INEQUALITIES IN ACCESS TO PAID MATERNITY & PATERNITY LEAVE & FLEXIBLE WORK

EXECUTIVE SUMMARY

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Executive summary and policy recommendations

Policies to support working parents have developed slowly in Britain. The current provision of statutory Maternity Leave, Parental Leave, Paternity Leave, Shared Parental Leave and the Right to Request Flexible Working is complex in terms of eligibility conditions (see Appendix Boxes 1 and 2). However, despite their lack of generosity in duration and income replacement, particularly for fathers, these work-life balance measures have proved popular.

Recently concerns have increased about the reach of statutory work-life balance support to those who need it especially at key times in life such as the birth of a child and for those in low-income jobs (McKay, et al, 2016; TUC, 2017). These concerns have intensified with rising insecure employment contracts and practices creating precarious working conditions including zero-hours contracts, the so-called “gig economy” (e.g. The Taylor Review of Modern Working Practices, 2017). Similarly, the growth in self-employment, accounting for 15 per cent of the British workforce (ONS, 2017) signals further reshaping of the economy, labour market and family life. In the UK, where eligibility for work-life balance support is dependent on strict conditionalities based on outdated definitions of work and employment (The Work and Pensions and Business, Energy and Industrial Strategy Committees, 2017) it is likely that there will be growing inequalities and divisions between workers with and without access to the benefits of paid leave and flexible working.

This briefing focuses on Britain. It examines the eligibility of those in employment to take advantage of family-friendly statutory support. This analysis of inequalities in individual access to paid maternity and paternity leave and flexible work arrangements uses nationally representative data from the UK Labour Force Survey LFS (January-March 2017) and Understanding Society USoc, the UK’s household longitudinal study (Wave 6, 2015).1

Who has poor access to paid family-friendly statutory support?

Who appears to be denied paid family-friendly statutory support? Who is at a disadvantage? How can policy be adapted to support a wider range of parents & parents/carers-to-be and include recognition of new forms of employment?

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1 Both sources of data were made available through the UK Data Archive (http://www.data-archive.ac.uk)
Paid paternity and maternity leave

LFS estimates of potential parents-to-be, 26,634 individuals who are employed and aged 20-49 years, the peak fertility and employment period show that:

- **24%** of men are not eligible for paid paternity leave
  - 16% because they are self-employed
  - 8% because they have not worked for their employer long enough

- **26%** of women are not eligible for paid maternity leave
  - 9% because they are self-employed
  - 10% because they have not worked for their employer long enough
  - 7% because they are not paid enough

- **12%** of women would be ineligible for both paid maternity leave and maternity allowance payment because they have not worked in their current job for more than 26 weeks.
• New fathers, or potential fathers/carers-to-be, wishing to take paternity leave and who do not meet statutory paternity pay employment conditions have no access to a paternity allowance as the provision does not exist in British employment law.

Flexible work arrangements in the workplace

Reported access to flexible arrangements in the workplace is investigated through USoc for employed parents with a dependent child aged under 16 or aged 16-18 and in education (N=8,176).

When presented with 8 flexible working arrangements (flexi-time, part-time working, working a compressed week, to work from home on a regular basis, working term-time only, job sharing, to work annualised hours, other flexible working arrangements, or “none of these”) and asked if you personally needed any, which of the arrangements are available at your workplace?

Fathers are much more likely than mothers to report they have access to “none of these”. Poor access to family-friendly flexible work arrangements is more common for male-dominated sectors.

30% of employed fathers, and

10% of employed mothers
don’t have access to flexible working
Priority areas for policy and practice

1. Greater clarity about statutory definitions of employment status in recognition of new forms of employment

Employment rights and entitlements are linked to employment status. Only individuals who are classified as “employees” have access to the full complement of statutory family-friendly employment rights although statutory maternity and paternity pay may be possible in some circumstances for those classified as “workers”.

Self-employed people, those who run their own businesses, have very few statutory employment rights, although self-employed mothers do have access to the maternity allowance benefit, some protection for health and safety purposes, and some protection against discrimination.

Individuals working in non-standard employment conditions in the new economy (e.g. across intermediary digital platforms, gig workers) can be classified as “workers”, “self-employed” or other categories with consequential employment status uncertainty.

In order to improve access to family-friendly employment rights and entitlements there should be legislation to clarify statutory definitions of and protections linked to employment status. In particular greater clarity is needed about the national insurance and tax contributions the self-employed and “worker” status individuals need to make in order to secure access to paid family-friendly statutory support.

Enhanced and proactive public awareness of any new clarification should take place so that citizens can plan for a sustainable and affordable work-family balance over their life course.
2. **A flexible 26 week qualifying period**

In recognition of new forms of discontinuous employment, more flexibility about the timing of the 26 week qualifying period is required to extend the reach of family-friendly support.

Consideration should be given of a flexible 26 week employment-qualifying period which can be discontinuous and can occur over a longer period before the baby is due. One example is over 66 weeks (15 months) in line with the current design of maternity allowance.

3. **Paternity allowance**

A majority of men ineligible for statutory paternity pay are self-employed. Unlike self-employed mothers, self-employed fathers have no alternative allowance. Men who have not worked with their employer for the 26 week qualifying period are in the same situation.

In order to reduce gender inequalities between men and women at this time consideration should be given to an allowance to men who do not meet statutory paternity pay employment conditions - a form of paternity allowance.

4. **Supporting cultural change in male dominated work-places**

Almost one-third of fathers report not having access to flexible working arrangements in their workplace. This perception varies by industry and is as high as 37% in male dominated industries, 27% in industries where the gender composition is equal and 17% in female dominated industries.

Employers should review practices, particularly in male dominated and mixed workplaces, where local norms (peer and employer) may not be supporting access to visible family-friendly arrangements. Mentoring, training and awareness raising to support organisational change, for instance as part of future gender pay gap audits are recommended.

5. **Government commitment to timely data collection of statutory leave and flexible work arrangements and usage**

The UK Government does not routinely collect data about access to and take-up of leaves and flexible work.

The most recent publically available nationally representative survey was conducted nearly 10 years ago: the *Maternity and Paternity Rights and Women Returners Survey 2009/10* (Chanfreau et al, 2011). This joint survey for the Department for Work and Pensions with the Department for Business, Innovation and Skills provided a detailed, statistically representative profile of maternity and paternity leave and pay and maternity allowance.

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