

Action Plan to Support Small Businesses to Manage Maternity Fairly and Productively

- Each year 23,000 women in the North West experience disadvantage at work due to discrimination during pregnancy or the maternity period and 3,400 lose their jobs.
- Some forms of pregnancy discrimination are particularly common in small firms.
- The Equal Opportunities Commission (EOC)¹ conducted a major review of pregnancy discrimination. It revealed that small employers require more support to manage maternity productively and fairly. This is the only one of three key recommendations not yet taken forward in policy.
- The Managing Maternity Project has audited the support available to help small firms in the NW manage maternity and consulted a range of stakeholders on how to improve these services. The result is the ten key recommendations in this Action Plan to Support Small Businesses to Manage Maternity Fairly and Productively.

We are now consulting on the content of the Action Plan and asking partners to help us identify ways of making our Action Plan a reality – in the North West and nationally.

¹ The EOC has recently been absorbed into the Equality and Human Rights Commission.

Action Plan to Support Small Businesses to Manage Maternity Fairly and Productively

Our ten key action points

- 1. Concentrate resources on one integrated package of support**
- 2. Create a permanent and live service**
- 3. Future proof by incorporating paternity benefits and baby leave**
- 4. Utilise an existing innovation as the foundation of the new service**
- 5. Integrate advice about managing flexible working into the Toolkit**
- 6. Offer support through a mixture of media**
- 7. Develop the intervention to be an in-time process**
- 8. Extend the toolkit to support productivity in the small firm**
- 9. Develop excellent channels for promoting the service**
- 10. Use the expertise gained through this review and the integrated service to inform future reviews of maternity and paternity legislation**

1. Concentrate resources on one integrated package of support

There is currently a confusing duplication of partial advice services to small firms supplied by a variety of agencies. We recommend that resources are concentrated on developing a central, integrated package of support located within Business Link/ACAS.

- Satisfying the objective of Business Simplification.
- Utilise allied support providers as signposters to the central service.
- As far as possible make this a fully integrated package – however, there may be scope to provide a limited number of live links to specialist advice hosted by other agencies.

2. Create a permanent and live service

Fund the programme as a *permanent* and *live* service.

- Regularly update the system in relation to evolving maternity regulations and evolving best practice for managing maternity.
- Monitor and evaluate the various elements.
 - Draw wider lessons about the effectiveness of different styles of intervention and media in helping small firms to learn about and absorb regulation.

3. Future Proof by incorporating paternity benefits and baby leave

Extend the package to include the management of paternity benefits and ‘baby leave’.

- Forthcoming legislation will include a provision for fathers to share part of the maternity leave entitlement – so, creating ‘baby leave’. As maternity and paternity benefits are becoming intertwined, forming a single system to support management will future-proof provision.

4. Utilise an existing innovation as the foundation of the new service

Employ the Equal Opportunity Commission’s Pregnancy Toolkit – the most comprehensive service currently available - as the foundation of the new package.²

- Transfer the intellectual property of the EOC Toolkit to Business Link/ACAS, to be developed as the foundation of the new service.

5. Integrate advice about managing flexible working into the toolkit

As mothers of young children have rights to flexible working, and many prefer to return to work part-time, this intervention should include – or be directly linked to - advice about negotiating and managing flexible working arrangements.

6. Offer support through a mixture of media

The intervention should include a variety of media formats, in order to serve firms with different access to/competence in ICT, various learning styles and to include the chance of face-to-face support. Offerings should include:

- An interactive toolkit made available online and on DVD/CD.
- A paper-based version of the toolkit.
- A face-to-face intervention, linked to the central toolkit.
 - Innovative idea: this could be delivered by external consultants through a voucher scheme, thus complementing Business Link’s brokerage system, limiting administrative costs and developing a relationship between an employment consultant and the small firm. Consultants may even agree to match-fund this service because it provides them with a new client. (A voucher

² This is not a live project and its future is uncertain due to the EOC being merged with the other equality commissions. To access the toolkit: see <http://83.137.212.42/sitearchive/eoc/Default1dd.html>

scheme is being used to supply start-up support in Business Link in the East of England).

- We recommend a two-visit intervention (during pregnancy and during maternity leave) followed by evaluation to assess whether this could be reduced to a one-visit intervention.
- Avoid media that require a high degree of owner-manager pro-activity (e.g. seminars) and re-direct current investment in these interventions.
 - If seminars are retained by some partners (e.g. HMRC) they should complement the format of the toolkit.

7. Develop the intervention to be an in-time process

The value of an in-time system (operating via email, telephone and post) is that it will prompt the employer to take actions at appropriate points in the maternity process, rather than expecting them to absorb advice about managing the entire process at one point in time. This can be structured by asking for the woman's due date.

