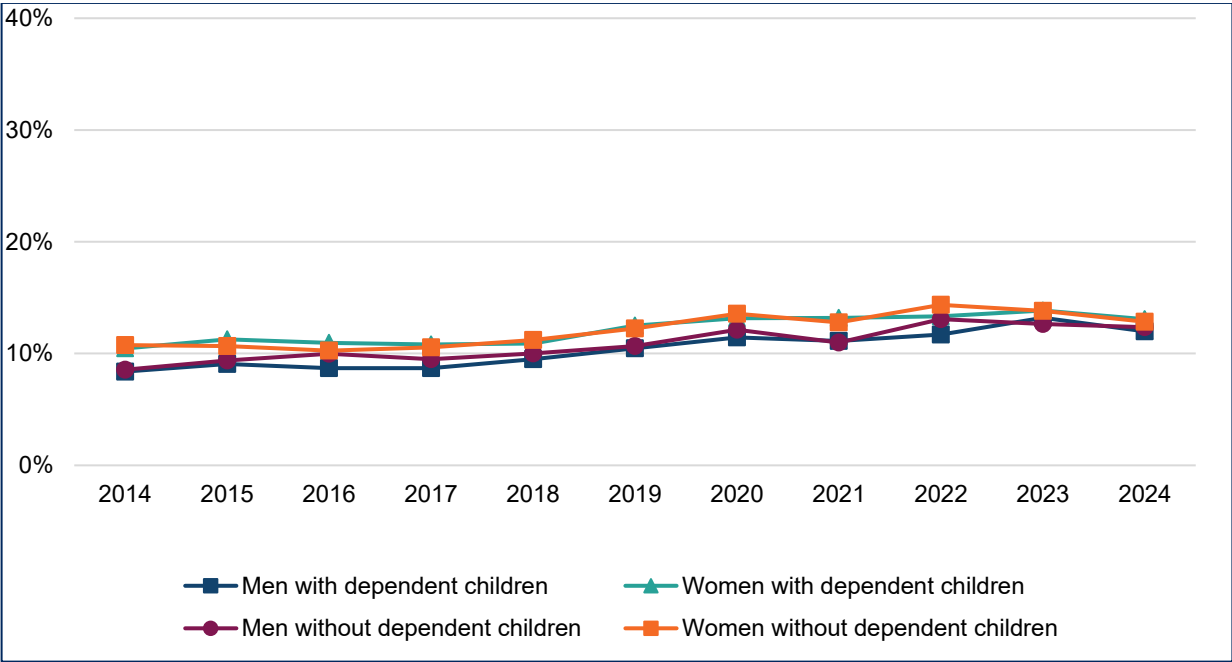
Source: Labour Force Survey April to June 2014 to 2024, graph not scaled to 100% for readability

**Figure 7: Percentage of all employees working part-time**



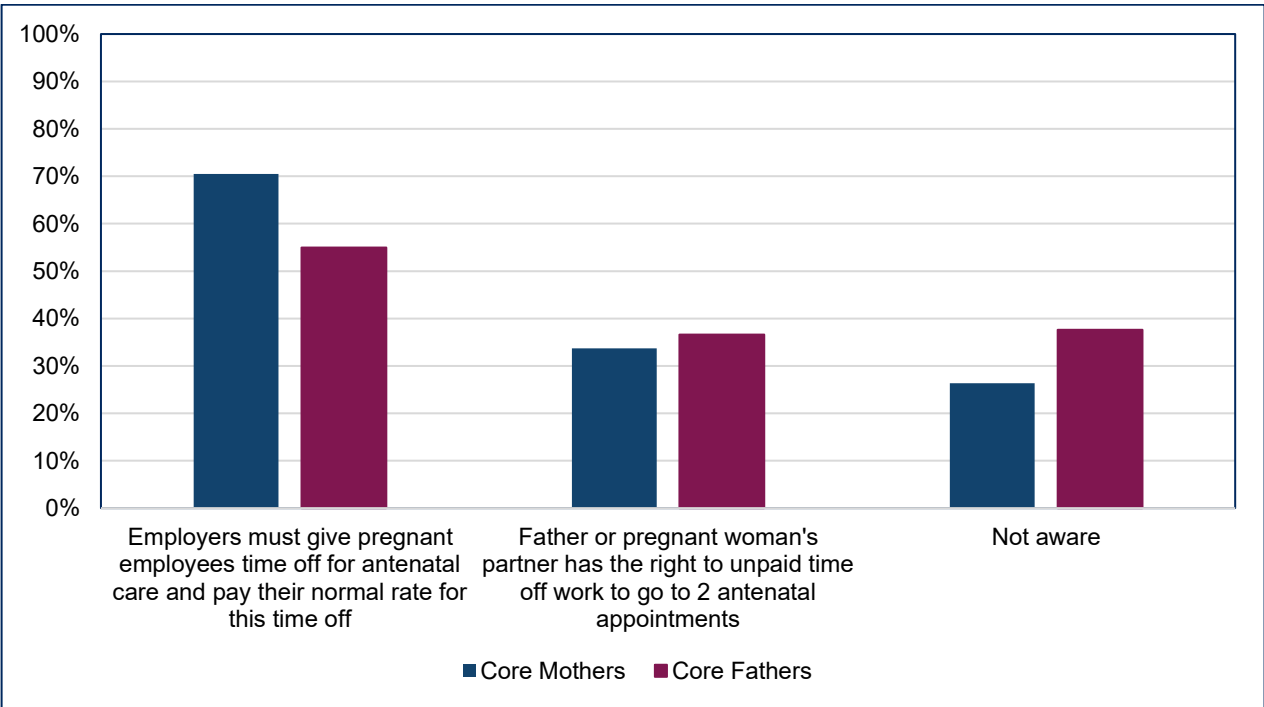
Source: Labour Force Survey April to June 2014 to 2024, graph not scaled to 100% for readability

**Figure 8: Percentage of employees working flexitime**



Source: Labour Force Survey April to June 2014 to 2024, graph not scaled to 100% for readability

**Figure 9: Awareness of antenatal rights and Keep-in-touch (KIT) days**



Source: Parental Rights Survey, 2019

**Table 12: Early conciliation and employment tribunal case receipts with MAT jurisdiction code**

|      | Early Conciliation |                       |                |            |        | Employment Tribunal |                       |                       |            |        |
|------|--------------------|-----------------------|----------------|------------|--------|---------------------|-----------------------|-----------------------|------------|--------|
| Year | Net                | % of EC case receipts | % Return as ET | % Resolved | % COT3 | Net                 | % of ET case receipts | % had MAT at EC stage | % Resolved | % COT3 |
| 2020 | 2,905              | 2.2%                  | 40.0%          | 26.7%      | 20.4%  | 1,416               | 3.9%                  | 45.1%                 | 86.8%      | 67.6%  |
| 2021 | 2,066              | 2.1%                  | 40.0%          | 33.7%      | 25.2%  | 1,607               | 3.8%                  | 49.1%                 | 83.6%      | 65.3%  |
| 2022 | 2,439              | 2.2%                  | 39.4%          | 37.0%      | 25.6%  | 1,224               | 3.6%                  | 56.3%                 | 87.3%      | 68.4%  |
| 2023 | 2,298              | 2.2%                  | 41.2%          | 35.5%      | 24.2%  | 1,300               | 4.0%                  | 53.7%                 | 85.9%      | 67.4%  |
| 2024 | 2,367              | 2.1%                  | 42.1%          | 37.2%      | 25.4%  | 1,239               | 3.9%                  | 52.3%                 | 87.9%      | 68.3%  |
| 2025 | 3361               | 2.4%                  | 37.7%          | 30.0%      | 18.3%  | 1,132               | 3.8%                  | 54.0%                 | 88.7%      | 68.4%  |

Source: ACAS data as on 27 March 2026

**Table 13: Employment tribunal receipts relating to detriment and/or dismissal on grounds of pregnancy, childbirth or maternity**

| Financial year | Total Jurisdictional complaints | Suffer a detriment / unfair dismissal pregnancy (MAT) | Percentage of MAT jurisdiction of total receipts |
|----------------|---------------------------------|-------------------------------------------------------|--------------------------------------------------|
| 2007/08        | 296,920                         | 1,600                                                 | 0.54%                                            |
| 2008/09        | 266,542                         | 1,835                                                 | 0.69%                                            |
| 2009/10        | 392,777                         | 1949                                                  | 0.50%                                            |
| 2010/11        | 382,386                         | 1,866                                                 | 0.49%                                            |
| 2011/12        | 321,836                         | 1,861                                                 | 0.58%                                            |
| 2012/13        | 332,859                         | 1,589                                                 | 0.48%                                            |

|          |               |               |       |
|----------|---------------|---------------|-------|
| 2013/14  | 193,968       | 1,248         | 0.64% |
| 2014/15  | 129,966       | 790           | 0.61% |
| 2015/16  | 178,079       | 865           | 0.49% |
| 2016/17  | 143,946       | 872           | 0.61% |
| 2017/18  | 172,731       | 1,357         | 0.79% |
| 2018/19  | 198,715       | 1,810         | 0.91% |
| 2019/20  | 175,389       | 1,636         | 0.93% |
| 2020/21  | 186,788       | 1,435         | 0.77% |
| 2021/22  | Not available | Not available |       |
| 2022/23  | 137,282       | 1,259         | 0.92% |
| 2023/24  | 6,307         | 171           | 2.71% |
| 2024/25* | 48,543        | 825           | 1.70% |

Source: [Ministry of Justice](#), 2025

\* The sharp rise in jurisdictional data in 2023 to 24 is likely due to a steady increase in the operation of a new case management system - the '[Reform](#)' database – which came into effect in 2021 with data moving from 2022. Therefore, figures for 2022/23 do not include the whole dataset and do not indicate an increase in cases as such from 2022/23 as the full dataset by jurisdiction is not available.

