



Women and Equalities Committee Inquiry

Paternity and shared parental leave

Unite the Union Response

February 2025

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Introduction

Unite is the UK's largest trade union with over one million members across all sectors of the economy including health, transport, manufacturing, financial services, food and agriculture, information technology, service industries, construction, energy and utilities, local government and the not for profit sector. Unite also organises in the community, enabling those who are not in employment to be part of our union.

Unite supports the TUC response to this inquiry and would like to stress the following points. We have also, included our response to the Education Select Committee Inquiry on Support for Childcare and the Early Years.

A True Shared Parental Leave

1. Unite believes a system of sharing responsibility to raise children is positive. However, the current system of Shared Parental Leave does not satisfy this purpose at all. Firstly, it is the mother giving up part of her Maternity Leave and hence, it is Maternity Leave and not Shared Parental Leave. Secondly, the pay is even below the National Minimum Wage. Thirdly, the eligibility criteria including employment status is unfair and complicated excluding many low paid and agency workers and those on casual working patterns. Fourthly, it relies on both parent's eligibility including in cases of enhanced pay schemes. Also, parents with more than one employer could be eligible for Shared Parental Leave with one but not all employers which makes arranging blocks of leave even harder. Fifthly, nominated carers are not included. Finally, there is no protection for fathers/partners/nominated carers. As Shared Parental Leave is essentially Maternity Leave being shared therefore, neither does the mother have a protected period of leave to recover and breastfeed nor neither does the father/partner/nominated carer to look after the mother and bond and care for the baby and other children in the family.
2. Maternity and Paternity Leave and Pay should be protected and therefore there is a need to have dedicated months for mothers as well as for fathers/partners/nominated carers as additional leave. These specific sections of leave could be taken consecutively or concurrently. Shared Parental Leave should be a day one right for ALL workers regardless of their earnings, length of service and employment status.
3. Both parties should have the right to return to the same job regardless of their length of leave.

4. It is vital that the level of pay is enhanced to the level of replacement income enabling both parties to take their entitlement. Currently, either fathers/partners/nominated carers cannot afford to take their share of this leave, or mothers are forced to transfer the majority of their leave when the father/partner receive a well-paid leave from their employer.
5. The dedicated leave and pay for each parent/nominated carer should be enhanced by the government and the employer. The pay should be at the level of replacement income. Government should recognise and tell employers that statutory leave and pay are minimum standards and would need to be enhanced and employers that provide enhanced contractual Paternity Leave and Pay should receive tax benefits.
6. Government should introduce enhancement as well 'use it or lose it' parental leave which is in addition to Maternity and Paternity Leave and Pay. This would encourage more fathers/partners/nominated carers to take the leave since current low level of Shared Parental Pay is the main obstacle. If parents are properly compensated then they would want to spend time to raise their baby.
7. Qualifying periods should be scrapped. All parental rights should be a day one right so that no parent is prevented from accessing their parental rights and protections.

Pregnancy Discrimination

1. Many parents are fearful of losing their job or be demoted as discrimination is rife and legislation not strong. Government should legislate for a strong right to return to the same job for ALL parents/partners/nominated carers. This will also encourage a higher rate of take up for Shared Parental Leave.
2. Government must take strong action to eliminate pregnancy, maternity and parental discrimination. Employers should be given a strong lead from the government to rid their workplaces of the macho culture that discourages men to take Parental or even Paternity Leave.
3. We work with many employers who recognise the benefits of supporting their employees through pregnancy and maternity leave and enabling them to return to work to the same job. Unite has negotiated many collective agreements with employers which provide a framework for support for parents beyond the statutory minimum. We believe in the right of mothers/parents and have signed progressive agreements with their workforce. For example, Ford and Jaguar/Land Rover provides 52 weeks maternity leave at full pay or at Bank of England workers receive full pay for the first 18 weeks of their 52 weeks leave. However, in our experience many other employers are treating pregnant women workers unfairly, causing stress related illness; some have been bullied as soon as they informed their employer of their pregnancy or have been dismissed. In one case, one of our women members who worked at a large cargo services company at an airport in the north east was finding it

almost impossible to arrange childcare outside normal working hours. For this reason, she requested flexible working ie. job share or work part-time on her return to work from maternity leave. This request was categorically rejected, and she was sacked. Unite won her case for indirect sex discrimination and unfair dismissal.

4. The Government should take action to tackle the level of pregnancy discrimination that currently exists. Also, employers should be reminded that discriminating against a woman for reasons related to her pregnancy or maternity leave for example, dismissal or unfair selection for redundancy is unlawful.

