



Delivering for Pregnant Women

A report by Usdaw into the experience
of pregnant women working in retail



Introduction



John Hannett
Usdaw General Secretary

This is a report of a survey of women's experiences of pregnancy at work in the retail sector.

The retail sector is the second largest employer of women in the UK. Two thirds of retail staff are women. What happens to pregnant women in the retail sector is therefore important. If we don't get it right in the retail sector then we haven't got it right for women.

Usdaw's survey was initiated to support the ongoing Equal Opportunities Commission's inquiry into pregnancy discrimination at work 'Pregnant and Productive'. With nearly 200,000 women members Usdaw has an important contribution to make to this investigation.

Over 1,200 women took part in our survey. Many of them felt supported and valued by their employer during their pregnancy. However many more women describe a total lack of support and discrimination by employers.

We would like to say a big thank you to the women who took part in the survey, to the reps and members who helped distribute it and to the employers who kindly helped distribute the survey to women on maternity leave.



Summary of Main Findings

- Almost a quarter of women (22.8%) are not getting paid time off to attend ante-natal care.
- At least one in ten women (12.7%) are losing earnings by being asked to make up time spent attending ante-natal classes.
- Seven out of ten women (71.09%) either didn't get or didn't know whether they'd had a risk assessment.
- 40% of women told us that their employer either did nothing or made an unhelpful suggestion, when they brought to their employer's attention the fact that they were experiencing difficulties with certain aspects of their job because of pregnancy.
- 62% of women (almost two-thirds) reported a negative change in their employer's attitude towards them during pregnancy.



Breaking the news

We asked women if they felt confident about letting their pregnancy be known at work. The majority did, with less than a fifth expressing any reservations.

Of the women who expressed reservations, the vast majority (eight out of ten) were worried about how their employer would respond.

“People consider you not to be up to your job.”

“I had only been in the job two weeks when I found out I was pregnant and thought they would say I had got the job under false pretences.”

“I was not sure whether my contract would be renewed.”

Nearly one in five women felt that pregnancy had damaged or would damage their promotion prospects.

“There was the possibility of being either overlooked for promotion and a good pay rise (it was about the time of year these things are planned).”

“I was told that career discussions were not important “as I was pregnant”. I am shocked at how differently I’ve been treated since I got pregnant.”

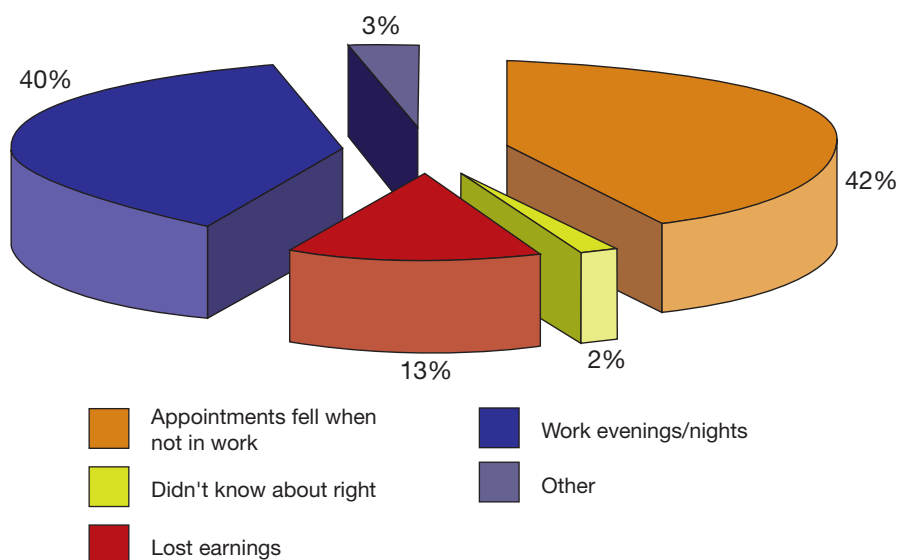
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Ante-natal care

Reasons for not receiving paid time off to attend ante-natal care



Women have a right to paid time off to attend ante-natal care. Employers should not ask women to make the time up or to change their normal working hours so that appointments fall out of work. To do so is unlawful and yet our survey found clear evidence of both practices.