**Additional explanatory note:** ACAS and HMCTS collect data on the individual enforcement system in different ways. ACAS count group notifications (in other words, multiple claimants against one employer) as one case, while HMCTS count these as 'multiple claims.' ACAS states they receive several thousand group notifications annually for EC. Volumes for jurisdiction code MAT received by MoJ are published in the Tribunal Statistics Quarterly.

ACAS annual report data provides jurisdictional breakdowns for Early Conciliation notifications and ET cases. The jurisdictions reported by ACAS for Early Conciliation notifications differ from those reported in cases received for conciliation from the Employment Tribunal Service, as they are assigned by ACAS officers on an indicative basis only and do not necessarily represent the jurisdictions a claimant might record when submitting an ET. Since a case can have multiple jurisdictions, the sum of the ACAS jurisdictions exceeds the total notifications and cases.

## Annex G: Employment Tribunal case analysis methodology

Employment Tribunal decisions offer insight into how and why pregnant women or mothers are dismissed, employer justifications and reasons for fair dismissal, and details of sector, role, date and stage of discrimination, and so on. Tribunal case analysis was carried out in four key stages, starting with screening and selection of cases for analysis.

### Screening and selection of tribunal cases

The Employment Tribunal Decision website<sup>22</sup> provides public access to tribunal decisions in England, Wales and Scotland dating back to February 2017. All the cases shown on the GOV.UK Employment Tribunal Decisions site are cases that have been decided and had a final written judgment issued. However, it must be noted that the online employment tribunal database does not provide a complete record of all tribunal cases. It includes only those cases that result in a written judgment suitable for publication, excluding cases that are settled, withdrawn, or concluded with an oral decision. It also does not contain decisions issued before February 2017, which must be obtained directly from the relevant courts. Employment Appeal Tribunal (EAT) decisions are not included and are published separately, and some cases may be absent due to anonymity orders, restricted reporting orders or other confidentiality protections that limit what can be made publicly available.

Two jurisdiction codes relevant for this research were identified: Maternity and Pregnancy Rights and Parental and Maternity Leave. Nearly 3,741 decisions were found tagged under these two codes at the start of this research. The website's screening tool was used to select the criteria for country, jurisdiction code, decision date and key search terms as mentioned in Table 8 to narrow down the selection process. This approach helped identify the most relevant cases for this research.

**Table 8: Inclusion criteria for tribunal case selection**

| Criteria          | Choice                                                         | Reason                                                                                          |
|-------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| Country           | England, Wales, Scotland                                       | To ensure full regional representation                                                          |
| Jurisdiction code | Maternity and Pregnancy Rights<br>Parental and Maternity Leave | To focus on cases related specifically to pregnancy/maternity discrimination and related leave. |
| Decision date     | 01/01/2017 – 01/07/2025                                        | To cover a 7.5-year period of recent cases                                                      |
| Search Terms      | “Maternity”<br>“Dismissal”                                     | To ensure that the selected documents contain both terms for relevance                          |

<sup>22</sup> <https://www.gov.uk/employment-tribunal-decisions>

This identified 1200 relevant cases relevant for analysis. The initial intention had been to analyse a randomly selected sample of cases across all years. However, this random selection was not possible since the cases had to be manually downloaded from the website which threw up a different search sequence each time the selection criteria was input on the website. This made it difficult to track duplicate downloads. It was also not practicable within the available resources and time to download all 1200 cases.

Therefore, the earliest 100 cases from 2017 and another 100 cases from 2024 and 2025, were obtained (53 in 2025 and 49 in 2024). The aim was to assess if any shifts could be identified after the pandemic and shifting landscape of flexible working.

## **Pilot of case selection and analysis**

A tribunal decision, in some cases, includes multiple documents associated with different parts of the same case, such as “Judgement”, “Reasons”, “Judgement with reasons”, or “Remedy”. To avoid duplication and ensure the most informative source document is identified, a prioritisation guide was developed during the pilot phase. Preference was given to documents that contained both the ruling decision and detailed explanations. For example, a “Reasons” document was favoured over a “Judgement” document since it contained more detailed explanation of the case and its final decision.

The research team first undertook a pilot with 20 cases selected from the above process. Thematic analysis of individual cases by the research team helped to understand when, where, and why discrimination is being claimed and upheld or not. An AI-powered research assistant called Elicit was used to undertake thematic analysis of the case documents. Elicit uses semantic familiarity searches alongside keyword matching, extracting insights for given criteria, and generating structured evidence tables to compare findings.

Elicit was used to extract themes for exploration and triangulation with the qualitative and quantitative research strands. The research team developed prompts to extract information and to evaluate whether such extraction using Elicit was plausible. A thematic framework of relevant factors like employment context (for example, sector, employer size, roles), personal context (for example number of children, social identity), maternity context (for example stage of maternity, timing), level of awareness of rights, how discrimination manifests, and its impact was developed. Elicit outputs were reliable in extracting information from the text on these variables and avoided making up outputs from its own assumptions. This was quality checked by the research team through manual review of the 20 case documents.

The following variables were extracted in the pilot:

- employment context
- maternity context
- level of awareness

- manifestation of discrimination
- discrimination timeline (when did discrimination occur)
- maternity status during discrimination
- employer's behaviour
- maternity leave time
- case output

Variables such as personal context or characteristics were excluded since the cases did not contain much information and Elicit tended to deviate from reality while trying to give an answer (for example: Elicit would extract an answer that claimant is married since name starts with Mrs). Other variables like discrimination impact and employment occupation of claimant, were redefined as the outcomes had not been satisfactory.

During this phase of the pilot, two issues with Elicit were identified. The first was that Elicit did not share the file name, making it hard to identify which document corresponded to which extraction. After different approaches, the files were manually renamed in the Elicit library, which proved to be quite time-consuming.

The second issue was that Elicit did not recognise the elements of the first page of the case documents due to the formatting, and therefore, did not properly extract certain terms and elements that appeared on the first page (unless those terms or elements are written on the rest of the text). For example, it was unable to extract who the claimant and the respondent were, the claimant's case number, the total monetary compensation, and the place and date of the tribunal case. While Google Notebook was trialled to extract this information, it was finally not included in the thematic case analysis. The presentation format of the results in a text-only pattern was found to be less visual for analysis and retaining the need for further human extraction of the AI-extracted text. The speed of the tool was also noted to be less than Elicit.

A second pilot was undertaken for 100 cases to test the redefined variables, and the final set of analytical variables and definitions were created. The individual responses of Elicit for each case were grouped into categories or themes for each variable. The selection of new variables extracted included:

- enterprise size
- contract type
- year of starting discrimination
- industry
- occupation/role
- role changed during discrimination time
- how discrimination manifested

- main reasons of dismissal
- time between first discrimination and dismissal
- maternity status when first discrimination happened
- maternity status when dismissal happened
- reasons of non-discrimination from employers' view
- reasons of justified dismissal from employers' view
- case result of dismissal
- case result of discrimination

The output of the revised variables was quality assured by manually checking 10% of the sample. The researchers found less than 10% error rate from Elicit's interpretation compared to the researcher's manual interpretation and facts of the case. A summary of the quality assessment across the 10 cases was as follows:

- enterprise size: seven categories Elicit was correct versus three that were incorrect - here Elicit had managed to understand the size of a company by its name more accurately than the human researcher. In the incorrect cases, Elicit derived the company size from functions, roles or existence of HR, which were inaccurate
- changed role during discrimination time: nine correct answers versus one incorrect
- contract of claimant: nine correct versus one incorrect
- reasons of discrimination: 10 correct. Manual check found that Elicit had performed well/reasonably accurately
- reason of dismissal: nine correct versus one incorrect
- employer's justification on discrimination: nine correct versus one incorrect
- employer's justification on dismissal: 10 correct
- result on dismissal: nine correct versus one incorrect
- result on discrimination: 10 correct

## Final case data extraction

The final list of variables and definitions was agreed after discussion and review by DBT and by cross-referencing the findings of the literature review and EHRC 2016 research categories. These were used for the final extraction and analysis.

The list of variables, their definitions and response output rules are listed below:

## Enterprise Size

Objective: extract (when possible) information about the size of the enterprise or company where the claimant was working when the complaint happened.