8. Extend the toolkit to support productivity in the small firm

Current support packages focus on informing small employers about their obligations to the pregnant employee. In order to motivate them to comply – and to protect them from the shock and costs that pregnancy and maternity can pose – there is an urgent need to offer advice about how to minimise the cost to productivity and to reap any potential productivity benefits. Consequently, we recommend that a stream of support that will help small firms to manage maternity productively is integrated into the new service. Areas to cover include:

a. General advice

- Evidence about the business returns on supporting the pregnant worker fairly and productively (e.g. gaining her support in finding ways to minimise costs to productivity, utilising the leave period to develop other staff and increasing the chance of retaining skills through a successful return to work).
- Promotion of the value and acceptability of setting up regular communication with the pregnant worker to talk about (i) the woman's emerging plans concerning the start of maternity leave and return to work (ii) strategies for managing the challenges posed by the pregnancy and maternity leave (iii) plans for maintaining communication during the leave period that feel comfortable to both parties and (iv) ways of ensuring a successful return to work (where the woman plans to return).
- Include case studies of effective methods of minimising the cost to productivity, including a range of sectors and micro firms in which the costs may be harder to absorb across the business.

b. Practical ideas

The content of this offering should be developed through further research with small firms and in relation to best practice in business strategy related to allied issues such as managing absences and delegation. Current ideas include:

Planning for contingencies and the leave period

Research and our consultation show that a primary concern for the small employer is the challenge of managing the maternity leave period. Following on from the EOC's recommendations, we suggest a number of ways through which this problem can be addressed through forward planning by the employer and the pregnant worker.

- A template to support the manager and worker in producing an audit of the woman's role.

- A matrix to analyse options for handling each aspect of the woman's role during pregnancy (where necessary) and maternity leave (e.g. by suspending, delegating, outsourcing or hiring a replacement to perform the work).
- Ideas for creative methods of effectively delegating work, such as inviting a more junior member of staff to shadow the woman's work and develop their skills to take on these tasks – thereby, raising the skills base of the firm.
- Ideas and advice on how to identify and hire freelance or temporary staff to outsource or replace the woman's work.
 - Innovative possibility: offering small firms the chance of a work placement through a local employability programme (for graduates or others).
- Advice on developing a contingency plan in case of a period of pregnancy-related illness or starting maternity leave earlier than planned due to illness or early childbirth.
- A template to support the woman in developing a 'handover pack' and schedule of work for her replacement.

Developing additional maternity benefits to retain staff

Some employers may wish to learn about the prevalence and content of the additional maternity benefits provided by larger firms and their competitors.

- Provide research evidence about the additional maternity pay, additional maternity leave and other benefits (such as 'bump clubs' and phased returns) offered in each industry, by company size where possible (this may require original research).

Managing the employee during maternity leave

Effective management during maternity leave may elicit the woman's willingness to utilise Keeping-In-Touch (KIT) days³ and her successful return to work.

- Advice on means of establishing the employee's willingness and preferences in terms of maintaining occasional communication during their leave period and employing KIT days.
- Advice on ensuring maximum productive benefit from this communication, while also being sensitive to the employee's needs, thereby not disrupting a successful return to work.
- Advice on appropriate communication with the woman about: when she will return to work (including her obligation to give due notice); her requirement for flexible work (and her obligation to make a formal request for this), and; her preference for a phased return.

Managing staff providing cover

- Advice on managing the temporary workers' career development, in the context of clear communication of the woman's right to return to her original/equivalent role.
- Ideas about utilising the temporary worker long-term – e.g. to grow the business.
- Information about the employment rights of temporary, agency and freelance workers and means of protecting the firm from accruing additional obligations where desired (e.g. by hiring replacement staff for less than a year).

³ Keeping-in-touch days (KIT) were introduced through recent legislation and allow up to 10 days of work during maternity leave.

Managing the return to work

Research shows that employers are more likely to retain staff after maternity leave if the return to work is well organised and supported.

- Provide case studies to help the employer understand the considerable challenge posed by the return to work for the employee in terms of arranging childcare, settling the child into their new care routine and sustaining breastfeeding (where applicable).
- Provision of a structure to create a comfortable re-induction of staff to aid retention. Current ideas include:
 - Clear communication with a manager about any changes to the business, the employee's role and the current work schedule.
 - Where possible, a chance to receive a structured handover from colleagues to whom work was delegated, or from freelance or temporary staff who replaced aspects of the role.
 - An opportunity to meet with various people in the business about changes that have occurred during leave.
 - Regular communication with a manager to review the re-induction process and any further requests that emerge regarding flexible working.

