

Pregnancy and Employment: A Literature Review

Helen Russell & Joanne Banks

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4th Floor
89 – 94 Capel Street
Dublin 1

The Equality Authority

Birchgrove House
Roscrea
Co. Tipperary
2 Clonmel Street
Dublin 2

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Foreword by the Acting Director of the HSE Crisis Pregnancy Programme

It gives great pleasure to introduce this literature review, part of a wider research project investigating the experience of being pregnant while in employment. The project was commissioned in 2008 by the Crisis Pregnancy Agency (CPA) in partnership with the Equality Authority to address an information gap on how workplace practices and culture can impact on women's experiences of pregnancy. In 2010, the Crisis Pregnancy Agency was integrated into the Health Service Executive (HSE) and became the HSE Crisis Pregnancy Programme (CPP) - a national programme working within Health Protection in the HSE.

In recognition of the link between employment and pregnancy decision-making, pregnant employees are protected by EU directives, which rule that the entire period of pregnancy and maternity leave is a special protected period and which prohibits pregnancy-related dismissal on grounds of equality. Rulings from the European Court of Justice have recognised the harmful effects that the risk of dismissal can have on the physical and mental state of a pregnant woman, including the particularly serious risk that she can be prompted voluntarily to terminate her pregnancy.

The aim of this review is to support the aims of the wider project by synthesising and highlighting a range of literature examining women's experiences at work during pregnancy and their subsequent return to employment.

The review identifies links between unfair treatment and inflexible workplace policies, negative employer and employee attitudes to pregnancy and maternity leave, and poor health during pregnancy. The findings highlight the important role of policy in mediating the effects of childbirth and childcare on women's employment.

I would like to thank the authors of the literature review, Dr Helen Russell and Dr Joanne Banks of the Economic and Social Research Institute, for their hard work throughout the project.

I would like to thank the Board of the Crisis Pregnancy Agency for their involvement in the initiation of this important project.

Lastly I would like to thank Laurence Bond, Head of Research with the Equality Authority and Dr Margret Fine-Davis, Director of the Social Attitude and Policy Research Group, TCD who sat on the Project's Advisory Committee. I would also like to thank Caroline Spillane (former Director of the CPP) and Maeve O'Brien (CPP) for coordinating the research project.

Dr. Stephanie O'Keeffe
Acting Director
HSE Crisis Pregnancy Programme

Foreword by the CEO of the Equality Authority

It is illegal for women to be discriminated against at work because they are pregnant or for a reason relating to their pregnancy – for example, childbirth or the taking of maternity leave. Despite this, pregnancy discrimination remains a significant barrier to full equality for women in the Irish labour market. It is essential, therefore, that women be made aware of their rights regarding pregnancy at work, and are supported in vindicating those rights. It is also essential that employers accept and embrace their responsibilities in this regard. More broadly, the enforcement of the law in this area needs to be underpinned by a culture of compliance and an informed public opinion that forthrightly rejects discrimination whenever and wherever it occurs.

Authoritative evidence on inequality and discrimination plays an indispensable role in informing public opinion and in building public support for equality in the workplace and in society. The Equality Authority is very pleased, therefore, to have had the opportunity to work with the HSE Crisis Pregnancy Programme in this groundbreaking research project exploring women's experience in paid work during and after pregnancy.

This initial literature review, which is the first of three project outputs, summarises existing research on the extent and nature of pregnancy discrimination at work. It reviews research findings on the factors shaping women's employment decisions following childbirth. In addition, it documents the impact on women's earnings and occupational mobility of breaks in employment to have children. Seen in a comparative context, it is clear that public policy makes a difference, both in combating discrimination and in supporting mothers – and fathers – to positively reconcile work and family life.

On behalf of the Equality Authority, I would like to thank the authors, Dr Helen Russell and Dr Joanne Banks of the Economic and Social Research Institute, for their expert and insightful report. I would also like to thank Dr Margret Fine-Davis of TCD, Caroline Spillane, Maeve O'Brien and Dr Stephanie O'Keeffe of the Crisis Pregnancy Programme, and Laurence Bond, Head of Research at the Equality Authority for all their work on this project.

Renee Dempsey
Chief Executive Officer
The Equality Authority

About the Authors

Dr Helen Russell is an Associate Research Professor at the Economic and Social Research Institute (ESRI). She is the Programme Coordinator for Research on Social Inclusion at the ESRI, and is joint Programme Coordinator for Equality Research. Her research covers a range of inter-connecting issues relating to equality, the family, the labour market and poverty/social inclusion. Recent publications include *Financial Exclusion and Over-Indebtedness in Irish Households*, and *A Woman's Place: Female Participation in the Irish Labour Market*.

Dr Joanne Banks works as a Research Analyst in the Social Research Division of the Economic and Social Research Institute. Her research areas include educational inequality, inclusion and discrimination. She has recently completed research for the National Council for Special Education on the prevalence of special educational needs also works on a range of other educational research projects including the Leaving School in Ireland Study and the Post-Primary Longitudinal Study.

Acknowledgements

The authors gratefully acknowledge the Crisis Pregnancy Programme and the Equality Authority for commissioning this project. Insightful comments on earlier drafts of the document were received from the project's Advisory Group, Dr Stephanie O'Keeffe (Crisis Pregnancy Programme), Laurence Bond (Equality Authority) and Dr Margret Fine-Davis (TCD), and also from Caroline Spillane (former CPP). In particular, we would like to thank Maeve O'Brien of the Crisis Pregnancy Programme for her helpful comments, assistance and enthusiasm throughout the project. We are also grateful for the thoughtful comments provided by an internal ESRI reviewer. The authors remain solely responsible for the contents of the report.