Almost a quarter of respondents (22.8%) did not get paid time off for ante-natal appointments. More than one in ten (12.7%) women were told to work the time back.

“I was asked by managers to make the time back. I ended up not getting paid as I couldn’t work the time back due to my young son.”

“They asked me to make time up when I was late a couple of times as I had fainted because of my pregnancy.”

A critical factor in whether or not women got paid time off appears to be the attitude or knowledge of their line manager.

“My manager at the time didn’t think I was allowed. He hadn’t been trained. I think he thought I was skiving instead of going to see the midwife.”

“I was told that I had to make up time. When I found out that I didn’t have to by phoning the union, I went to see my personnel manager and she still tried to tell me that I had to make up the time but when I wouldn’t back down she said, ‘Well shall I go and get myself pregnant so I can get time off work’.”

“One section manager told me to come in an hour early to make up the time I’d be gone. I then spoke to someone else who told me I didn’t have to.”



Of women who didn't get paid time off for their ante-natal appointments, the overwhelming majority (82.3 %) said this was because the appointments fell when they were not in work. What this statistic doesn't reveal is whether women were being put under pressure to arrange ante-natal appointments outside of their normal working hours. Anecdotal evidence from Usdaw reps and officers suggests this does go on. This impression is confirmed by the comments many women made.

"They tried to swap my shift to another day so I had to work it."

"I pointed out that I was entitled to be paid for them (ante-natal appointments) but there was so much hassle made I got my appointments when not at work."

"They didn't make it easy. I had to do part of the shift, leave at the last minute and then return and make the time up."

"They asked me to swap my days off so I could go in my own time."

"They didn't make it easy. I had to do part of the shift, leave at the last minute and then return and make the time up."

"They asked me to make time up when I was late a couple of times as I had fainted because of my pregnancy."



Night working

More than a third of women (40%) told us that the reason they didn't get paid time off for ante-natal appointments was because they worked in the evening and/or at night.

Night and evening work can be difficult for pregnant women. It increases the risk of fatigue and exhaustion which can pose a risk to the mother, especially in late pregnancy¹. The risks associated with night work may be even greater if women are getting inadequate rest during the day because they are travelling to and from ante-natal appointments. With nearly half of all respondents involved in night or evening work, employers need to be addressing the particular needs of this group of workers. Yet there was a worrying lack of good practice in this area.

"I work 6pm to 12 midnight. In the early weeks my tiredness was very bad at night and so therefore I found it difficult to keep awake."

"I went to ante-natal classes during my sleep time."

"I work from 7pm to 12 midnight. I always had a late appointment at the hospital which was a good half hour away. The clinic often ran late and I had to sit in traffic but I was told to make the time up if I was late."

"As I work a nightshift I asked if I could go home a little earlier as my appointment was early the next day and I needed a few hours sleep. I was asked to start my shift a few hours early to make up the time...I stayed on nightshift until I was seven months pregnant..."

"I work 6pm to 12 midnight. In the early weeks my tiredness was very bad at night and so therefore I found it difficult to keep awake."

"I went to ante-natal classes during my sleep time."

¹Jane Paul: Healthy beginnings



Health and safety

Awareness of rights

We asked women if they knew about their right to a risk assessment (see Appendix B for an explanation of risk assessments). Of the women we asked, just over half (54%) knew about this right. There is a clear role here for unions, midwives, GPs and others to help raise awareness amongst pregnant women of this fundamental right.

Access to rights

We asked women if they'd had a risk assessment. Seven out of ten (71.09%) of women asked either didn't get a risk assessment or didn't know whether or not they'd had one. This is an alarming statistic. Employers are under a legal obligation to conduct an individual risk assessment for pregnant women. Women in retail are doing physically demanding jobs which require heavy lifting, stretching and standing/sitting for long periods. Failure to properly risk assess their work may put the health of the mother and/or her child at risk.