Criteria: the size of a company is classified by the number of workers that work in the company. We will define the size classification as follows:

1. Small size: any enterprise, business or company with 49 or less workers, or that the text states as small. Examples of cases that will fall into this category are: "The Respondent (a very small company)", "sole trader", "four workers (including self-employed)", "one Team Manager, four Practice Managers, 12 Social Workers, eight Customer Service Advisors", "the respondent is a relatively small business they are not a tiny business, but they are a relatively small business."
2. Medium size: any enterprise, business or company with more than 49 but less than 249 workers, or that the text states as medium. Examples of these cases that will fall into this category includes: "Medium-sized organisation", "69 employees in Great Britain, 40 at the establishment where the Claimant worked."
3. Large size: any enterprise, business or company with 250 or more workers, or that the text states as large. Examples of this category includes: "Large enterprise, managing 60 Parish Centres.", "Large enterprise, around 250 employees."
4. Other: the size of the company is mentioned but it is not clear which of the three previous categories (small, medium, large) should fall. Examples of this case would be: "exact number of workers not specified."
5. Not mentioned: there is no mention of the size of the company or no mention of the total number of employees in the entire text.

Output Rules: the output should be concise and formatted as one of the categories mentioned above.

Output Examples:

- small
- medium
- large
- other
- not mentioned

## Industry/Sector

Objective: extract (when possible) information regarding the industry or sector of the enterprise/company or business where the claimant was working.

Criteria: this industry should follow any of the Standard Industrial Classification of Economic Activities SIC-2007 ONS classification as detailed:

A. Agriculture, Forestry and Fishing: includes activities such as Crop and animal production, hunting and related service activities, Forestry and logging, and Fishing and aquaculture.

B. Mining and Quarrying: includes activities such as Mining of coal and lignite, Extraction of crude petroleum and natural gas, Mining of metal ores, Other mining and quarrying, and Mining support service activities.

C. Manufacturing: including activities such as Manufacture of food products, Manufacture of beverages, Manufacture of tobacco products, Manufacture of textiles, Manufacture of wearing apparel, Manufacture of leather and related products, Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials, Manufacture of paper and paper products, Printing and reproduction of recorded media, Manufacture of coke and refined petroleum products, Manufacture of chemicals and chemical products, Manufacture of basic pharmaceutical products and pharmaceutical preparations, Manufacture of rubber and plastic products, Manufacture of other non-metallic mineral products, Manufacture of basic metals, Manufacture of fabricated metal products, except machinery and equipment, Manufacture of computer, electronic and optical products, Manufacture of electrical equipment, Manufacture of machinery and equipment n.e.c., Manufacture of motor vehicles, trailers and semi-trailers, Manufacture of other transport equipment, Manufacture of furniture, Other manufacturing, Repair and installation of machinery and equipment.

D. Electricity, Gas, Steam and Air Conditioning Supply: including activities such as Electric power generation, transmission and distribution, Manufacture of gas; distribution of gaseous fuels through mains, Steam and air conditioning supply.

E. Water Supply; Sewerage, Waste Management and Remediation Activities: includes activities such as Water collection, treatment and supply, Sewerage, Waste collection, treatment and disposal activities; materials recovery, Remediation activities and other waste management services.

F. Construction: includes activities such as Construction of buildings, Civil engineering, Specialised construction activities.

G. Wholesale and Retail Trade; Repair of Motor Vehicles and Motorcycles: includes activities related to Wholesale and retail trade and repair of motor vehicles and motorcycles, Wholesale trade, except of motor vehicles and motorcycles, Retail trade, except of motor vehicles and motorcycles.

H. Transportation and Storage: includes activities such as Land transport and transport via pipelines, Water transport, Air transport, Warehousing and support activities for transportation, Postal and courier activities.

I. Accommodation and Food Service Activities: includes activities such as Accommodation, Hotels and similar accommodation, Holiday and other short-stay accommodation, camping grounds, recreational vehicle parks and trailer parks, Food and beverage service activities, Restaurants and mobile food service activities, Event catering and other food service activities, Beverage serving activities.

J. Information and Communication: including activities related to Publishing activities, Publishing of books, periodicals and other publishing activities, Motion picture, video and television programme production, sound recording and music publishing activities, Programming and broadcasting activities, Telecommunications, Computer programming, consultancy and related activities, Information service activities.

K. Financial and Insurance Activities: includes activities such as financial service activities, except insurance and pension funding, Banking, Insurance, reinsurance and pension funding, except compulsory social security, Activities auxiliary to financial services and insurance activities.

L. Real Estate Activities: these include activities such as Buying and selling of own real estate, Real estate activities on a fee or contract basis.

M. Professional, Scientific and Technical Activities: include activities such as Legal and accounting activities, Activities of head offices; management consultancy activities, Architectural and engineering activities; technical testing and analysis, Scientific research and development, Advertising and market research, Specialised design activities, Photographic activities, Translation and interpretation activities, Other professional, scientific and technical activities n.e.c., Veterinary activities.

N. Administrative and Support Service Activities: include activities such as Rental and leasing activities, Employment activities, Travel agency, tour operator and other reservation service and related activities, Security and investigation activities, Services to buildings and landscape activities, Office administrative, office support and other business support activities.

O. Public Administration and Defence; Compulsory Social Security: include activities like Administration of the State and the economic and social policy of the community, Foreign affairs, Defence activities, Justice and judicial activities, Public order and safety activities, Fire service activities, Compulsory social security activities.

P. Education: include activities such as Pre-primary education, Primary education, Secondary education, Higher education, Other education, Educational support activities

Q. Human Health and Social Work Activities: includes such as Hospital activities, Medical and dental practice activities, Other human health activities, Residential care activities, Social work activities without accommodation.

R. Arts, Entertainment and Recreation: include activities such as Creative, arts and entertainment activities, Libraries, archives, museums and other cultural activities, Gambling and betting activities, Sports activities and amusement and recreation activities.

S. Other Service Activities: include activities such as Activities of business, employers and professional membership organisations, Activities of trade unions, Activities of other membership organisations, Repair of computers and personal and household goods, Washing and (dry-)cleaning of textile and fur products, Hairdressing and other beauty treatment, Funeral and related activities, Physical well-being activities, Other personal service activities n.e.c.

T. Activities of Households as Employers; Undifferentiated Goods-and Services-Producing: include activities such as Activities of households as employers of domestic personnel, Undifferentiated goods- and services-producing activities of private households for own use.

#### U. Activities of Extraterritorial Organisations and Bodies.

Not mentioned: for those cases where the work industry or sector was not reported.

Output Rules: the output should be concise and formatted as one of the categories mentioned above in the criteria.

Output Examples:

- agriculture, forestry and fishing
- manufacturing
- professional, scientific and technical activities
- education
- administrative and support service activities
- not reported

### **Role of Claimant**

Objective: Please, extract (whenever possible) what the original occupation was that the claimant was working in based on their role before the discrimination happened.

Criteria: The tribunal case may describe which were the different tasks that the claimant was working or undertaking before the discriminatory act happened (or during in case the role was the same). Please, classify those roles and tasks using the SOC-2020 occupation definition from the ONS. These are the roles and tasks using the SOC-2020 occupation definition from the ONS that as specified:

1. Corporate managers and directors: this type of occupation includes Chief Executives and Senior Officials, Production Managers and Directors, Functional Managers and Directors, Directors in Logistics, Warehousing and Transport, Managers and Directors in Retail and Wholesale, Senior Officers in Protective Services, Health and Social Services Managers and Directors, This type of occupation includes Managers and Proprietors in Agriculture Related Services, Managers and Proprietors in Hospitality and Leisure Services, Managers and Proprietors in Health and Care Services, Managers in Logistics, Warehousing and Transport, Managers and Proprietors in Other Services.
2. Professional Occupations: this type of occupation includes Natural and Social Science Professionals, Engineering Professionals, Information Technology Professionals, Web and Multimedia Design Professionals, Conservation and Environment Professionals, Research and Development (R&D) and Other Research Professionals, Medical Practitioners, Therapy Professionals, Nursing Professionals, Veterinarians, Other Health Professionals, Other Educational Professionals, Legal Professionals, Finance Professionals, Business, Research and Administrative Professionals, Business and Financial Project Management Professionals, Architects, Chartered Architectural Technologists, Planning Officers, Surveyors and Construction Professionals, Welfare Professionals, Librarians and Related Professionals, Quality and Regulatory Professionals, Media Professionals.

3. Associate Professional Occupations: this type of occupation includes Science, Engineering and Production Technicians, CAD, Drawing and Architectural Technicians, Information Technology Technicians, Health Associate Professionals, Welfare and Housing Associate Professionals, Teaching and Childcare Associate Professionals, Veterinary nurses, Protective Service Occupations, Artistic, Literary and Media Occupations, Design Occupations, Sports and Fitness Occupations, Transport Associate Professionals, Legal Associate Professionals, Finance Associate Professionals, Business Associate Professionals, Sales, Marketing and Related Associate Professionals, Public Services Associate Professionals, HR, Training and Other Vocational Associate Guidance Professionals, Regulatory Associate Professionals.
4. Administrative and Secretarial Occupations: includes occupations such as Administrative Occupations: Government and Related Organisations, Administrative Occupations: Finance, Administrative Occupations: Records, Administrative Occupations: Office Managers and Supervisors, Other Administrative Occupations, Secretarial and Related Occupations.
5. Skilled Trades Occupations: includes occupations such as Agricultural and Related Trades, Metal Forming, Welding and Related Trades, Metal Machining, Fitting and Instrument Making Trades, Vehicle Trades, Electrical and Electronic Trades, Skilled Metal, Electrical and Electronic Trades Supervisors, Construction and Building Trades, Building Finishing Trades, Construction and Building Trades Supervisors, Textiles and Garments Trades, Printing Trades, Food Preparation and Hospitality Trades, Other Skilled Trades.
6. Caring, Leisure and Other Service Occupations: includes occupations such as Teaching and Childcare Support Occupations, Animal Care and Control Services, Caring Personal Services, Leisure and Travel Services, Hairdressers and Related Services, Housekeeping and Related Services, Cleaning and Housekeeping Managers and Supervisors, Bed and Breakfast and Guest House Owners and Proprietors, Community and Civil Enforcement Occupations.
7. Sales and Customer Service Occupations: it includes occupations such as Sales Assistants and Retail Cashiers, Sales Related Occupations, Shopkeepers and Sales Supervisors, Customer Service Occupations, Customer Service Supervisors.
8. Process, Plant and Machine Operatives: this type of occupations includes Process Operatives, Metal Working Machine Operatives, Plant and Machine Operatives, Assemblers and Routine Operatives, Construction Operatives, Production, Factory and Assembly Supervisors, Road Transport Drivers, Mobile Machine Drivers and Operatives, Other Drivers and Transport Operatives.
9. Elementary Occupations: this type of occupations includes Elementary Agricultural Occupations, Elementary Construction Occupations, Elementary Process Plant Occupations, Elementary Administration Occupations, Elementary Cleaning Occupations, Elementary Security Occupations, Elementary Sales Occupations, Elementary Storage Occupations, Other Elementary Services Occupations.