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Introduction

This literature review forms part of a major new research study on women's experiences in the workplace during and after pregnancy, commissioned by the HSE Crisis Pregnancy Programme and the Equality Authority. In addition to this review the research involved a study of pregnancy discrimination cases in the Equality Tribunal and Labour Court, 1999 – 2008 (Banks & Russell, 2011) and a nationwide survey of 2,300 working mothers (Russell, Watson, Banks, forthcoming). The broad objective of the research project was to investigate the influence of pregnancy and childbirth on women's employment experiences, including an assessment of pregnancy-related discrimination in Ireland, and how these experiences are shaped by organisational factors and women's attitudes and characteristics.

While there is a very substantial literature on the impact of childbearing on women's employment careers and on the transitions back into work, these studies focus on the period after childbirth and rarely focus on pregnancy. Instead there is a rather separate literature on pregnancy in the workplace, which deals with the health consequences of employment during pregnancy, pregnancy discrimination and maternity rights. In this literature review we bring together evidence from both these sources to consider how pregnancy and maternity is experienced in the workplace and to understand the immediate and longer term outcomes of pregnancy and childbirth on women's employment.

Over the past few decades women's participation in the paid labour market has risen substantially both in Ireland and internationally. As a consequence, pregnancy in the workplace has become a much more common occurrence. Nevertheless, while there is a large literature on the issue of gender and employment and on the intersection of work and family life, the experience of pregnancy in the workplace is less well researched. McDonald and Dear (2006) note that "there is a paucity of empirical work ... which has explored women's experiences of pregnancy in the workplace, much less the patterns of behaviour reported in cases where women experience disadvantage as a result of pregnancy."

Attitudes, norms and stereotypes concerning the roles of mothers and of workers and perceived conflicts between these roles are more likely to become evident for pregnant workers (Halpert *et al*, 1993). Pregnancy and childbirth also necessitate a break in employment for mothers, and the way in which this interruption is managed has important implications for women's working and family lives. The potential vulnerability of pregnant workers to unfavourable treatment and discrimination, to health and safety risks and to problems associated with reintegration into employment, is recognised in maternity-protection legislation and in anti-discrimination legislation in many European jurisdictions. Entitlements for Irish workers during pregnancy and the early period of maternity are outlined in Banks and Russell (2011).

This literature review comprises four chapters which address the following issues:

Chapter 1 sets the context for the rest of the review by discussing the Irish and international literature and statistics on maternal employment.

Chapter 2 outlines research that examines pregnancy in the workplace from a variety of perspectives, including:

- Studies of pregnancy discrimination based on legal caseloads
- Quantitative and qualitative studies of women's employment experiences during pregnancy
- Studies of employers' views and behaviour

Chapter 3 reviews studies of women's return to work following childbirth. This growing literature investigates the factors that influence the decision to return to employment and the timing of a return, including individual-level characteristics, organisational factors and policy/institutional influences.

Chapter 4 outlines the results of research on the short and long-term consequences of breaks in employment due to pregnancy and childbirth, focusing in particular on the impact on occupational mobility and earnings.

The literature covered in this review was accessed in a variety of ways. The primary database used to search for relevant literature was the Cambridge Scientific Abstracts, which includes the Sociological Abstracts database, Econlit, and Medline. Using this database provided access to key peer-reviewed international journals, not only in sociology, but also in the disciplines of economics, health, medicine and law. Through the advanced searching tool, texts in the area of pregnancy discrimination at work were identified using keyword search terms.¹ Non-peer-reviewed literature was accessed through internet searches, including searches of the websites of relevant equality and human-rights agencies in a range of countries. Literature was also sourced through the reference lists in the literature.

¹ Search terms included single and combined word searches such as 'pregnancy', 'maternity' or 'childbirth' AND 'discrimination', 'employment', 'labour market', 'work', 'dismissal', 'recruitment', 'pay', 'wages'.

The background is a dark blue gradient. Several overlapping, semi-transparent blue shapes of various sizes and orientations are scattered across the page. These shapes include rounded rectangles, squares, and irregular polygons, creating a layered, abstract composition. The text is centered within one of the larger, lighter blue shapes.

Chapter 1:
Motherhood and Employment:
Irish and European Studies

1.1 Introduction

Over the past few decades women's participation in the paid labour market has risen substantially both in Ireland and internationally. As a consequence, pregnancy in the workplace has become a much more common occurrence. This chapter sets the context for the rest of the review by discussing the Irish and international literature and statistics on maternal employment. Section 1.2 outlines recent increases in mothers' labour market participation in Ireland and in a comparative European context. While labour market participation has increased among mothers generally these rates of increase did not apply equally to all mothers. Section 1.3 discusses the somewhat different labour market experience of lone mothers with young children. Countries also differ in the extent to which part-time work is used to combine employment and caring roles and this is the focus of Section 1.4. To understand the employment of mothers (and other groups) across different societies, it is important to take into account the institutional arrangements or 'welfare regimes' that contribute to shaping these patterns. This is considered in Section 1.5. Section 1.6 examines shifts in attitudes towards maternal employment.