Many store managers appear not to know what a risk assessment is. One union rep asked her store manager whether or not she had conducted a risk assessment for a pregnant colleague. She was told – *“Yes, I asked her whether she was OK and she said yes.”*

Experiences like this are not exceptional. This is confirmed by the comments made by many respondents and the high volume of calls to Usdaw from members on this issue.

“I was lifting trays of meat, blocks of cheeses (20kgs in a box), boxes of fish. Having to lean into deli counters. Being left to work nine hours without a break. Going home at 9pm and starting work at 7am the next day. I had no risk assessment. My manager never asked me how I was coping...I had to leave nine weeks before I had planned. I collapsed at work and was admitted to hospital twice until my baby was born...she was very small and underweight they think due to the conditions I worked under.”

“They expected me to continue to lift, stretch, be constantly on my feet, work till 10pm and then start again at 7am the following day – right up to my 37th week of pregnancy.”

“I was still lifting, bending and having to pull cages towards the end of my pregnancy. This resulted in me having to go off sick and having my baby three weeks early.”

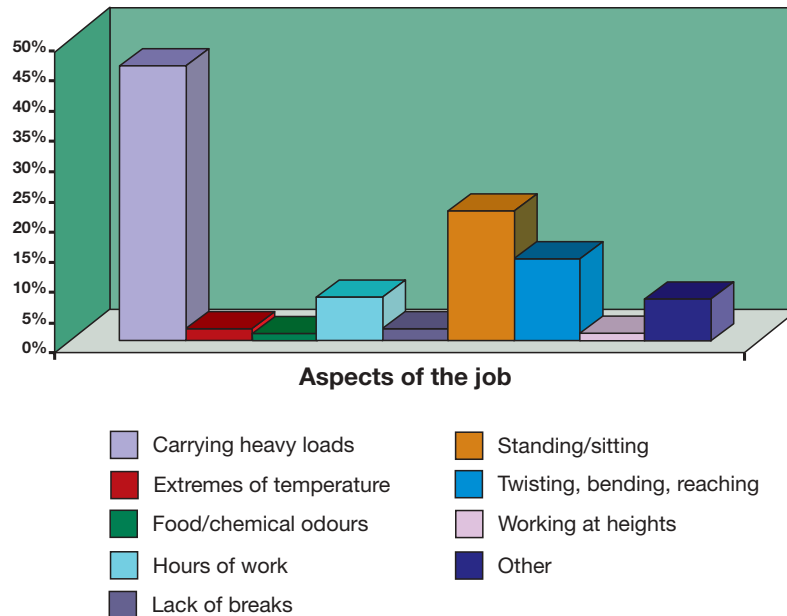
“I didn't receive a risk assessment nor were my work duties lightened. When I was seven and a half weeks pregnant I started to bleed – I was not offered any transport home and I had to walk. Two weeks later I lost my baby and I was off work for four days. After my initial contact no-one contacted me to ask me how I was feeling.”

“I was still lifting, bending and having to pull cages towards the end of my pregnancy. This resulted in me having to go off sick and having my baby three weeks early.”



Demands of the job

What women found difficult



Given that many jobs in supermarkets and small stores are physically demanding, it is not surprising that over half (57%) of all respondents said they found certain aspects of their job difficult when pregnant.

The most common of these are:

- Lifting, carrying and manoeuvring heavy loads – **45.3%**
- Standing and sitting for long periods – **21.3%**
- Twisting/bending/reaching – **12.4%**
- Hours of work – **7%**

We asked women what their employer did to help and received a very mixed response.



Positive action

There was clear evidence from the survey of employers working closely with women to adjust aspects of their work. This is really encouraging.

Just over a fifth (21.1%) of women said that their employer arranged alternative work. Another 14.6 % of women identified other helpful changes made by their employer such as:

- Re-arranging working hours.
- Giving greater flexibility about when breaks could be taken.
- Offering use of rest facilities.
- Allocating tasks to others.

This kind of positive action often costs very little and yet significantly improves the experience of pregnant women. It saves the employer money as women can work longer, are less likely to need to take time off sick and are more likely to want to return to work after the birth of their baby.