Full Paternity and Parental Leave Rights

1. We welcome the proposal to introduce a “day-one” right for statutory paternity and parental leave. However, Unite is extremely disappointed that fathers/partners entitlement to time off for ante-natal/pre-adoption appointments are unpaid and limited to only two appointments with such a short and unreasonable length of time. We are particularly concerned about women with complicated pregnancies who are likely to need more support from their partner and commonly have further to travel. This will also exclude many fathers/partners who cannot afford to take this unpaid time-off and leaves the mother without any support. In the case of adoption, the couples are required to attend most of the meetings together and the number far exceeds the two days. Also, adoption appointments could be a long way from home for many couples.
2. We also believe that women undergoing fertility treatment need to have the right to sufficient paid time-off to attend their doctor and hospital appointments and that fathers/partners/nominated carers should be entitled to paid time-off to accompany them. This support is necessary as this period could be very stressful for the mother.
3. We will continue to call for **sufficient paid leave** for fathers/partners/nominated carers/adoptive parents to attend appointments and meetings.

Single Employment Status

1. Everyone should be able to gain access to decent rights at work. Government should extend existing rights to all those engaged in work, not only those who qualify for ‘employee’ status. This should include creating a legal presumption that everyone qualifies for the full set of employee rights.
2. There is a particular need to ensure wider and better access to family friendly rights. Too many workers are denied parental employment rights due to their employment status or failure to meet a qualifying period of employment.

Family friendly rights should be extended to ALL workers from day one of their employment.

3. Unite is clear that no worker should be stripped of their rights simply because they do not work in a traditional workplace or have a traditional employment contract.
4. Banning ALL zero-hours contracts. ALL workers should have a day-one right to a written statement setting out pay and conditions, including expected hours of work.
5. ALL workers should be entitled to trade union and employment rights.
6. A simplification of the law so that employment rights cover ALL workers and not only employees would end this problem.

Flexible Working

1. We will continue to call for the right to flexible working for parents and nominated carers returning to work after maternity/paternity/shared parental leave. This could be the return to the original contract after an agreed period of flexible working, reduced hours, part-time or on a job share basis.
2. We welcome the new rights that came into force through Employment Relations (Flexible Working) Act 2023. However, Unite has been and will continue to call for:
 - Flexible working as a default in all jobs.
 - Flexible working rights as a Day One right for ALL THOSE ENGAGED IN WORK.
 - Flexible working instead of the right to request it.
3. We are finding that employers are citing almost any business related grounds for refusal without properly looking into the circumstances. It is, therefore, vital that employers consider all cases positively, sympathetically and find a satisfactory arrangement for all concerned.
4. All requests should be granted unless in exceptional circumstances.
5. Employers should negotiate a policy on flexible working with the relevant trade union, which enables those with the skills, experience and commitment needed to remain in work while they carry out their family responsibilities as well as health needs.
6. There should be monitoring of the number of flexible working acceptance and rejection that include sex, race, disability, sexual orientation, trans+ identity,

age and seniority. This should be followed by action plans to remedy any issues.

7. We have found that employers who are committed to provide flexibility, regularly review and improve their work-life balance arrangements, provide training for those managers responsible for the operation of these arrangements, and provide time off for union representatives to receive this training, too. Therefore, there should be regular reviewing and monitoring of the effectiveness of flexible working arrangements built into the employer's procedures. This should specifically include:
 - Review data on requests for flexible working to ensure that they are working in practice, or to identify particular needs in a certain occupation or area, or lack of take-up amongst particular groups of workers
 - Training for all managers operating flexible working systems, and paid release for union representatives to receive such training
8. While recognising that smaller employers often require additional support as they do not have eg. Human Resource departments or Equality Officers to assist, our experience with some smaller employers is that they have a positive approach to flexible working, because of greater knowledge and understanding of individual workers' situations. It would be important not to always assume that smaller employers will not provide flexible working.
9. Our members have been telling us that the top reason for choosing a particular employer is their policy and positive attitude towards flexible working. It has been cited by members as a great retention tool in their organisations.

Nominated Carers

1. Unite has called for "nominated carers" to be recognised and have the same rights as fathers or partners. We believe there should be a broad definition to include friends and family. For example, migrant workers who may not have their partners in the UK, single mothers or fathers, LGBT+ parents who could be more likely to rely on friends for mutual support and care. Therefore, we believe it is time that nominated carers are included in the system of shared parental leave where they are, in many cases, taking the role of a parent. They should be entitled to the same rights as parents of the child including shared parental leave, paternity leave, parental leave and flexible working.