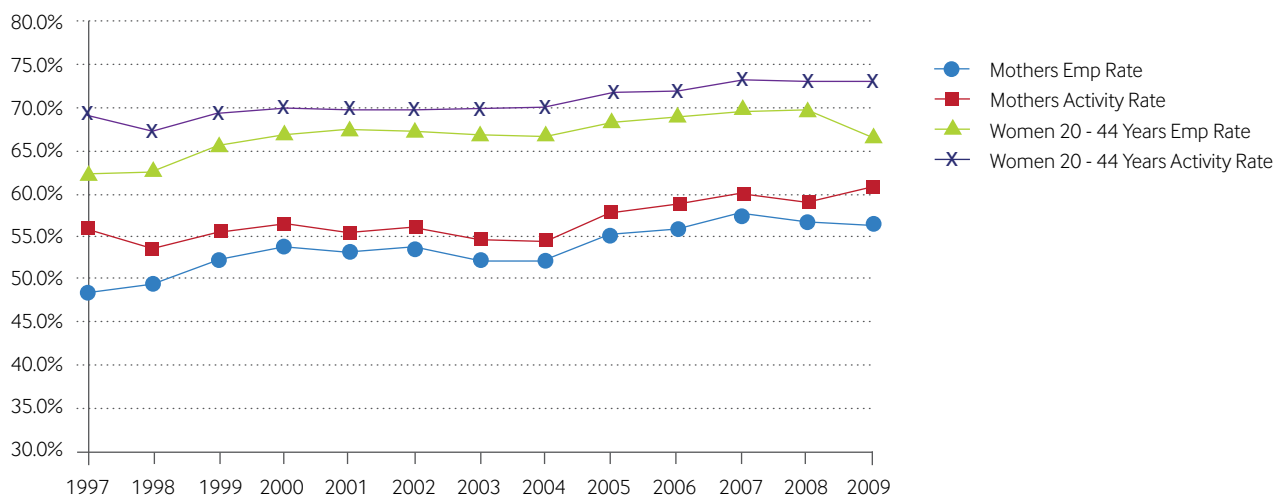
1.2 Trends in Maternal Employment

The majority of mothers with young children and women of childbearing age are now in the workforce and their treatment during and after pregnancy has become increasingly relevant over time. Three quarters of all women of peak childbearing age (20-44 years) are active in the labour market, as are 60% of mothers of pre-school children (Figure 1.1).

There has been a long-term increase in employment among women in Ireland over recent decades.² For women of peak childbearing age (20 to 44 years) employment grew from 62% to 70% in the ten years from 1997 to 2007 during the economic boom, although a drop in the employment rate was observed in 2009 as the recession took hold (Figure 1.1). There was particularly strong growth in maternal employment in Ireland during the late 1990s. Employment rates among mothers with pre-school children increased from 49% in 1998 to 57% in 2007, but fell back slightly to 56% in 2009 (see Figure 1.1).

Few studies on the relationship between motherhood and the labour market focus on the issue of unemployment. The activity rate is the proportion of the population in the labour market (employed or unemployed), while the employment rate is the proportion in employment. Thus in Figure 1.1 the gap between the two lines for each group represents the unemployed. Mothers generally have lower levels of unemployment than non-mothers; this is partly due to definitional and measurement difficulties (Russell, 1996). Women attempting to return to the workforce following childbirth or a period of caring often experience involuntary unemployment although it may not be officially recognised as such (McRae, 1993; Russell, 2000). Recent research on those registering for unemployment benefit show that women with young children are more likely to remain dependent on welfare for over 12 months (O'Connell *et al*, 2009).

Figure 1.1: Trends in employment and activity rates of mothers with children under 5 years and women 20-44 years, Ireland



Source: Own calculations based on published CSO figures

² Measuring the long-term evolution of Irish women's participation in the labour market is difficult due to definitional problems in historical data, but it is clear that from the 1970s onwards there was a steady rise in participation, particularly among married women (Fahey, 1990; Fahey *et al*, 2000).

The rising trend in maternal employment means that Irish rates are now closer to the European average. Figures produced by the OECD show that in 2005 employment among Irish mothers with children under 16 years was 58% compared with an average figure of 60% for 19 EU countries for which data was available. There is still wide variation in maternal employment within the EU, ranging from a rate of 83% in Sweden and 77% in Denmark to a low of 46% in Poland and 48% in Italy.

Table 1.1: Maternal employment rates (%) across EU: women aged 15-64, 2005

	by age of youngest child				by number of children under 15		
	0-16	<2	3-5	6-16	1 child	2 children	3 children
Austria	64.7	60.5	62.4	67.5	67.7	60.1	46.5
Belgium	59.9	63.8	63.3	56.9	58.3	58.5	39.4
Czech Republic	52.8	19.9	50.9	67.6	57.4	52.5	34.4
Denmark	76.5	71.4	77.8	77.5
Finland	76.0	52.1	80.7	84.2	71.2	70.9	60.1
France	59.9	53.7	63.8	61.7	62.2	57.6	38.1
Germany	54.9	36.1	54.8	62.7	58.4	51.8	36.0
Greece	50.9	49.5	53.6	50.4	48.4	44.4	37.4
Hungary	45.7	13.9	49.9	58.3	53.7	48.3	24.6
Ireland	57.5	55.0		59.9	55.4	52.5	42.3
Italy	48.1	47.3	50.6	47.5	48.3	41.0	27.4
Luxembourg	55.4	58.3	58.7	52.7	56.0	49.8	33.8
Netherlands	69.2	69.4	68.3	69.4	70.1	70.6	59.9
Poland	46.4	-	-	-	42.7	35.6	28.5
Portugal	67.8	69.1	71.8	65.4	63.5	59.2	46.1
Slovak Republic	48.4	23.1	46.6	60.4	56.4	49.4	31.5
Spain	52.0	52.6	54.2	50.9	51.1	44.7	38.5
Sweden	82.5	71.9	81.3	76.1	80.6	84.7	75.6
United Kingdom	61.7	52.6	58.3	67.7	67.1	62.4	42.3
EU-19	59.5	51.1	58.2	63.2	59.4	55.2	41.2

From OECD (2007), *Babies and Bosses Synthesis Report*, Table 3.2.