“As far as health and safety were concerned the company and employers were excellent. I was given extra breaks during the Christmas period as it was so busy.”

“I have been treated very fairly throughout both my pregnancies at work. Because of this I worked up until I was seven months pregnant and didn’t need to take any time off work, which meant my maternity leave didn’t start early.”

“My employers were very accommodating during my pregnancy. I found them to be very helpful and considerate during the hot summer months when I was heavily pregnant. I was given water when I needed it, allowed to use the bathroom at anytime and if I needed to leave my checkout to walk around, that was allowed. They did everything possible to make my pregnancy at work as comfortable as possible.”

“My baby was still born at 25 weeks...my employer has been fantastic. I have not been able to return to work because of depression and my employer has willingly kept my position open for me if I want to return. They have been understanding and supportive and have given me what I most need – time to recover.”

“My employers were very accommodating...They did everything possible to make my pregnancy at work as comfortable as possible.”



Moved to the checkout

A common response to the need for lighter duties is to move women to working on checkouts. One in ten respondents told us this happened to them. In some cases women found this helpful but there is evidence from the survey that many employers are assuming checkout work is suitable during pregnancy when, in fact, it may not necessarily be so.

The Health and Safety Executive estimates that checkout operators lift approximately one tonne on a checkout over a four-hour period. Given that women in retail are finding lifting, carrying and manoeuvring heavy loads the most difficult aspect of their job during pregnancy (with twisting, bending and reaching in third place), then routinely moving women onto the checkout is compounding rather than solving their problems.

Research has shown that there are specific risks for pregnant women on the checkout, not least the fact that they are working in a confined space, dealing with members of the public and are unable to easily visit the toilet or rest¹.

Simply putting pregnant women on the checkout without risk assessing the job, appears to be a common yet very unsatisfactory response to the difficulties many women in retail face during pregnancy.

“I was on the grocery section and had problems lifting so I was moved onto checkouts but that was just as bad as they expected you to pack, plus the bump got in the way (not enough room) and it’s not as easy to get off to go to the toilet.”

“I was made to change from produce to checkout where the lifting was worse.”

“At six months I was quite large and couldn’t really fit behind the checkouts. It hurt as I went forward and pressed on my stomach... I felt like an inconvenience. When I asked about moving from the checkouts as it was hurting and uncomfortable I was told there were no vacancies.”

“I had bad morning sickness and had difficulty leaving the till when I needed to.”

“They were reluctant to let me go to the toilet – only when there was more staff to cover which meant I was going three or four hours without a toilet break... I was lifting heavy beer boxes through the tills. I was never offered any help with this and it caused a lot of back pain.”

“I had to sit at my till at all times making it very uncomfortable and I wasn’t allowed to walk around. I felt like I was being punished. I was told by a manager that I was only having a baby not dying and to get on with it.”

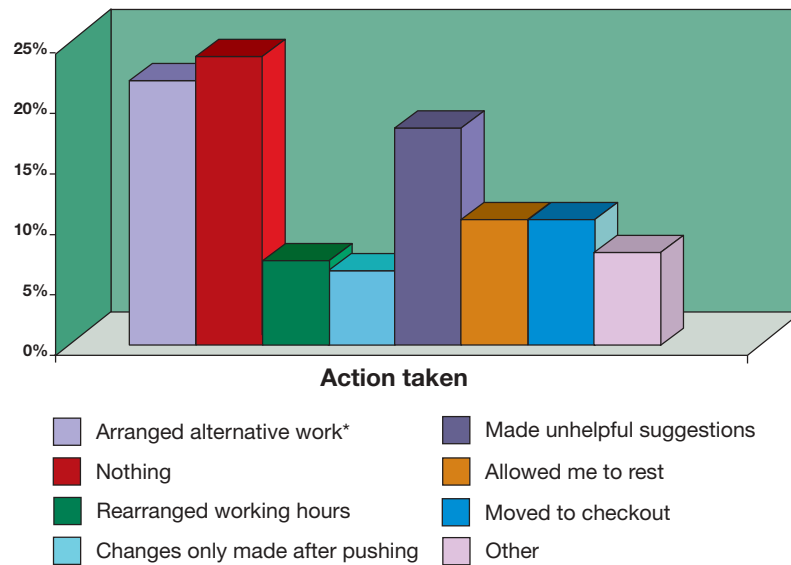
“I had bad morning sickness and had difficulty leaving the till when I needed to.”