10. Not mentioned: for those cases where the work industry or sector was not reported.

Output Rule: the output should be concise and formatted as one of the categories mentioned above in the criteria.

Output Examples:

- skilled trades occupations
- associate professional occupations
- not mentioned

## **Contract of claimant**

Types of contracts that the claimant could be experiencing in their job:

1. Full-time contracts: these are standard employment contracts for employees working a full-time regular schedule. This means that the claimant was working under the following conditions: a written statement of employment or contract, the statutory minimum level of paid holiday, a payslip showing all deductions, such as National Insurance contributions (NICs), the statutory minimum length of rest breaks, Statutory Sick Pay (SSP), Maternity, Paternity and Adoption Pay and Leave, make sure employees do not work longer than the maximum allowed, pay employees at least the minimum wage, have employer's liability insurance, provide a safe and secure working environment, register with HM Revenue and Customs to deal with payroll, tax and NICs, consider flexible working requests, avoid discrimination in the workplace, make reasonable adjustments to your business premises if your employee is disabled.
2. Part-time contracts: these are standard employment contracts for employees working a part-time regular schedule. This means that the claimant was working under the following conditions: a written statement of employment or contract, the statutory minimum level of paid holiday, a payslip showing all deductions, such as NICs, the statutory minimum length of rest breaks, SSP, Maternity, Paternity and Adoption Pay and Leave, make sure employees do not work longer than the maximum allowed, pay employees at least the minimum wage, have employer's liability insurance, provide a safe and secure working environment, register with HM Revenue and Customs to deal with payroll, tax and NICs, consider flexible working requests, avoid discrimination in the workplace, make reasonable adjustments to your business premises if your employee is disabled. Fixed-term contracts: These contracts have a specific end date and are used for temporary positions. This means that the claimant was working under the following conditions: The work would last for a certain length of time, are set in advance, end when a specific task is completed, end when a specific event takes place. However, fixed-term employees must receive the same treatment as full-time permanent staff.
3. Agency staff: this classifies to workers who are temporarily hired through agencies. This means the respondent should pay the agency, including the employee's (or claimant's) NICs and SSP, it's the agency's responsibility to make sure workers get

their rights under working time regulations, after 12 weeks' continuous employment in the same role, agency workers get the same terms and conditions as permanent employees, including pay, working time, rest periods, night work, breaks and annual leave, the employer must provide the agency with information about the relevant terms and conditions in your business so that they can ensure the worker gets equal treatment after 12 weeks in the same job, the employer must allow agency workers to use any shared facilities (for example a staff canteen or childcare) and give them information about job vacancies from the first day they work there, the employer are still responsible for their health and safety.

4. Freelancers, consultants and contractors: workers hired for specific tasks or projects, often on a project-by-project basis. This means that the claimants are self-employed or are part of other companies, they often look after their own tax and NICs, they might not be entitled to the same rights as workers, such as minimum wage, you're still responsible for their health and safety.
5. Zero-hours contract: these are casual contracts where the worker is not required to work a set number of hours, and the organization is not obliged to provide work. This means that claimants are on call to work when the employer needs them, the employer does not have to give them work have to do work when asked. Zero-hours workers are entitled to statutory annual leave and the National Minimum Wage in the same way as regular workers.
6. Employing family, young people and volunteers: these are contracts in which either a member of the respondent's family, a young employee or a volunteer is hired for a specific job. This type of work must comply with different rules depending on the type of worker. For family members avoid special treatment in terms of pay, promotion and working conditions, make sure tax and National Insurance contributions are still paid, follow working time regulations for younger family members, have employer's liability insurance that covers any young family members, check if you need to provide them with a workplace pension scheme. For voluntary staff the respondent should be responsible for the worker's health and safety and must give inductions and training in the tasks they're going to do. Finally, for young employees, the employer should do a risk assessment before taking on young workers, young people may also have certain employment rights like, statutory maternity pay, and ordinary statutory paternity pay if they qualify, paid time off for study and training and redundancy pays.
7. Probation period: A period at the start of an employment relationship during which the employee is assessed by their employer and following which time they are notified as to whether their appointment will be made permanent. The scope and terms of any probation period are governed by an individual's contract of employment, but it will typically last three or six months and may involve either formal or informal assessments. Employees may not be entitled to all of the contractual benefits during the probationary period. Probationary periods do not affect an employee's statutory rights.
8. Other: any other type of contract that has not been described above.
9. Not mentioned: when the contract has not been mentioned in any part of the script.

Output Rules: the output should be concise and formatted as one of the categories mentioned above in the criteria.

Output Examples:

- other
- not mentioned
- full-time contract
- fixed-term contract

### **Changed role during discrimination time**

Objective: please, classify, whenever possible whether the claimant has a change of role or responsibilities from before the announcement of pregnancy, or the maternity leave, and afterwards.

Criteria: classify whether the claimant had a change of role, tasks or labour conditions from before to after their announcement of pregnancy, or their maternity leave. Please, classify in Yes or No if the text states:

1. Yes: when there is a clear change of tasks, roles, responsibilities, department, or function for the claimant, including change of working hours or timetable that do not directly benefit the claimant. Examples of this case would be when the text specifies that claimant role or task with one name such as “Claimant role or tasks before discrimination: Policy manager within the Social Care, Local Government and Care Partnerships Directorate”, but a different one after discrimination such as “Claimant role or tasks during discrimination: Head of Long-Term Conditions and End of Life Care Policy.” Another example of a change of role would be whether the text specifies that the claimant reduced her working hours from full-time to part-time, or from “Care assistant visiting clients in their homes.” To “Care assistant with reduced hours and client assignments.”
2. No: this category specifies that there no mention of change of roles from the claimant before and after their beginning of discrimination, or that could be claimed as discriminatory. Examples that can be found on the tribunal cases is for instance “Claimant role or tasks before discrimination: Production Manager” and “Claimant role or tasks during discrimination: Production Manager.”
3. Other: this category will include those cases in which it is not clear whether the claimant had a change of role, tasks or hours from before to after discrimination happened.
4. Not mentioned: this classification includes those cases where the role is not mentioned at all.

Output Rules: the output should be concise and formatted as one of the categories mentioned above in the criteria.

Output Examples:

- yes
- other

- no
- not mentioned

## How discrimination manifested

Objective: extract all information around how discrimination was manifested. Identify how discrimination or dismissal happened or manifested from the perspective of the claimant. When extracting and presenting this information, adhere strictly to the Criteria and Output Rules outlined below.

Criteria: this variable identifies the type(s) of discrimination experienced during employment by the claimant. The classification of discrimination types include:

1. Felt forced to leave their job: this classification includes those reasons that the claimant interpreted as being forced to leave their job, from not agreement in flexibility of time, or change of location. Examples found in tribunal cases are: "the employer failed to make reasonable adjustments for the claimant's disability", "the claimant faced indirect sex discrimination due to the requirement to attend the workplace two days per week, which she believed disproportionately affected women due to childcare responsibilities," "The claimant felt they were treated so poorly that they had to leave their role".
2. Financial loss: this category includes all those cases in which the claimant was not properly paid for their statutory rights or faced any similar financial loss due to her employer's decision. Examples of this category include: "The claimant was not provided with payslips and P60, violating statutory rights", "The claimant was underpaid £338 in maternity pay", "The claimant did not receive her statutory redundancy payment until much later, which is a form of financial discrimination," "The claimant failed to gain promotion," "The claimant failed to follow their progression pathway", "The claimant had a reduction in their salary or bonus," "The claimant received a lower pay rise or bonus payment than other employees," "The claimant did not receive company benefits, or had company benefits taken away," "The claimant was suspended without pay following a risk assessment," "The claimant was demoted in their role to a lower paying position."
3. Negative impact on opportunity, status or job security: this category includes those discriminatory acts against the claimant that are related to missing job vacancies or opportunities because of maternity status or leave. Moreover, it includes any case in which the working environment became a risk for the claimant during their pregnancy or maternity term. Examples of these cases could be "The claimant was presented with a new contract with less favourable terms and was repeatedly asked to sign it despite objections", "The claimant was not notified about vacancies for permanent roles during her maternity leave," "The claimant was threatened with dismissal," "The claimant was encouraged or pressured to take voluntary redundancy," "The claimant was not informed about redundancies that might affect their role," "The claimant was not informed about promotion opportunities they would be eligible for," "The claimant felt pressured or was put under pressure to submit

their notice to leave their role,” “The claimant was offered an alternative role at a workplace too far to travel to so felt they had to leave their role,” “The claimant was given unsuitable workloads or inappropriate work for their role,” “The claimant was denied access to training they would have otherwise received,” “The claimant unwillingly returned to a different role after maternity leave,” “The claimant faced disagreement about when they had to notify their employer about when they intended to return to work,” “The claimant felt their chances of successfully interviewing for a new role were affected,” “The claimant felt they were treated with less respect, or that their opinion was otherwise less valued by their employer or coworkers.”