Statistics Denmark (1999 data); Statistics Finland (2002 data); UK Office of National Statistics (2005 data); all other EU-countries, *European Labour Force Survey* (2005 data), except for Italy which involves 2003 data.

Comparisons of maternal employment rates across countries show a wide degree of variation not only in the absolute level of employment, but also in the relationship between employment and the number and ages of children. The OECD figures show that Irish employment rates are below average for women with one child under 15 (55% compared to EU19 figure of 59%) and for women with two children (53% versus 55%). However, Irish women with three children are marginally more likely to be employed than the EU average (42% versus 41%). In Ireland the pattern appears to be that the greatest drop in employment comes after a women's first birth, with a further significant drop when a women has a third child. This contrasts with the situation in France and the UK where there are higher levels of employment among women with one or two children and then a sharp drop in employment among women with three children (there is a 20 percentage point drop in the employment rates between two and three children compared to a 10 percentage point drop in Ireland).

1.3 Lone Parents and the Labour Market

A recent study by Russell *et al* (2009) shows that, while labour-market activity or participation rates³ increased for mothers of children aged under five in general, the rates for lone mothers with young children declined between 1998 and 2007, from 52% to 45%. Participation rates among lone parents with children aged 5 to 15 increased somewhat, from 63% to 68%, over the same period. The labour-market experiences of this group are important as they represent a substantial and increasing number of mothers. In the 2006 Census of Population, the number of lone parents reached 98,000 (the great majority of whom are female).

Table 1.2: Trends in labour-market participation among lone mothers and married/cohabiting mothers (% active)

	1998	2007
Lone mothers child <5	51.5	44.9
Lone mothers, child 5-15	63.3	67.6
Lone mothers: All	57.8	57.5
Married* mothers, child <5	54.2	63.6
Married mothers, child 5-15	50.3	64.2
Married mothers: All	52.1	63.9

*Married or cohabiting

Source: Russell *et al*, 2009, based on Quarterly National Household Survey (QNHS) microdata

A number of studies have shown that lone parents face substantial barriers in accessing the labour market. In Ireland, one such barrier is lack of access to quality, flexible and affordable childcare (Murphy *et al*, 2008; Russell & Corcoran, 2000). Balancing the competing time and energy demands of work and family are also particularly difficult for those parenting alone. Other barriers relate to skills levels and access to training, as lone parents are characterised by relatively low levels of education. For example, Callan *et al* (2007) found that almost 13% of lone mothers have no formal qualifications, compared to 7% of married or cohabiting mothers.⁴

Qualification levels have implications for the quality of the jobs that lone parents occupy and consequently for the likelihood of earning enough to cover childcare costs. Employed lone mothers are under-represented in the top occupational groups: 8.4% of lone mothers compared to 12.6% of married/cohabiting mothers (Callan *et al*, 2007). At the bottom end of the occupational scale, differences also emerge as 24.5% of lone mothers are employed in personal services (this category includes jobs such as hairdresser, care assistant, cleaner, childminder) compared to 13.6% of other mothers (*ibid*, p39).

In its review of parental employment, the OECD (2003, 2007) identified the benefit system, in particular the long-term nature of the One Parent Family Payment, as another barrier to employment among lone parents in Ireland and recommended that this be altered.⁵ The OECD also recommended that the parents of very young children should have a statutory entitlement to work part-time, the introduction of more flexible work options, and the further development of quality, subsidised childcare services (2003).

Cross-national studies also show that there is a significant divergence in the impact of lone-parenting on labour-market behaviour (Bradshaw *et al*, 1996). Murphy (2008) (citing Millar, 2005) outlines that, in the late 1990s, the employment rates of lone mothers with dependent children ranged from 42% in the Netherlands, 45% in New Zealand and 46% in Australia to over 70% in Austria, Denmark, Japan, Luxembourg, Greece and Portugal. Employment rates among Irish lone mothers (at 53%) were the sixth lowest of the 22 countries examined. Murphy (2008) reports that most of the 22 countries impose some 'availability for work' requirement on lone parents in order to qualify for state benefits, although the conditions and exemptions imposed vary widely. For example, in Germany, Austria and Denmark the work-test is conditional on a guaranteed childcare place. Murphy

3 The activity or participation rate calculates the proportion of the population in the labour market and therefore includes both the employed and the unemployed.

4 These results are based on analysis of the nationally representative Quarterly National Household Survey, Quarter 2, 2006.

5 The duration of this benefit was cut in the Social Welfare Bill, 2010, which outlined that the One Parent Family Payment will be gradually phased out for those with children over 13 years of age.

also notes that there is no straightforward association between the presence of a work-test and employment levels. According to Bradshaw *et al* (1996), other factors that are important in explaining national differences in employment among lone parents include demographic characteristics (e.g. the number and ages of the children of lone parents), the demand for labour, the level of benefits (replacement rates), and the availability of other policies to reconcile paid employment and family life. Bradshaw *et al* conclude that, of the welfare and benefit factors they examined, childcare costs across countries had the closest relationship with lone parent's employment rates (*ibid*, p48).