¹Jane Paul: Healthy beginnings



Nothing happened

Action taken by employer



*Please note that this category also includes women that were moved to the checkout.

40% of women told us that their employer responded to their complaints about job difficulty by either doing nothing or by making an unhelpful suggestion. Unhelpful suggestions included being told to ask others for help or to go off sick.

“I was expected to stand up for seven hours a day in the café – washing up and serving. If I complained the attitude was ... if you can’t do the work you shouldn’t be here... During my first pregnancy I was still expected to carry on lifting boxes of pre-packed meat. I miscarried. I feel that if my manager had been more supportive and moved me off the pre-packed meat department I might not have lost my baby. At that point I had no idea of my rights.”

“I had real problems packing heavy bags – when I told them they said it was part of my job description – I then said customers have heavy crates of beer etc. They told me to tell customers that I couldn’t lift these as I was pregnant (I didn’t look seven months pregnant)... Why should I have to explain to customers that I was pregnant, it has got nothing to do with them.”

“I was told “if you can’t do the job you should go” by a manager. I was eight months pregnant and she wanted me to fill up the fish counter.”

“I was told ‘if you can’t do the job you should go’.”



Paid suspension from work

Pregnant women have the right to be suspended from work on full pay if their employer is unable to offer work that is safe. Our survey shows a very low level of awareness amongst pregnant women of this right (25%).

“I only knew about my right to paid suspension from work due to my contact with Usdaw. I have to stand all day behind a counter as there is no room to sit. This was making me ill. I didn’t even get a risk assessment until after I had been to see my doctor and he had signed me off sick for four weeks ... It has now finally been agreed that I will be suspended from work on full pay. This was only agreed after writing two letters to my employer following advice from Usdaw. I feel the whole situation from 12 weeks of pregnancy to my current 25 weeks has been extremely stressful due to my employer’s lack of professionalism.”

Statutory maternity pay

The vast majority of women (eight out of ten) knew about their right to SMP. This is in contrast to the very low levels of awareness we found about health and safety rights.

Pregnant not ill

It is unlawful for an employer to subject a woman to any form of detriment as a result of pregnancy related sickness absence. The vast majority of women (95.8%) reported that they were not subject to any disciplinary action as a result of a pregnancy related illness.

Just over 4% of respondents (52 women in total) told us that their absence from work due to a pregnancy related illness did result in disciplinary action. This figure, although very small, indicates a lack of understanding on the part of some managers of the law in relation to pregnancy related sickness absence.

An additional cause for concern is that employers sometimes disbelieved women who said they were suffering from a pregnancy related illness.

“I was told that I was lying about the length of time my morning sickness lasted (I suffered from sickness from the start to the finish of my pregnancy). They told me morning sickness only lasts for the first 16 weeks! It did eventually lead to hospitalisation.”

“I have diabetes and as a result I also have kidney and eyesight problems...My pregnancy has complicated these problems and I have to take time off... My manager doesn’t believe that I am ill and this is causing me more stress which, in turn, is making me more ill. I feel as if I have to go into work when I’m ill just so I don’t get into any more trouble. My manager tells me she never suffered from these problems during her pregnancy but because of my diabetes my pregnancy is different.”



Getting the basics right – uniforms

We asked women if they were given a suitable uniform to wear whilst they were pregnant. A quarter of all respondents were not.

“I ordered it when I was 13 weeks pregnant. I’ve had the baby and I’m still waiting.”

“The trousers were several sizes too big and I had to wait for the shirts until other employees had finished with them.”

Research has shown that postural problems may be made worse by ill fitting and constricting uniforms¹.

Women told us some of the ways in which they had to improvise around uniforms:

- Using elastic bands and leaving zips undone (covered by longer shirts) to extend the waistline of trousers and skirts.
- Borrowing bigger sized shirts from other colleagues.
- One respondent said there was only one pregnancy appropriate uniform in her store which got passed around from one pregnant woman to another.