4. Risk or impact to their health or welfare: this category includes all those cases in which the claimant’s tasks may have been dangerous to their health, they may have been discouraged from attending health appointments, experienced pressure to return to work sooner than expected, had risks not identified in their risk assessment or not addressed if identified, felt that their physical or mental health were negatively affected, or were not allowed time off for sickness or other health related issues with their child. Examples of this category include “The claimant did not receive a designated workstation as recommended by Access to Work”, “The claimant’s caseload was not adjusted to manage long distance traveling and long working hours”, “The claimant did not receive a risk assessment as part of her reasonable adjustments claim”, “The claimant was discouraged from attending antenatal classes during work time”, “The claimant was not allowed time off for health or sickness for oneself or the baby.”
5. Harassment or negative comments: this category relates to any verbal abuse, or even harassment that occurred after the announcement of pregnancy. This could include situations where the claimant received unpleasant or offensive comments from employer or colleagues, poor treatment following a complaint made about offensive comments, or felt otherwise singled out or treated in a way that humiliated or intimidated them. Examples of this category includes “The claimant faced verbal aggression from the respondent when she confirmed her pregnancy, leading to her resignation”, “The claimant faced derogatory comments from SK about her predecessor, which included terms like “stupid,” “cunt,” and “bitch””, “The claimant experienced a pattern of bullying, harassment, and discrimination since returning to work after maternity leave”, “The claimant felt unfairly criticised.”
6. Negative experience related to breastfeeding: this category relates to any situation in which the claimant has been affected by comments or situations in which breastfeeding caused any troubling circumstance from colleagues or employers. Examples of those cases are “The claimant was questioned about her availability and breastfeeding habits”, “The claimant alleged that information was collected about her breastfeeding breaks.”, “The claimant had requests to breastfeed or express milk declined”, “The claimant felt issues with breastfeeding at work influenced decision to leave work.”
7. Negative experience related to a flexible working request: this category includes all those cases in which the employer did not accept any flexible working request from the claimant either to attend antenatal appointments or due to maternity

responsibilities. This could include refusal to accept later starts or finishes, negative consequences as a result of an accepted flexible working request, a denial of a request without alternative solutions or not being allowed to reduce hours overall. Examples of this category include “The claimant faced refusal of her flexible working request and removal of her previously agreed working pattern”, “The claimant was not provided with agreed and documented flexible working hours”, “The claimant felt approved flexible working requests led to negative consequences.”

8. Any other negative or possibly discriminatory experience: this classification includes all those cases in which the claimant has lived any other type of negative experience from their employers or colleagues due to their pregnancy or maternity status; however, they are not as clear as any of the previous classifications. Claimants may have had their shift patterns or working hours changed without consultation, were signed off sick or otherwise encouraged to start Maternity Leave early, encouraged to return from Maternity Leave early, faced disagreement around holiday accumulation and entitlements, too little or too much contact on maternity leave, felt their employer did not support them, or poor treatment from line managers or other leadership. For example, “The claimant faced immediate commencement of a redundancy process after announcing her pregnancy, which was influenced by her pregnancy status”, “The claimant argued that she was treated less favourably compared to male colleagues”, “The claimant experienced health issues such as MS and IBS, which may have been part of her discrimination claims.”
9. NR or NA: no information is present.

Output Rule: explain concisely how discrimination manifested from the employer towards the claimant. Where multiple forms of discrimination, dismissal or redundancy are identified outline them in separate examples. Moreover, specify the page and paragraph number where the output is extracted.

Output Example:

- felt forced to leave the job
- financial loss
- negative experience related to breastfeeding
- negative impact on opportunity, status or job security
- not mentioned
- any other negative or possibly discriminatory experience

### **Claimant’s perception of reasons for dismissal**

Objective: please, extract the main reason that the claimant believes was dismissed from work.

Criteria: this variable should identify the primary or main reason for dismissal given by the claimant. We classify the reasons of dismissal as:

1. Announcement of pregnancy or Maternity Leave: this category includes situations where the claimant felt after announcing the pregnancy of the claimant the employer or line manager started a process of redundancy or unfair treatment or change in behaviour by the employer, colleagues, line manager that led to dismissed or feeling forced to leave the job. Examples found in tribunal cases are: "The claimant faced immediate commencement of a redundancy process after announcing her pregnancy, which was influenced by her pregnancy status", "The claimant was dismissed immediately after disclosing her pregnancy, with Ms Bowie stating there were no suitable jobs for her", "The claimant was pregnant at the time of her termination, which could be a factor in her dismissal", "The claimant faced immediate commencement of a redundancy process after announcing her pregnancy, which was influenced by her pregnancy status."
2. Felt forced to leave their job: this classification includes those reasons that the claimant interpreted as being forced to leave their job, from not agreement in flexibility of time, or change of location. They may have been made redundant, or otherwise dismissed, or were made to feel so badly in their role that they had to leave. Examples found in tribunal cases are: "The employer failed to make reasonable adjustments for the claimant's disability", "The claimant faced discrimination due to the requirement to attend the workplace two days per week, which she believed disproportionately affected women due to childcare responsibilities."
3. Financial loss: this category includes cases in which the claimant interpreted there to be a financial loss to themselves, forcing them to leave, or be dismissed from their work. This category includes all those cases in which the claimant was not properly paid for their statutory rights or faced any similar financial loss due to her employer's decision. Examples of this category could include "The claimant was not provided with payslips and P60, which they felt violated their statutory rights", "The claimant was underpaid £338 in maternity pay", "The claimant sought work elsewhere due to unpaid earnings", "The claimant failed to follow their progression pathway", "The claimant had a reduction in their salary or bonus," "The claimant received a lower pay rise or bonus payment than other employees," "The claimant did not receive company benefits, or had company benefits taken away," "The claimant was suspended without pay following a risk assessment," "The claimant was demoted in their role to a lower paying position."
4. Redundancy or selection stages: the claimant was discriminated against and selected for redundancy whilst pregnant, placed at risk of redundancy during maternity leave, consulted on redundancy while absent, or excluded from consultation due to being on maternity leave. Examples may include statements such as "The claimant was dismissed without consultation or warning about the company's financial situation", "The claimant was suspended and then dismissed, which she claims was wrongful and related to her pregnancy", "The claimant was suspended and then dismissed, which she claims was wrongful and related to her pregnancy."
5. Negative impact on opportunity, status or job security: this category includes those discriminatory acts against the claimant that are related to missing job vacancies or

opportunities because of maternity status or leave. Moreover, it includes any case in which the working environment became a risk for the claimant during their pregnancy or maternity term. Examples of these cases could be “The claimant was presented with a new contract with less favourable terms and was repeatedly asked to sign it despite objections”, “The claimant was not notified about vacancies for permanent roles during her maternity leave,” “The claimant was threatened with dismissal,” “The claimant was encouraged or pressured to take voluntary redundancy,” “The claimant was not informed about redundancies that might affect their role,” “The claimant was not informed about promotion opportunities they would be eligible for,” “The claimant felt pressured or was put under pressure to submit their notice to leave their role,” “The claimant was offered an alternative role at a workplace too far to travel to so felt they had to leave their role,” “The claimant was given unsuitable workloads or inappropriate work for their role,” “The claimant was denied access to training they would have otherwise received,” “The claimant unwillingly returned to a different role after maternity leave,” “The claimant faced disagreement about when they had to notify their employer about when they intended to return to work,” “The claimant felt their chances of successfully interviewing for a new role were affected,” “The claimant felt they were treated with less respect, or that their opinion was otherwise less valued by their employer or coworkers.”