1.4 Part-time Employment and Caring Roles

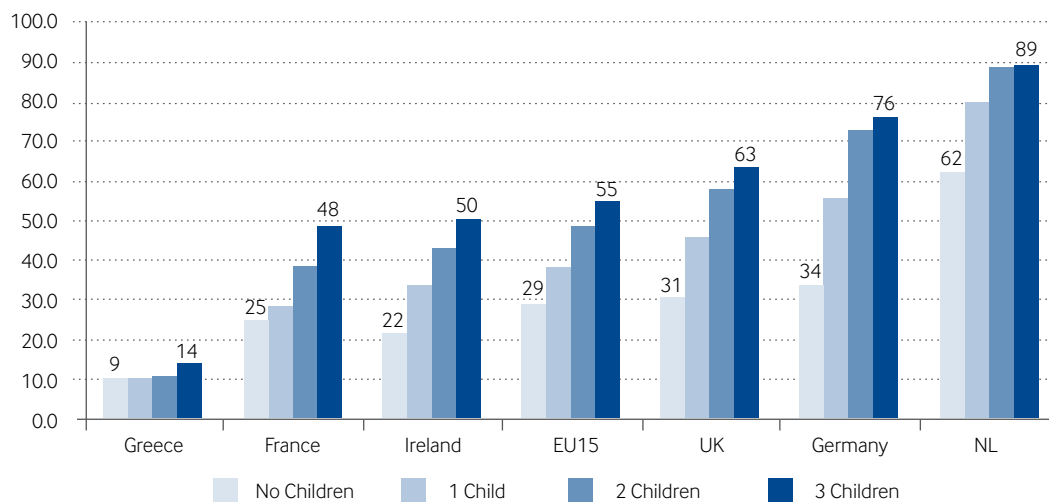
Countries also differ in the extent to which part-time work is used to combine employment and caring roles (Blossfeld & Hakim, 1997; O'Reilly & Fagan, 1998; Fagan & Rubery, 1996; Stier *et al*, 2001). Eurostat figures for 2008 based on harmonised European Labour Force Surveys show that the proportion of employed women who work part-time ranges from 75% in the Netherlands to less than 5% in Slovakia and Bulgaria (see Table 1.3). The rate of part-time work in Ireland was 32%, the average figure for the EU25 but below the EU15 average. The level of part-time working among Irish women remained remarkably stable over the period 1998 to 2008; the proportion stood at between 30% and 32% for the whole period. In comparison, the proportion of Irish men employed part-time in 2008 was 8%. However, recent labour-market statistics suggest that the part-time rate for women has risen since the last quarter of 2008, which coincides with the onset of recession (CSO, 2010).

Table 1.3: Percentage of employed women working part-time, 2008

	% part-time		% part-time
European Union (27 countries)	31.1	Spain	22.7
European Union (25 countries)	32.4	Finland	18.2
European Union (15 countries)	36.6	Portugal	17.2
Netherlands	75.3	Poland	11.7
Germany	45.4	Cyprus	11.4
United Kingdom	41.8	Slovenia	11.4
Austria	41.5	Romania	10.8
Sweden	41.4	Estonia	10.4
Belgium	40.9	Greece	9.9
Luxembourg	38.3	Lithuania	8.6
Denmark	36.5	Czech Republic	8.5
Ireland	32.3	Latvia	8.1
France	29.4	Hungary	6.2
Italy	27.9	Slovakia	4.2
Malta	25.5	Bulgaria	2.7

Source: Eurostat website <http://epp.eurostat.ec.europa.eu/>, extracted 2010-01-26. Part-time work is self-defined by respondents.

The connection between part-time work and motherhood is clearly evident in Figure 1.2 (below). In Ireland, 22% of employed women without children under 18 years worked part-time; the rate increased to 34% for women with one child, 44% for women with two children and 50% of women with three or more children. This pattern is repeated in most Northern EU countries. In contrast, in many Central, Eastern and Southern EU countries where part-time rates are low overall, the gradient with number of children is not evident.

Figure 1.2: Part-time employment rates among women by number of children, 2008

Source: European Labour Force Survey, www.epp.eurostat.ec.europa.eu

1.5 Welfare Regime and Employment of Mothers

To understand the employment of mothers (and other groups) across different societies, it is important to take into account the institutional arrangements that contribute to shaping these patterns. Social policy researchers have developed welfare regime typologies to summarise the distinctive approaches to the organisation of employment, social support and care across European societies. The most widely used typology is that developed by Esping-Andersen (1990, 1999), which has been extensively debated and adapted by others (see Arts & Gelissen, 2002 for a review). One distinctive strand in the development of welfare typologies is more extensive theorising on the role of the family in providing welfare and care and on the gender dimensions of welfare regimes (Daly, 1996; Lewis, 1992; Siaroff, 1994). These authors have shown that welfare regimes create different incentives for mothers to participate in the workforce.

Within Esping-Andersen's typology, Ireland is included with the *Liberal* welfare regimes alongside Britain. Key features of the liberal or market-centred welfare regime include a reliance on means-tested assistance, modest universal transfers, a preference for market-provided welfare and an emphasis on self-reliance, mainly through paid labour. Although welfare is tied to the labour market, the relatively low state supports for childcare within the liberal regimes means that, in practice, choices for working mothers are limited. Others have argued that family policies and the embeddedness of Catholic ideology in social policy means that Ireland more closely resembles the *Conservative* welfare regimes such as Germany, Belgium and the Netherlands (Nordenmark, Halpin & Hill, 2005; McLaughlin, 2001). Conservative welfare regimes have tax and welfare systems that support male-breadwinner arrangements⁶, relatively low provision of childcare and, in some cases, very long leave schemes that encourage women to withdraw from the labour market after childbirth (see Banks & Russell, 2011, for a comparison of maternity and parental leave schemes in the EU). For example, until recently Ireland shared with many conservative regimes a joint taxation system which discouraged employment among married women (Dingeldey, 2001).

In contrast, the *Social Democratic* welfare regime (as represented by countries such as Sweden, Norway and Denmark) encourages high levels of labour-market participation among all women through an individualised tax and welfare system, less reliance on the family as a provider of care, and state-provided, subsidised childcare (Nordenmark, Halpin & Hill, 2005).