Exposure to cigarette smoke

We asked women if they had been exposed to others cigarette smoke at work. Just under a third of all respondents (31%) who do not smoke were exposed to others cigarette smoke during the course of their work.

“The trousers were several sizes too big and I had to wait for the shirts until other employees had finished with them.”

¹Jane Paul: Healthy beginnings



Help from the union

We asked women if they came to the union for help with any aspect of their rights during pregnancy.

Just over one in ten women sought advice from Usdaw at some stage during their pregnancy or maternity leave. There is clearly more we need to do to reach out to pregnant women in Usdaw.

The top five issues that women contacted us about were:

- Entitlement to maternity pay and leave **(25%)**
- Working conditions **(11%)**
- Sickness absence **(10%)**
- Rights on return to work **(7.5%)**
- Working hours **(6%)**

Just under a quarter (24.8%) of respondents had received Usdaw's 'Maternity and Parental Rights' pack and of these, 95% told us that they found the pack useful.

"I was concerned about my working conditions – I was working in a hot kitchen with wet slippery floors. After seeking advice from my union rep about my working conditions I got moved to a different department."

"The union helped me to stand my ground. During my pregnancy the manager at that time wanted me to change departments and take a lower wage. With the support of my rep I refused."

"I was issued with a written warning for time off sick during pregnancy. I went to the union and appealed. It (the warning) was taken off."

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Employer's attitude

We asked women if they thought their employers attitude to them changed whilst they were pregnant. Almost a quarter of respondents (23.4%) said yes. For some the change in attitude was very positive. Over a third of women (38%) told us that their employer become more helpful and understanding during their pregnancy.

"They were very good and understanding ...they reduced my weekly hours but still paid me at my full rate. They were brilliant."

The flip side to this is that nearly two-thirds of respondents reported negative changes in attitudes. Nearly one in four women (23.4%) told us that they were made to feel guilty or were marginalised and ignored.

"When I challenged decisions made over my head (which often happened) I was told I was hormonal and then disregarded."

"I felt like I was not valued in the way I was before I got pregnant."

"I was not involved or included in work-related things as much as I would have been if not pregnant. The general attitude was 'you're going off soon, so why bother'."

A small minority of women were humiliated and degraded.

"I had no one to turn to for help. I felt useless, degraded and a burden. I was not allowed to change my shifts when I had morning sickness. I was only allowed to use the toilet on my designated breaks."

"I was made to feel stupid because I couldn't hold my bladder towards the end of pregnancy. I was offered nappies to wear. This broke me."

"I was not involved or included in work-related things as much as I would have been if not pregnant. The general attitude was 'you're going off soon, so why bother'."



What did our report show

There are several grounds for optimism in the report:

- Many employers are successfully and sensitively managing pregnancy at work. We found numerous examples of good practice in this area. A growing number of employers are taking the time to listen to pregnant women and to work with them to find solutions.
- There is clear evidence of the business as well as the personal benefits of this approach. Many respondents described being able to carry on working until late in their pregnancy and feeling positive about going back because of the support they'd had. Treating pregnant women well helps an employer to retain and get the best out of valued staff.
- Many respondents had a high level of awareness about key rights during pregnancy, in particular the right to time off for ante-natal care and eligibility for maternity pay.

There are also serious grounds for concern.

- There is a worrying lack of awareness amongst many employers about the following: the right to paid time off for ante-natal care; the duty to do individual risk assessments and what constitutes suitable alternative work.
- This ignorance is putting the health and well being of women and their unborn babies at risk. Several respondents said they either lost babies or gave birth prematurely due to their employers' ignorance of or disregard for the law.
- Even where employers understand the law, there are workplaces where pregnant women are undervalued and ignored. Women who ask for help are told to stop

complaining, repeated requests for maternity uniforms fall on deaf ears and women are excluded from decisions on the basis that they are pregnant.