6. Risk or impact to their health or welfare: this category includes all those cases in which the claimant’s tasks may have been dangerous to their health, They may have been discouraged from attending health appointments, experienced pressure to return to work sooner than expected, had risks not identified in their risk assessment or not addressed if identified, felt that their physical or mental health were negatively affected, or were not allowed time off for sickness or other health related issues with their child. Examples of this category include “The claimant did not receive a designated workstation as recommended by Access to Work.”, “The claimant’s caseload was not adjusted to manage long distance traveling and long working hours”, “The claimant did not receive a risk assessment as part of her reasonable adjustments claim.”, “The claimant was discouraged from attending antenatal classes during work time”, “The claimant was not allowed time off for health or sickness for oneself or the baby.”
7. Harassment or negative comments: this category relates to any verbal abuse, or even harassment that occurred after the announcement of pregnancy. This could include situations where the claimant received unpleasant or offensive comments from employer or colleagues, poor treatment following a complaint made about offensive comments, or felt otherwise singled out or treated in a way that humiliated or intimidated them. Examples of this category includes “The claimant faced verbal aggression from the respondent when she confirmed her pregnancy, leading to her resignation”, “The claimant faced derogatory comments from SK about her predecessor, which included terms like “stupid,” “cunt,” and “bitch””, “The claimant experienced a pattern of bullying, harassment, and discrimination since returning to work after maternity leave”, “The claimant felt unfairly criticised.”
8. Negative experience related to breastfeeding: this category relates to any situation in which the claimant has been affected by comments or situations in which

breastfeeding caused any troubling circumstance from colleagues or employers. Examples of those cases are “The claimant was questioned about her availability and breastfeeding habits”, “The claimant alleged that information was collected about her breastfeeding breaks”, “The claimant had requests to breastfeed or express milk declined”, “The claimant felt issues with breastfeeding at work influenced decision to leave work.”

9. Negative experience related to a flexible working request: this category includes all those cases in which the employer did not accept any flexible working request from the claimant either to attend antenatal appointments or due to maternity responsibilities. This could include refusal to accept later starts or finishes, negative consequences as a result of an accepted flexible working request, a denial of a request without alternative solutions or not being allowed to reduce hours overall. Examples of this category include “The claimant faced refusal of her flexible working request and removal of her previously agreed working pattern”, “The claimant was not provided with agreed and documented flexible working hours”, “The claimant felt approved flexible working requests led to negative consequences.”
10. Any other negative or possibly discriminatory experience: this classification includes all those cases in which the claimant has lived any other type of negative experience from their employers or colleagues due to their pregnancy or maternity status; however, they are not as clear as any of the previous classifications. Claimants may have had their shift patterns or working hours changed without consultation, were signed off sick or otherwise encouraged to start Maternity Leave early, encouraged to return from Maternity Leave early, faced disagreement around holiday accumulation and entitlements, too little or too much contact on Maternity Leave, felt their employer did not support them, or poor treatment from line managers or other leadership. For example, “The claimant faced immediate commencement of a redundancy process after announcing her pregnancy, which was influenced by her pregnancy status”, “The claimant argued that she was treated less favourably compared to male colleagues.”, “The claimant experienced health issues such as MS and IBS, which may have been part of her discrimination claims.”
11. No Dismissal: it is not clear from the case that the person was dismissed.
12. NR or NA: no information is present.

Output Rules: the output should be concise and formatted as one of the categories mentioned above in the criteria.

Output Examples:

- announcement of pregnancy or maternity leave
- redundancy or selection stages
- harassment or negative comments
- any other negative or possibly discriminatory experience
- not mentioned

## **Was a risk assessment performed**

Objective: please, extract whether the tribunal case explicitly states that a risk assessment was performed in benefit of the claimant.

Criteria: this variable identifies whether the respondent or employer carried out, failed to carry out, or inadequately carried out a pregnancy-related risk assessment for the claimant.

Language in the documentation may include explicit statements of compliance, explicit failures of compliance (for example Yes or No to risk assessments being performed) and disputes around the adequacy of any risk assessment measures put into place.

1. Yes: language that details that a risk assessment was carried out, for example the respondent undertook a risk assessment, carried out a pregnancy risk assessment, assessment of risks to the claimant as a new or expectant mother, reviewed health and safety risks
2. No: language that details that a risk assessment was not carried out, for example no risk assessment was undertaken, the respondent failed to undertake a risk assessment, failed to carry out a risk assessment, did not assess the risks to the claimant, breach of duty to assess risks.
3. Not mentioned: no information is present

Output Rules: the output should be concise and formatted as one of the categories mentioned above in the criteria.

Output Examples:

- yes
- no
- not mentioned

## **Maternity leave interrupted**

Objective: please, extract (if possible) from the tribunal cases whether the maternity leave of the claimant was interrupted by either work procedures or dismissal.

Criteria: this variable identifies whether the claimant's maternity leave was interrupted as a result of discriminatory behaviour from the employer and should identify whether the claimant's maternity leave was ended earlier than planned, prevented from starting properly, or interrupted by employer's actions.

1. Yes: maternity leave could have ended early due to the following reasons: it ended earlier than planned the claimant was required to return from maternity leave, pressed to return early, was asked to cut short her maternity leave, was expected to resume work during maternity leave, or was otherwise asked to return to work before the end of the maternity leave period. It also includes that maternity leave would have been prevented from starting properly due to denial of maternity leave entirely, being refused leave, or had their leave request rejected, were not permitted by the respondent to take

maternity leave. Finally, we also consider maternity leave interrupted by employer actions when the claimant was contacted repeatedly by the respondent during maternity leave, were summoned back to work, had work obligations imposed during maternity leave, or experienced a failure to respect maternity leave rights. They may also have been dismissed whilst on maternity leave, made redundant, or otherwise terminated during maternity leave. For example, "The claimant was required to undertake additional service due to a "pause clause" in her training fee agreement while on maternity leave, which was not required for employees who did not take maternity leave."

2. No: none of the above actions happened related to maternity leave.
3. NR or NA: no evidence of maternity leave interruption of any kind were made by the claimant or was found in the documentation.

Output Rules: the output should be concise and formatted as one of the categories mentioned above in the criteria.

Output Examples:

- yes
- not mentioned
- no

## **Year of starting discrimination**

Objective: please extract the year when the first instance of discriminatory behaviour happened against the claimant.

Criteria: this variable identifies the year in which the first instance of discriminatory behaviour occurred against the claimant. The tribunal case may make use of dates to evidence when discriminatory behaviour occurred. The year that will be extracted is the earliest date that confirmed discriminatory behaviour towards the claimant from the employer or respondent was recorded in each of the tribunal case documents. Examples on dates could be:

1. 2016: on 1 August, 2016, the claimant was dismissed due to her pregnancy or pregnancy related illness.
2. 2017: On 14 February, 2017, the respondent made a comment perceived as a threat to job security related to the claimant's pregnancy.
3. 2021: 1 July, 2021, during her maternity leave, the claimant was demoted to a lower paid position.
4. NR: not mentioned (the paper does not provide specific dates or instances of discriminatory behaviour).

Output Rules: the output should be concise and formatted as the year when it happened.

Output Examples:

- 2017

- 2024
- 2020
- not mentioned

### **Time between first discrimination and dismissal**

Objective: please, extract (if possible) the time between the first time the claimant stated that she was discriminated to the point she was dismissed.

Criteria: this variable identifies the approximate time between the first instance of discrimination and the final decision to dismiss the claimant. The tribunal case may make use of dates to evidence when discriminatory behaviour occurred, and when the claimant was dismissed from their roles. It identifies the earliest date that confirmed discriminatory behaviour towards the claimant from the employer or respondent in each of the tribunal cases, and the date that confirmed the claimant had been dismissed from their role. Examples of outputs could include:

1. 12 months – claimant first discriminated against in August, 2016 where the respondent made a comment perceived to be a threat to job security. The claimant was then dismissed in August, 2017.
2. One month – claimant first discriminated against in December 2023, the respondent informed the claimant that she could not return to work from maternity leave unless she accepted a demotion. In January 2024, the respondent gave the claimant an ultimatum to accept demotion or leave employment – effectively dismissing them.
3. Four months – claimant was first discriminated against in January 2021, they were presented with a new employment contract that was prompted by her pregnancy notification. In May 2021, the claimant was dismissed, which was discriminatory as it was influenced by her pregnancy and other discriminatory actions.
4. Not mentioned: not mentioned (the paper does not provide specific dates or instances of discriminatory behaviour).

Output Rules: the output should be concise and formatted as the number of months that happened between the two times. Please, round the approximate number to the nearest month.

Output Examples:

- five months
- three months
- not mentioned

## Maternity Status when first discrimination occurred

Objective: extract information around the maternity stage or status of the claimant at the time they first experienced discrimination in the workplace related to their maternity or pregnancy.

Criteria: this variable identifies the time points that discrimination occurred related to maternity or pregnancy. The variable will identify the timeline the alleged discrimination occurred and how tribunal documentation describes the timing and could include timepoints such as during pregnancy (before leave), while on maternity leave, on return from leave, post-maternity/continuing impacts on returning to work. The timeline classification for the time when the first discrimination occurred:

1. During pregnancy (before leave): the claimant was discriminated against upon notifying the employer or respondent of her pregnancy, announcing the pregnancy or after disclosing she was pregnant, following the announcement of her pregnancy, during her pregnancy, while she was expecting, once her condition became known or visible. For example, "Pregnancy announcement - the claimant expressed disappointment over maternity pay arrangements.", "Pregnancy (the claimant was required to lift heavy boxes despite prior agreements about lifting restrictions)".
2. While on maternity leave: the claimant was discriminated against whilst on maternity leave, during her period of maternity leave, while absent on maternity, on leave after childbirth, during statutory maternity leave. For example: "The claimant was on leave when the redundancies began", "During the protected period (maternity leave): The respondent failed to notify the claimant of changes to her role and did not update her on workplace changes."
3. On return from leave or post maternity/ongoing effects: the claimant was discriminated against on her return to work, following her maternity leave, after resuming work, on resumption of duties, or shortly after returning to work following pregnancy. For example: "Return from maternity leave – the claimant's flexible working request to work from home three days a week was refused.", "Return from maternity leave - the claimant was treated poorly by being asked to leave the premises and the Police were called." The claimant may have been refused flexibility in their working arrangements, refused part-time arrangements, or be disadvantaged due to childcare responsibilities linked to maternity or parenthood, for example breastfeeding or post-natal appointments. For example: The claimant was no longer involved in larger bookings and client meetings (post-maternity leave)", "Post-maternity leave - the claimant was informed of the requirement to attend the office twice a week".
4. Not mentioned: the time when the first discrimination act happened was not mentioned on the case or the information is unclear.