⁶ For example the greatest welfare benefits accrue to those who have traditionally male patterns of employment over the life-course – full-time, uninterrupted employment.

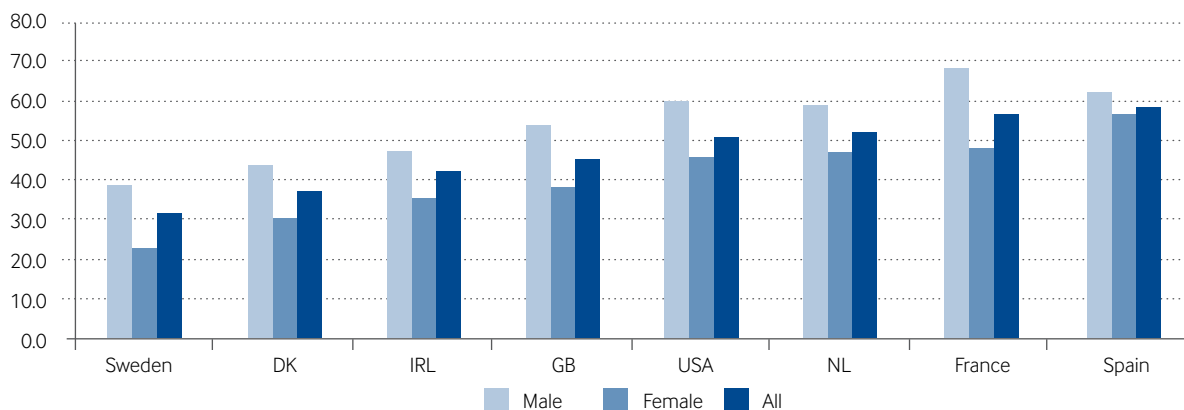
1.6 Attitudes to Maternal Employment

The rising trend in maternal employment has been accompanied by a shift in attitudes towards the employment of mothers and on other aspects of gender roles. In a series of studies spanning 1975 to 2004, Fine-Davis (1988, 2005) tracks changes in a wide range of gender-role attitudes, including maternal employment. In 1975, Irish attitudes were very traditional. For example, 68% of respondents in a Dublin-based sample believed: "It is bad for young children if their mothers go out and work, even if they are well cared for by another adult"; 65% agreed that "When there is high unemployment, married women should be discouraged from working" (Fine-Davis, 1988). A significant shift in attitudes was noted when a similar survey was carried out in 1986, though it was noted that the urban sample held more egalitarian attitudes than those from rural areas (*ibid*). By 2004, the proportion believing that mother's employment was bad for young children had declined to 39%, while the proportion endorsing the view that, during times of high unemployment, married women had a lower entitlement to work was 18%.

Evidence from the International Social Survey Programme (ISSP) also shows considerable attitudinal change over the period 1994 to 2002. The proportion of Irish women agreeing with the view that a pre-school child is likely to suffer if his or her mother works outside the home decreased from 51% to 35%, while the proportion of men agreeing dropped from 56% to 47% (O'Sullivan, 2007).⁷ Similarly, the percentage agreeing that family life suffers when the woman has a full-time job fell from 57% to 44% among both women and men over the same period. Each of the studies notes that attitudes to maternal employment vary with age, employment status and socio-economic status/education level (Fine-Davis, 2005; Whelan & Fahey, 1994; O'Sullivan, 2007).

Comparative analysis reported in Russell *et al* (2009) show that Irish attitudes to maternal employment are similar to those held in Britain. For example, 41% of Irish respondents agreed that the pre-school child suffers if his or her mother works outside the home, compared to 46% of British respondents (Figure 1.3). Similarly, 45% of British people agreed that family life suffers as a result of women working full-time outside the home compared to 44% among Irish respondents (Figure 1.4). These results suggest that in 2002 Irish attitudes towards maternal employment were more traditional than those in Denmark and Sweden, but less traditional than those held in the USA, the Netherlands, France and Spain.

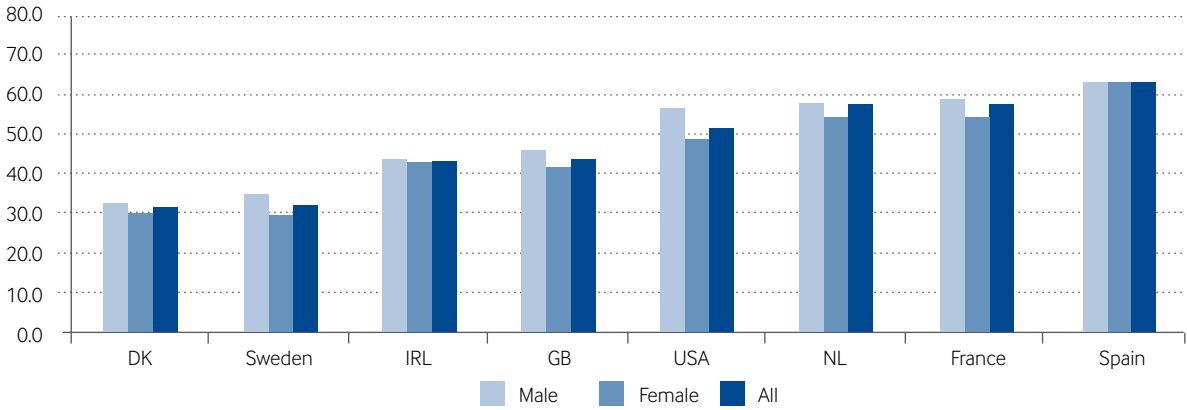
Figure 1.3: Percentage agreeing that a pre-school child is likely to suffer if his/her mother works outside the home, 2002



Note: From Russell *et al* (2009). Data Source ISSP 2002

⁷ Whelan & Fahey (1994) use data from the European Values survey which shows that the proportion of women agreeing with this statement in 1990 was 46% and the proportion of men was 60%. The difference between these figures and the 1994 results may reflect the different survey instrument, therefore it is most informative to compare the 1994 and 2002 ISSP results.