Sweden, A Good Example

1. Evidence from Sweden suggests that introducing a 'double month' (a period of leave that can be taken concurrently) has encouraged more fathers/partners to take leave earlier and potentially to take more leave than they otherwise

would have. During the child's first year, there is an opportunity for both parents to take parental leave benefit in the same period for no more than 30 days (called 'double days'). 384 days of parental benefit must be used before the child's fourth birthday. The remaining 96 days can be saved and used - at the latest - before the child turns 12 years old or until the child finishes primary school.

2. Parental leave and pay are 240 days per parent per child, a total of 480 days and it is distributed as parents choose between themselves. In the case of multiple births, an additional 180 days are granted for each additional child. A single parent is entitled to a full 480 days. Each parent has 90 days reserved exclusively for him/her. Should he/she decide not to take these, they can't be transferred to the other parent. It is also possible to transfer up to 150 days to the other parent excluding the 90 days reserved leave.
3. This would better achieve the outcome of reducing the gender pay gap and negative impact that caring responsibilities have on women's career development and earnings.



**Support for childcare and the early years
Education Select Committee Inquiry**

**Unite the Union
Response**

January 2023

Support for childcare and the early years Education Select Committee Inquiry Unite the union Response

This submission is made by Unite the Union with over one million members across all sectors of the economy including health, transport, manufacturing, financial services, food and agriculture, information technology, service industries, construction, energy and utilities, local government and the not for profit sector. Unite also organises in the community, enabling those who are not in employment to be part of our union.

We would like to make the following points:

Policies to help and support families go hand in hand. Government should provide sufficient well-paid leave for ALL parents as well as free and affordable childcare, carers leave and pay and strong rights to flexible working and not just to request it.

Please also refer to TUC - A new deal for the childcare sector
September 2022

<https://www.tuc.org.uk/research-analysis/reports/new-deal-childcare-sector>

Childcare provisions

- Employers should be encouraged to contribute towards childcare costs through facilities, subsidised places or allowances.
- Universal right to high quality free or affordable and accessible childcare that meet the needs of ALL parents and carers and children including shift workers and those on insecure contracts and disabled children.
- Properly funded childcare provisions.
- Extension of childcare provisions to older children as childcare needs continue to teenage years.
- Properly funded nursery and pre-school education
- Ring-fenced funding to increase the number of Sure Start centres
- Decent rights for carers including paid time-off.
- As we are facing significant shortages in childcare places, the government should provide substantial funding to increase availability and affordability of flexible childcare.

- We are shocked by government proposal to relax the current ratio of childcare professionals to children. Especially given the shortage of staff; surely, it's a hard enough job and some will leave and also others will not be attracted to the role. Promoting this as a cost saving exercise for parents is appalling as only paying the full rate for funded childcare places would be the answer. The ratio is already too high and is putting pressure on staff and the care of children. Providing staff with decent wages and conditions would be the answer not an increase in their already heavy workload risking health and safety of staff as well as the children.
- Another worrying development is government's plan to allow: childminders to work in a range of locations instead of their own homes and have a flexible child to adult ratio; reduction in Ofsted inspections; reduction of childminder specific early years foundation stage by one-third; and the growth of childminder agencies with less regulatory processes. All this in the name of boosting the number of childminders and address the rising costs.

Tax Credits

- Removal of the two-child limit within universal credit and working tax credit.
- Reinstatement of the Baby Element and introduction of Toddler element.
- Increase the amount of eligible childcare costs paid by tax credits.
- Decrease the hours' eligibility for couples claiming Working Tax Credit.
- Increase in Universal Credit and tax credits for children.
- Universal right to child benefit, at a decent a level, for ALL families and for ALL the children in the family.

Employment Rights

- Day-one right to paid parental leave for ALL parents.
- Strong rights and protection for parents/carers who need to provide emergency childcare.
- A legal duty on employers to consider which flexible working arrangements are available in a role and publish these in job advertisements, with the new post holder having a day one right to take up the flexible working arrangements that have been advertised. If an employer does not think that any flexible working arrangements are possible, they should be required to set out that no form of flexible working is suitable in the job advert and why.

- All roles should be deemed suitable for flexible working unless it can be shown that the unavailability of flexible working is a proportionate means of achieving a legitimate aim. Flexible working legislation would reflect objective justification as set out in the Equality Act 2010.
- Day one right to request flexible working for all workers, with the criteria for rejection mirroring the objective justification set out above. Workers should have a right to appeal and no restrictions on the number of flexible working requests made.
- When a request is accepted it should not become a permanent change unless it is specifically asked by the employee.
- Employers to regularly review and improve their work-life balance arrangements and provide training for those managers responsible for the operation of these arrangements. Union reps should also get time off to receive this training.
- Strong social security system for ALL.