Output Rules: the output should be concise and formatted as one of the categories mentioned above in the criteria.

Output Examples:

- during pregnancy (before leave)
- on return from leave/post maternity/ongoing effects

- not mentioned

## **Maternity status when dismissal happened**

Objective: extract information around the maternity stage or status of the claimant at the time of being dismissed from their role.

Criteria: this variable identifies the time point when dismissal occurred related to maternity or pregnancy. The variable will identify the timeline the alleged dismissal occurred and how tribunal documentation describes the timing and could include timepoints such as during pregnancy (before leave), while on maternity leave, on return from leave, post-maternity/continuing impacts on returning to work. The timeline classification for the time when the first discrimination occurred:

1. During pregnancy (before leave): the claimant was dismissed against upon notifying the employer or respondent of her pregnancy, after disclosing she was pregnant, following the announcement of her pregnancy, during her pregnancy, while she was expecting, one her condition became known or visible. For example, "Pregnancy - the claimant was dismissed due to morning sickness", "Pregnancy - the claimant was dismissed after announcing she was pregnant".
2. While on maternity leave: the claimant was dismissed against whilst on maternity leave, during her period of maternity leave, while absent on maternity, on leave after childbirth, during statutory maternity leave. For example: "The claimant was dismissed after taking maternity leave, which he alleges was the reason for her dismissal.", "The claimant was forced to accept a demotion or leave employment with a reduced redundancy payment."
3. On return from leave/post-maternity/ongoing effects: the claimant was dismissed on her return to work, following her maternity leave, after resuming work, on resumption of duties, or shortly after returning to work following pregnancy. For example: "Return from maternity leave - The claimant faced refusal of her flexible working request and removal of her previously agreed working pattern", "Return from maternity leave - The claimant's employment was eventually terminated." The claimant was dismissed following their return, they were denied their flexible working request; they were refused part-time arrangements after maternity leave or were disadvantaged due to childcare responsibilities linked to maternity, for example, breastfeeding or post-natal appointments. For example: "Post-maternity leave: Allegations of pressure to resign as a director and from employment."
4. Not mentioned: the time when the dismissal happened was not mentioned on the case or the information is unclear

Output Rules: the output should be concise and formatted as one of the categories mentioned above in the criteria.

Output Examples:

- during pregnancy (before leave)

- on return from leave/post maternity/ongoing effects
- not mentioned

## **Flexible working discrimination**

Objective: extract information around whether the claimant requested flexible working accommodations related to their pregnancy or maternity stage or status.

Criteria: this variable identifies whether the tribunal case related to any requests for flexible working practice from the claimant. The tribunal case may describe the availability or presence of flexible working accommodations or allowances in the workplace related to pregnancy or maternity, in particular, the claimant may have put forward a request for flexible working arrangements. This variable classifies any information related to these requests when the claimant is undertaking their job role or workplace tasks that were either accepted or rejected by the respondent or employer:

1. Yes: the claimant submitted a statutory flexible working request related to pregnancy or maternity, requested adjusted hours or shift patterns to accommodate pregnancy, requested a change in working pattern from full- to part-time, requested home working or a hybrid working pattern to accommodate pregnancy symptoms, or requested another form of flexibility for example to accommodate breastfeeding, antenatal, or healthcare appointment commitments related to pregnancy and these requests were rejected by the respondent/employer. We can find examples on the tribunal cases such as: "The claimant faced refusal of her flexible working request and removal of her previously agreed working pattern", "The claimant was not provided with agreed and documented flexible working hours."
2. No: the claimant submitted a statutory flexible working request related to pregnancy or maternity, requested adjusted hours or shift patterns to accommodate pregnancy, requested a change in working pattern from full- to part-time, requested home working or a hybrid working pattern to accommodate pregnancy symptoms, or requested another form of flexibility for example to accommodate breastfeeding, antenatal, or healthcare appointment commitments related to pregnancy and these requests were accepted by the respondent or employer. Examples of this category includes: "The employer behaved impeccably and was supportive of the claimant."
3. NR or NA: no requests for flexible working of any kind were made by the claimant, and no mention of flexible working was made by the respondent or employer in this tribunal case, or otherwise no mention of flexible working was found in the documentation.
4. Not mentioned: no requests for flexible working of any kind were made by the claimant, and no mention of flexible working was made by the respondent or employer in this tribunal case, or otherwise no mention of flexible working was found in the documentation.

Output Rules: The output should be concise and formatted as one of the categories mentioned above in the criteria.

Output Examples:

- yes
- no
- not mentioned

## **Safety measures in office**

Objective: extract information about whether safety measures were put into place in the workplace to accommodate pregnancy or maternity-related concerns or conditions for the claimant.

Criteria: this variable identifies whether safety measures were in place for staff experiencing pregnancy, or whether a formal risk assessment had taken place to identify potential risks to the claimant relating to their pregnancy. The tribunal case may describe the availability, or presence of safety measures in the workplace related to pregnancy or maternity. The claimant may have had a risk assessment carried out, with suggested actions or risks identified that needed to be carried out, or they may have identified risks independently that were raised as needing to be addressed. We classify any information related to the provision of safety measures of the claimant when undertaking their job role or workplace tasks:

1. Yes: the claimant requested safety measures or accommodations such as seating, suitable rest facilities, breastfeeding facilities, or a general risk assessment related to pregnancy or maternity, and these were provided. The employer may have undertaken an individual risk assessment, removed risks, reduced physical activities for the claimant, or assigned strenuous or stressful working duties to other staff. Examples of these cases can include: "The employer allowed the claimant to remain absent on paid permitted absence, accommodating her health issues.", "Meetings were rescheduled to accommodate the claimant's attendance."
2. No: the claimant requested safety measures or accommodations such as seating, suitable rest facilities, breastfeeding facilities, or a general risk assessment related to pregnancy or maternity, and these were rejected or not provided by the respondent/employer. The employer may have ignored requests for reduction of physical activities or strenuous working tasks. Examples of these cases include: "The claimant did not receive a designated workstation as recommended by Access to Work.", "The claimant's caseload was not adjusted to manage long distance traveling and long working hours.", "The claimant did not receive a risk assessment as part of her reasonable adjustments claim."
3. Not mentioned: no information is present, or the tribunal case is not relevant to safety measures.

Output Rules: the output should be concise and formatted as one of the categories mentioned above in the criteria.

Output Examples:

- yes
- no

- not mentioned

## **Employers' justification of discrimination**

Objective: extract all information around the justification given for discrimination from the perspective of the employer or respondent.

Criteria: this variable should identify the stated justification against the discriminatory claims given by the employer. Justification reasons against the claimed discrimination fall under the following categories:

1. Redundancy: the employer denies discrimination by reason of redundancy, were placed in a redundancy pool, their role was no longer required, business restructuring led to redundancy, they were surplus to staffing requirements. For example: "The respondent claimed that decisions were made about redundancies in loss-making teams", "The respondent reduced staff due to COVID-related losses, which is a legitimate business reason under UK labour law".
2. Misconduct: the employer denies any act discrimination since the claimant was warned for gross misconduct, allegations of misconduct, disciplinary proceedings led to dismissal, the claimant breached company policy, the claimant received multiple verbal/written/formal warnings. For example: "Employer sent a letter inviting Mrs. Idahosa to a disciplinary meeting", "The respondent conducted disciplinary hearing", "The respondent gave the claimant a verbal warning for lateness."
3. Performance/capability: the employer denies any act discrimination since the claimant was warned due to performance concerns, failure to meet targets, were found to be incapable of carrying out duties, for unsatisfactory performance, poor attendance, absence issues, failure to attend work, or prolonged absence, which can determine the claimant as inadequate for the role. For example: "The employer argued that the claimant would not have been fit to work", "The employer had concerns about the claimant's availability on shift", "The respondent stated that the claimant was warned due to poor attitude and performance."
4. Contract expiry or No contract obligations: the employer denies any act discrimination since the claimant was the claimant's contract or probatory period does not hold any maternity leave obligations. For example, "Claimant worked one to two days a week; respondent denied responsibility for statutory maternity pay", "The Agile Working Policy was non-contractual, and arrangements could be withdrawn or varied to meet business needs."
5. Denial of discrimination: the employer denies any act discrimination for any other reason not stated above and justifies adaptation to the claimant's new circumstances. For example, "The respondent facilitated attendance at fertility treatment appointment.", "The respondent sent a card and flowers to the claimant and his wife after the birth of their baby.", "The respondent maintained a good relationship with the claimant for 16 years, suggesting no prior discriminatory behaviour.", "The employer has a routine for handling pregnant employees, including risk assessments and training."