Figure 1.4: Percentage agreeing that, all in all, family life suffers when the woman has a full-time job, 2002



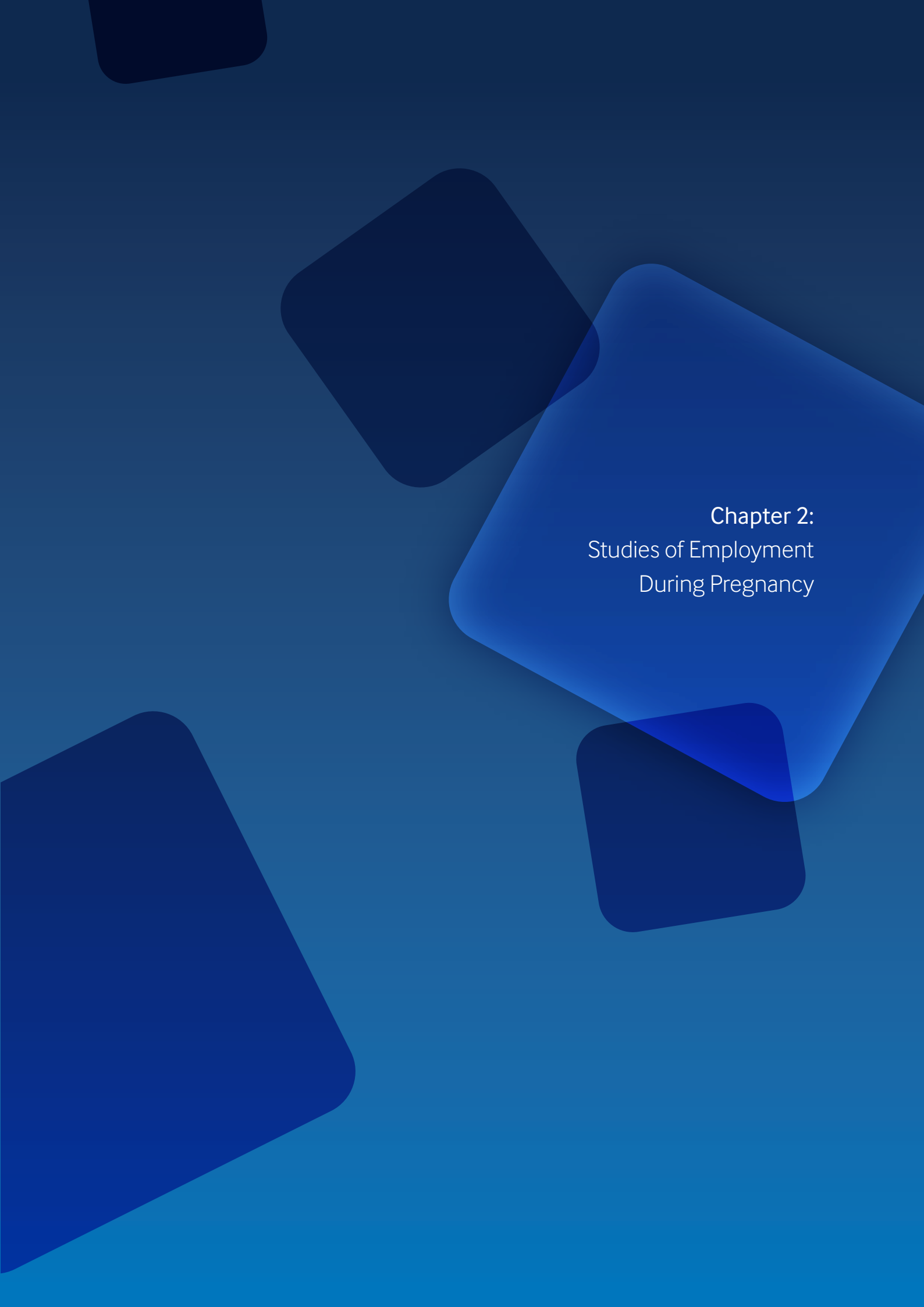
Note: From Russell et al (2009). Data Source ISSP 2002

1.7 Conclusion

The findings outlined here highlight the dramatic increase in female employment in Ireland over the last two decades. These trends mean that employment among women of child-bearing age and those who are pregnant is now the norm. Moreover, attitudes to maternal employment have shifted in the past few years and the majority of women with pre-school children are now in employment. To combine employment and parenting, many women in Ireland work part-time and the likelihood of working part-time increases with the number of children.

However, not all mothers have equal access to the labour market. Although the rate of labour market participation increased for married mothers between 1998 and 2007, the rate for lone mothers did not. Lone mothers face substantial difficulties in accessing employment and while a barrier such as a lack of affordable childcare is an issue for many working parents, it is particularly pertinent for lone mothers and their ability to access the labour market.

Given the substantial change in the gender composition of the Irish labour force it is increasingly important to examine the experiences of women at work during pregnancy to investigate whether their rights under anti-discrimination and health and safety legislation are being upheld.

The background is a gradient of blue, transitioning from a darker shade at the top to a lighter shade at the bottom. Several overlapping, rounded rectangular shapes in various shades of blue are scattered across the page. One large, light blue shape is positioned on the right side, partially overlapping a darker blue shape below it. Another large, dark blue shape is on the left side, extending towards the bottom. Several smaller, dark blue shapes are located in the upper and lower right areas.

