

EDC17D006L

CODE OF PRACTICE FOR STAFF: PREGNANCY AND MATERNITY

1.0 Introduction

- 1.1 The University of East Anglia, referred to as “the University” throughout this document, has developed this revised Code of Practice to demonstrate the steps that will be taken to ensure equality in respect of pregnancy and maternity and to ensure its compliance with the Equality Act 2010.
- 1.2 This Code of Practice is underpinned by the University’s Equality & Diversity Strategy/Action Plan and the Equality & Diversity in Employment Code of Practice, which can be accessed on the Human Resources Division’s intranet sites.
- 1.3 The University is an international and multicultural community, which values and encourages diversity. The University is committed to ensuring that it makes every reasonable effort to provide a supportive, inclusive environment to all staff who are pregnant, have a pregnancy-related illness, are on maternity leave, or are breastfeeding; and, to not unlawfully discriminate against employees, job applicants and trainees because they are pregnant or on a period of maternity leave.
- 1.4 This Code of Practice should be read in conjunction with other key University documents, including but not limited to the Equality & Diversity Code of Practice, Recruitment & Selection Guidelines, Maternity Guidelines.

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2.0 Purpose

2.1 The purpose of this Code of Practice is:

- to raise the awareness of the University's staff about pregnancy, maternity leave and return from maternity leave issues and their responsibilities under the Equality Act 2010;
- provide guidance to managers to ensure that all staff irrespective of their being pregnant or on a period of maternity leave are supported in their work activity at the University;

3.0 Scope

3.1 This Code of Practice applies to all staff employed by the University, individuals registered on UEA's staffing registers, individuals holding honorary and/or secondment contracts, individuals undertaking work experience and self-employed individuals.

3.2 The University also expects the following groups to behave in a manner which complies with the expectations set out for staff :

- Students
- individuals undertaking work experience on placements
- members of the public
- service users
- individuals employed by other organisations (such as recruitment agencies, Consortiums and Partnerships)
- suppliers and contractors.

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4.0 Responsibility of all staff

- 4.1 All staff are required to comply with this Code of Practice and with the relevant legal requirements. Anyone with responsibility for managing staff has additional responsibilities, which are detailed in Section 5.0.
- 4.2 Staff are required to inform the University of their pregnancy 15 weeks before the baby is due to be born. Legal protection under the Act commences when the member of staff informs the University they are pregnant.
- 4.3 Staff are encouraged to disclose their pregnancy at the earliest opportunity to their manager and Human Resources so that:
- the necessary health and safety risk assessments can take place;
 - relevant information can be provided to the member of staff regarding Statutory and Occupational maternity entitlements;
 - planning for cover/handover arrangements can take place in a timely manner.
- 4.4 Staff should consider making their manager and/or Human Resources Manager aware of issues related to their personal circumstances, particularly where this relates to their wellbeing, health and safety in the workplace or a practice that could result in unlawful discrimination due to their pregnancy or maternity leave.
- 4.5 All staff have a responsibility to ensure that all members of the University community irrespective of their pregnancy or maternity leave are treated with dignity and respect. The University will not tolerate inappropriate

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behaviour towards individuals due to their pregnancy, pregnancy-related illness, maternity leave or breastfeeding.

- 4.6 The Vice-Chancellor and Executive Team requires all staff to complete the online Equality and Diversity training module that can be accessed via the Equality & Diversity, Human Resources and CSED webpages; and to re-complete a refresher every two years.

5.0 Responsibility of all managers

- 5.1 All individuals with management and supervisory responsibility are responsible for the implementation of this Code of Practice within their Service, Faculty, School, Department, Office areas.
- 5.2 Managers need to be aware of their responsibilities under this Code of Practice and under the Equality Act 2010 and ensure that they are carried out appropriately.
- 5.3 Managers must take steps to ensure that policies, procedures and practices in their areas of responsibility do not have an adverse impact for staff who are pregnant or on maternity leave and to assess whether the cause of this different outcome might constitute discrimination.
- 5.4 Where inappropriate behaviour is brought to a manager's attention, the manager is responsible for taking appropriate action. This includes addressing the behaviour of individuals not employed by the University as referred to in paragraph 3.2 of this document. Managers can seek advice and support from Human Resources in dealing with such matters.

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6.0 The Legislation – Equality Act 2010

6.1 The main provisions of the Equality Act 2010, referred to as “the Act” throughout this document, came into force on 1 October 2010.

6.2 The Act consolidated the many equality and anti-discrimination laws into a single Act covering nine protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race (including Caste¹)
- Religion or belief
- Sex
- Sexual orientation

6.2 The Equality Act 2010 applies to individuals who:

- Are pregnant
- Have a pregnancy-related illness
- Have recently given birth
- Are on maternity leave²
- Are breast-feeding

¹ Current case law also means that race in the Equality Act can also pertain to caste.

² The Equality Act Employment Statutory Code of Practice <https://www.equalityhumanrights.com/sites/default/files/employercode.pdf> refers to three kinds of maternity leave – Compulsory (two-week period following childbirth), Ordinary (26 weeks, including the Compulsory period) and Additional (a further 26 weeks)

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6.3 There are two types of pregnancy and maternity discrimination:

- **Direct discrimination** where an individual is treated unfavourably because of her pregnancy or maternity leave or because she is breastfeeding.
- **Victimisation** happens when an individual is treated less favourably because they have made or supported a complaint related to pregnancy, maternity or breastfeeding.

7.0 Monitoring and Review

7.1 The Human Resources Division, on behalf of the University, is responsible for monitoring and reviewing the implementation of this Code of Practice to ensure its effectiveness.

7.2 The University will continue to monitor and review the impact of its policies, procedures and practices for employment on staff and applicants who are pregnant, on maternity leave or breastfeeding and take action where appropriate to ensure that its policy on pregnancy and maternity is fully implemented.

7.3 Such action will include the provision of training and awareness, particularly for key staff groups where monitoring indicates that an area of policy, procedure or practice requires revision.

7.4 The Human Resources Division will monitor the completion rates for the Equality & Diversity module and provide a regular report to the Equality & Diversity Committee.

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