6. No justification: the employer did not present any justification for the unfair dismissal claim. For example, "The employer's behaviour was initially supportive but later inconsistent", "Employer made inappropriate comments about claimant's pregnancy."
7. NR or NA: no information is present

Output Rules: the output should be concise and formatted as one of the categories mentioned above in the criteria.

Output Examples:

- performance/capability
- denial of discrimination
- no justification

### **Employers' justification of dismissal**

Objective: extract all information around the reasons for dismissal from the perspective of the employer/respondent.

Criteria: this variable should identify the primary or main stated reason for dismissal given by the employer. The variable captures both the official reason recorded by the employer and the way the tribunal documentation describes it. Dismissal reasons may fall into broad categories:

1. Redundancy: the claimant was dismissed by reason of redundancy, were placed in a redundancy pool, their role was no longer required, business restructuring led to redundancy, they were surplus to staffing requirements. For example: "The respondent claimed that decisions were made about redundancies in loss-making teams", "The respondent reduced staff due to COVID-related losses, which is a legitimate business reason under UK labour law."
2. Misconduct: the claimant was dismissed for gross misconduct, allegations of misconduct, disciplinary proceedings led to dismissal, the claimant breached company policy, the claimant received multiple verbal/written/formal warnings. For example: "The respondent denied discrimination claims and justified dismissal for gross misconduct.", "Employer dismissed Mrs Idahosa for gross misconduct due to failure to follow care plans and safe transfer procedures."
3. Performance/capability: the claimant was dismissed due to performance concerns, failure to meet targets, were found to be incapable of carrying out duties, for unsatisfactory performance, poor attendance, absence issues, failure to attend work, or prolonged absence, which can determine the claimant as inadequate for the role. For example: "The employer argued that the claimant would not have been fit to work after her dismissal", "The employer had concerns about the claimant's availability on shift", "The respondent stated that the claimant was dismissed due to poor attitude and performance."
4. Business reorganisation/restructure/conditions: the claimant was dismissed due to a restructuring exercise, reorganisation of the business, their department closed, or

their services were outsourced, or the claimant did not accept the new working conditions or roles. Therefore, the dismissal decision was in the best interests of the business. For example: “The respondent denied any repudiatory breach of contract, asserting the claimant resigned to avoid a capability meeting.”, “The respondent revoked an agreement for part-time hours”, “The employer decided there was no contractual arrangement for the claimant to work from home.”

5. Contract expiry/No contract obligations: the claimant’s fixed-term contract or probatory period came to an end, their contract was not renewed at the end of its fixed-term, their contract expired, or the claimant was contracted as self-employed in which the employer does not hold any maternity leave obligations. For example, “The respondent claimed that carers were self-employed”, “The employer did not seek Civil Service Commission approval to extend the claimant's contract beyond two years.”, “The respondent notified end of probation period.”, “Classified the Claimant as an agency worker, denying her employee rights such as unfair dismissal and notice pay.”
6. Other substantial reason (OSR): the claimant was dismissed as there was a breakdown in relationship of trust and confidence between the claimant and respondent, due to third party pressures, business needs, or contractual changes were refused by the claimant. For example, “The dismissal was in breach of contract, indicating a failure to adhere to contractual obligations.”
7. No justification: the employer did not present any justification for the unfair dismissal claim.
8. NR or NA: no information is present.

Output Rules: the output should be concise and formatted as one of the categories mentioned above in the criteria.

Output Examples:

- business reorganisation/restructure/conditions
- other substantial reason (ORS)
- misconduct
- not mentioned

## **Result of unfair dismissal**

Objective: extract information around the results of any claims put forward from the claimant around experiencing unfair dismissal from their role.

Criteria: This variable identifies what the outcome(s) of any claims related to unfair dismissal were. The tribunal may describe the outcomes of different claims put forward by the claimant and may include themes related to unfair dismissal. We classify in the following ways based on the outcomes in the Employment Tribunal documents:

1. Decision in favour: decisions in favour are those cases where the original decision is revised in favour of the claimant. For example: “Constructive unfair dismissal. Well

founded. The Claimant's resignation was due to perceived unfair treatment during pregnancy.”, “Unfair dismissal due to pregnancy. Well founded. The claimant was unfairly dismissed because of her pregnancy.”

2. Decision upheld: decision made by the First Tier Agency and withheld by the Tribunal. Decisions Upheld are those cases where the original decision by the First-tier agency is upheld. This type of decisions may refer to a decision in favour of the claimant. For example: “Automatic unfair dismissal. Upheld. The First Respondent automatically unfairly dismissed the Claimant for a reason related to her maternity.”
3. Case dismissed: this category refers to those complaints dismissed by an Employment Judge after initial consideration of claim and response. An Employment Judge can dismiss a claim, or any part of a claim, if she or he considers that it has no reasonable prospect of success, or that the tribunal has no jurisdiction to hear the claim (or part thereof). In other words, the hearing was dismissed for any other valid reason. For example: “Unfair dismissal. Case dismissed. Reason: The Tribunal found that the dismissal was fair.”
4. Case dismissed upon withdrawal: this category includes all those cases where the claimant withdrew their case, and therefore, hearing was dismissed. For example, “Overall case conclusion: Claim struck out due to lack of active pursuit.”
5. Case discontinued: the case was discontinued from proceeding by the claimant, or the tribunal proceeding since a party has not satisfied requirements in respect of paying a tribunal fee or demonstrating a case for remission.
6. Settlement: this category includes financial settlements or agreements reached between the claimant and respondent organisation or individual and the case was settled outside of the tribunal hearing.
7. Other: this category includes all the tribunal resolutions in which the case is dismissed from other reasons not stated above such as being not part of the tribunal jurisdiction. For example, “Unfair dismissal. Case dismissed. Reason: lack of jurisdiction due to time limits not being met.”
8. Not mentioned: there is no mention of result for the “unfair dismissal.”

Output Rules: the output should be concise and formatted as one of the categories mentioned above in the criteria.

Output Examples:

- decision upheld
- dismissed
- withdrawn

## **Result of maternity/sexual discrimination**

Objective: extract information around the results of any claims put forward from the claimant around experiencing maternity or sexual discrimination.

Criteria: this variable identifies what the outcome(s) of any claims related to maternity or sexual discrimination were. The tribunal case may describe the outcomes of different claims put forward by the claimant and may include themes related to maternity or sexual discrimination. We classify in the following ways based on the outcomes in the Employment Tribunal documents:

1. Decision in favour: decisions in favour are those cases where the original decision is revised in favour of the claimant. For example: "Pregnancy discrimination claim: Succeeded", "Pregnancy discrimination: Well founded. The respondent discriminated against the claimant because of her pregnancy, specifically in failing to conduct a risk assessment and in terminating her engagement."
2. Decision upheld: decision made by the First Tier Agency and withheld by the Tribunal. Decisions Upheld are those cases where the original decision by the First-tier agency is upheld. This type of decisions may refer to a decision in favour of the claimant. For example: "Maternity discrimination. Upheld. The First Respondent discriminated against the Claimant on grounds of maternity, contrary to Sections 18 and 39 of the Equality Act 2010."
3. Dismissed: this category refers to those complaints dismissed by an Employment Judge after initial consideration of claim and response. An Employment Judge can dismiss a claim, or any part of a claim, if s/he considers that it has no reasonable prospect of success, or that the tribunal has no jurisdiction to hear the claim (or part thereof). In other words, the hearing was dismissed for any other valid reason. For example: "Pregnancy detriment and discrimination (issue f). Case dismissed. The tribunal did not find that being refused entry into the office was a detriment or unfavourable treatment related to pregnancy."
4. Dismissed upon withdrawal: this category includes all those cases where the claimant withdrew their case, and therefore, hearing was dismissed. For example, "Overall case conclusion: Claim struck out due to lack of active pursuit."
5. Case discontinued: the case was discontinued from proceeding by the claimant, or the tribunal proceeding since a party has not satisfied requirements in respect of paying a tribunal fee or demonstrating a case for remission.
6. Settlement: this category includes financial settlements or agreements reached between the claimant and respondent organisation or individual and the case was settled outside of the tribunal hearing.
7. Withdrawal: the claimant withdrew their own case or was deemed to have done so in the tribunal hearing or before the tribunal hearing.
8. Dismissed from other reason: this category includes all the tribunal resolutions in which the case is dismissed from other reasons not stated above such as being not part of the tribunal jurisdiction. For example, "Breach of contract. Case dismissed. Reason: lack of jurisdiction due to time limits not being met.", "Employment status. Case dismissed. Reason: The claimant was not considered an employee, worker, or contract worker under relevant laws. Lack of jurisdiction."
9. Not mentioned: there is no mention of result for the "unfair dismissal".

Output Rules: The output should be concise and formatted as one of the categories mentioned above in the criteria.

Output Examples:

- decision upheld
- dismissed
- withdrawn

## **Analysis and reporting**

The data extracted for cases from 2017, 2024 and 2025 were tabulated into descriptive frequency for each response category for each variable. However, given the small sample size in 2024 (49 cases) and 2025 (53 cases), these are combined to have a similar baseline sample as the 99 cases from 2017. However, it is not possible to draw statistical inferences from these tabulations owing to the lack of randomisation and an adequately representative sample. Hence, no frequencies are reported, but only the themes arising from the extracted codes for all variables are included in the analysis and reporting.

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### **Published by Department for Business, Innovation, Science and Trade**

October 2026