- There are also workplaces where pregnant women are treated with outright hostility. The attitude of some employers falls nothing short of inhumane and the treatment meted out to some respondents was offensive and dangerous.
- Women seem to have relatively low levels of awareness about their health and safety rights. This is particularly so in relation to risk assessments.
- There are issues about night work. Large numbers of respondents were still doing night work whilst pregnant and many were, in the words of one woman, *"going to ante-natal appointments in sleep time."*

These concerns are being addressed by Usdaw in the following way:

- Looking at ways to raise the awareness of our members and reps about pregnancy rights.
- Working with employers to spread best practice and tackle the problems we have found.
- Pressing the HSE and local authorities to ensure effective enforcement of the law particularly in relation to risk assessments.
- Continuing to make the case to government for better statutory protection for pregnant women in the workplace.



Appendix A

Background and method

This report is based on a survey of women's experiences of pregnancy at work conducted in January and February 2004. It was initiated to support the Equal Opportunities Commission's formal investigation into pregnancy discrimination at work.

The survey was sent to around 4,000 women members of Usdaw. It was distributed with the help of Usdaw reps, officers, members of our divisional women's committees and some employers. 1,239 completed survey forms were sent back representing a response rate of around 31%.

The findings were sent to the EOC in early summer 2004 to support their investigation into pregnancy and discrimination at work.



Appendix B

What the law says

Below is a very brief summary of the rights women have during pregnancy in the key areas of concern our survey identified:

Ante-natal care

Pregnant women have the right to take reasonable paid time off work for ante-natal care.

Risk assessment

The Management of Health and Safety at Work Regs 1999 sets out six steps that an employer must take where there are women of childbearing age at work:

Step 1: Carry out a risk assessment. This involves looking at the hazards of a particular job, identifying the risk posed to mother and/or baby and taking action to avoid them.

Step 2: Take any necessary steps to avoid that risk.

Step 3: Inform employees of what risks exist and what measures are being taken to deal with them.

Step 4: If the risk remains and if it is reasonable to do so, alter working conditions or hours of work.

Step 5: If the risk cannot be avoided that way, offer suitable alternative work.

Step 6: If there is no available alternative work, suspend on full pay.

Pregnancy related illness

Any less favourable treatment of a woman, because of pregnancy related sickness, is sex discrimination. To dismiss a woman for absence related to her pregnancy is unlawful.



Appendix C

Hazards in retail and distribution trades, shops*	
Hazard	Examples and sources
Biological	<ul style="list-style-type: none"> ● Bacteria and viruses (from all sources, including raw meat and fish and other foodstuffs, unpasteurised milk and dairy products, dirty toilets, and infested storage or waste disposal areas).
Chemical	<ul style="list-style-type: none"> ● Handling chemical products (including spillage, residues, contaminated materials, surfaces or equipment, etc). ● Indoor and outdoor fumes and air pollution.
Physical	<ul style="list-style-type: none"> ● Shocks, jolts and vibration from work equipment, such as lift trucks, from falling objects and from transport on rough roads. ● Extremes of heat and cold (working outdoors, by open doors, in refrigerated areas, or in poorly heated or unventilated premises).
Demands	<ul style="list-style-type: none"> ● Strenuous or awkward manual handling (all areas, including checkout tills). ● Repetitive work and movements (shelf-filling, checkouts). ● Prolonged standing or sitting and/or awkward postures and confined positions. ● Dealing with customers and complaints and handling cash and valuables (risks of violence and harassment, especially at night). ● Working at heights (stockrooms and warehouses, high shelves).
Working conditions	<ul style="list-style-type: none"> ● Long working hours in some outlets, shift work, night work or early starts. ● Lack of rest breaks or toilet breaks in busy periods or when understaffed. ● Requirements for travel and seasonal variations (distributive trades and casual staff).
Workplace hygiene	<ul style="list-style-type: none"> ● Difficulty accessing toilets or drinking water. ● Risks of isolation when lone working in small shops or isolated work areas.

*Reproduced from Healthy Beginnings: Guidance on Safe Maternity at Work (Jane Paul, ILO 2004).

Usdaw

*Union of Shop, Distributive
and Allied Workers*

www.usdaw.org.uk

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