9. Develop excellent channels for promoting the service

Alert small employers about the new service by:

- Negotiating with the NHS to attach or integrate information about the service into the Mat B1 form that employees are legally obliged to supply to their employers to inform them about their pregnancy (this goes further than the current initiative of providing pregnant employees with a list of their employment rights).
- Working with partnering agencies to ensure that, rather than duplicating this service, a consistent link is made to the integrated service from their websites (see appendix for a list of possible link sites).
 - If these consistent links are made, search engines will recognise the resource as significant and, so, it will become easier for the small employer to find it when they use search terms such as 'maternity'.
 - Consistent links to the service will also eliminate confusion, by making it clear to employers that this is the source on which they should rely.
- Raising awareness of the service among advisers to small firms, including:
 - Business Link advisers (ideally, provide specific training to advisers and incorporate awareness into accreditation systems).
 - Business advisers in other types of agencies (e.g. Enterprise Agencies)
 - Business advice professionals (Accountants and Solicitors).
 - Business membership organisations (e.g. Federation of Small Businesses).
- Making employees aware of the service through: information provided on their copy of the Mat B1 form; providers of maternity rights information (including Midwives and Health Visitors), and; signposting to the service from the multiple information sources about maternity rights available to women.
- Spreading the word about the service in the business and general press through PR activities and advertising.

10. Use the expertise gained through this review and the integrated service to Inform future reviews of maternity and paternity legislation

Following our review, we recommend that the following issues are addressed:

- Business Link/ACAS is given a statutory obligation to provide a comprehensive package of support to help small firms manage maternity productively and fairly and to record data about enquiries and service delivery.
- Further consideration is given to providing micro small firms with increased financial compensation for managing the maternity process (as recommended in the EOC review of pregnancy discrimination).
- The special provision for additional Statutory Maternity Pay (SMP) compensation and upfront payment of SMP is made available to a wider range of small firms, to aid the reported cash flow problems caused in administering SMP.
- Provide more specific guidance on the management of KIT days, particularly in relation to payment and the impact that payment would have on SMP and Maternity Allowance entitlements.

The Managing Maternity Project is funded by the European Social Fund and Metropolitan University Business School (MMUBS). It is supported by a multi-agency partnership. The project leader is Dr Julia Rouse, Senior Research Fellow in the Centre for Enterprise, MMUBS. Dr Debbie Ellen and Natalie Sappleton are the project's Research Fellows. Alison Brooker is the Project Manager. Your comments on the Action Plan are welcome. Please contact Julia on j.rouse@mmu.ac.uk or telephone her on 0161 247 6010.

Action Plan Appendix

Suggested link sites⁴ to ensure small firms find the toolkit using a standard search engine

(see action point 9 on the Action Plan).

Government departments/sites

BERR – the Department for Business, Enterprise and Regulatory Reform
<http://www.berr.gov.uk/employment/workandfamilies/index.html>

Direct Gov: www.direct.gov.uk/

Her Majesty's Revenue and Customs (HMRC): <http://www.hmrc.gov.uk/>

Media web sites

Business HR: www.businesshr.net

Business High Street: www.businesshighstreet.com/

Fresh Business Thinking: www.freshbusinessstinking.com

Payroll Personnel shop: www.paypershop.com/

Personnel Today: www.personneltoday.com

Sage in:touch: www.sageintouch.co.uk/

Networks

Equality and Diversity Forum www.edf.org.uk/

Women's Budget Group: www.wbg.org.uk/

Private sector

Babyworld: www.babyworld.co.uk

British Chambers of Commerce: www.chamberonline.co.uk

British Retail Consortium: <http://www.rec.uk.com/home>

Confederation of British Industry (CBI): www.cbi.org.uk

Charlie's Little Angels: <http://www.charlieslittleangels.co.uk/workplace/index.htm>

CIPD: www.cipd.co.uk

Federation of Small Businesses: www.fsb.org.uk

Forum of Private Businesses: www.fpb.org/

⁴ This list does not aim to be comprehensive. We welcome your suggestions of other sites.

Action Plan Appendix

Institute of Directors: www.iod.com

Managing Maternity Ltd: www.managingmaternity.co.uk

Netmums: www.netmums.com/h/f/HOME/home/

Prowess: www.prowess.org.uk

Recruitment and Employment: <http://www.rec.uk.com/home>

Public Sector

ACAS: <http://www.acas.org.uk/>

Business Link: <http://www.businesslink.gov.uk/>

Equality and Human Rights Commission: www.equalityhumanrights.com/

Health & Safety Executive: www.hse.gov.uk/

Workplace health connect: www.workplacehealthconnect.co.uk/index.htm

Trade Unions: via TUC www.tuc.org.uk

Voluntary Sector

Fathers Direct: www.fathersdirect.com/index.php

Tommy's (the baby charity) www.tommys.org

Working Families: <http://www.workingfamilies.org.uk>

Other suggestions: please email d.ellen@mmu.ac.uk with your ideas.