Chapter 2:
Studies of Employment
During Pregnancy

2.1 Introduction

In this Chapter we focus on the experience of employment during and after pregnancy. These issues have been investigated in a variety of ways in the international literature and we group the discussion as follows.

- Studies of pregnancy discrimination based on legal caseloads
- Quantitative and qualitative studies of women's employment experiences during pregnancy
- Studies of employers' views and behaviour

One research approach has been to analyse legal cases concerning pregnancy-related discrimination and this is discussed in Section 2.2. This is the approach adopted in Banks and Russell (2011), which analyses the decisions of the Equality Tribunal and the Labour Court between 1999 and 2008. Studies of legal caseloads are, however, limited in that they reflect only those cases that have been through a formal legal process and thus are unrepresentative of the range of discrimination experienced. As outlined below (see 2.5), there are major disincentives to pursuing a legal case and these barriers are intensified for those who are pregnant or who have recently given birth.

A second set of evidence comes from large-scale surveys and qualitative studies of women's experiences while pregnant and following their return to work. We look first at research findings on pregnancy discrimination or unfair treatment during pregnancy. The evidence provided by these studies is based on the respondent's own assessments of their treatment and their views of the employer's behaviour and does not necessarily represent illegal discrimination. The advantage of surveys is that they include a wider sample of women who have been employed during pregnancy and not just those with most knowledge of their rights and with the resources/commitment to take formal legal action.

Sections 2.3 and 2.4 address the extent and nature of unfair treatment during and after pregnancy while Section 2.5 discusses women's response to unfair treatment. This research clearly demonstrates the effect of pregnancy on women's employment experience. However, employment also impacts on women's experience of pregnancy in a number of ways. In Section 2.6 we review research findings on the impact of employment on the experience of pregnancy, focussing on aspects of work that have been identified as risk factors for adverse pregnancy outcomes and on the role of employment factors in crisis pregnancy.

In Section 2.7 we examine evidence on discrimination collected from employers themselves. There may be a social desirability to appear non-discriminatory, which limits the extent to which employers will express negative attitudes about groups of employees. Nevertheless, studies of employers do reveal the existence of negative attitudes towards pregnant women and of unfavourable treatment of this group, perhaps because they see this as legitimate in terms of (perceived) productivity. Employer surveys also provide a valuable insight into employers' knowledge of legislation concerning pregnancy and maternity rights, and their views on these regulations.

2.2 Studies of Pregnancy-Related Discrimination Based on Legal Caseloads

A study of pregnancy-related discrimination cases decided through the Irish Equality Tribunal and the Labour Court over the period 1999 to 2008 was undertaken as part of the current investigation of women's experiences in employment during and after pregnancy (Banks & Russell, 2011). Overall, 54 cases involving pregnancy-related employment discrimination were heard during the period, of which 63% were successful for the claimant. The majority of cases, 74%, occurred during pregnancy (including three cases that involved recruitment during pregnancy), while the remaining 26% related to women's treatment while on leave or on their return to work. Just under half of the cases (46%) involved dismissal; the others covered a wide range of unfavourable treatment including loss in pay, failure to obtain promotion, unfair treatment relating to maternity leave or health and safety leave, being given a different job on return, and failure to provide part-time hours. These forms of discrimination, particularly dismissal, are likely to have significant financial consequences for the women involved.

The research found that cases of pregnancy-related discrimination were not confined to certain occupational positions but were spread across the job categories occupied by women in the labour market; however, when the analysis was confined to dismissal cases, personal services and sales occupations were over-represented among the claims. In sectoral terms, the retail and wholesale sector was over-represented and a disproportionate

number of pregnancy dismissal cases came from the private sector. Those with shorter job tenures made up a disproportionate number of claimants. In contrast, part-time workers were under-represented among claimants. It is argued that this may arise because full-timers are more likely to pursue legal action rather than because they are more vulnerable to discrimination (Banks & Russell, 2011).

The Irish results are broadly similar to those found in other jurisdictions. Between 2003 and 2005 the Equal Opportunities Commission⁸ (EOC) in the UK undertook a major research programme on pregnancy discrimination. As part of this programme, James (2004) investigated pregnancy-related unfair dismissal cases registered at employment tribunals in England and Wales between 1996 and 2002 (378 cases). This study found that, as in Ireland, allegations of pregnancy-related discrimination were spread across the range of occupations where women were employed. The study also found a higher proportion of claims came from full-time employees. Over two-thirds of the dismissals occurred while at work during pregnancy i.e. before the commencement of maternity leave, suggesting that this is a particularly vulnerable period for women. The greater risk of pregnancy-related discrimination against women with less than one year's service was also evident in the research (*ibid*, p32).

As part of the EOC research programme on pregnancy discrimination, Gregory (2004) took a broader spectrum of pregnancy discrimination cases in the UK, which was not confined to dismissal cases. The data consisted of 258 employment tribunal decisions heard between May 2002 and December 2003. Again, the over-representation of women with job tenures of less than one year and the under-representation of part-time workers was identified. The study found that less than 1% of cases involved women on non-permanent contracts, which does not reflect the incidence of temporary contracts in the workplace. The author suggests that this results not from a lower risk of pregnancy discrimination among this group, but rather "it is a reflection of the difficulties faced by pregnant women in attempting to argue that an employer's failure to renew a temporary contract or make a contract permanent at the end of a probationary period was an act of discrimination". Formal pregnancy-discrimination cases were almost entirely confined to the private sector and were more common among small employers. More than two-thirds of the employers had fewer than 50 employees, while only 19% of women in employment in the UK in the relevant age group were employed in such organisations (*ibid*). Less than 1% of the cases heard in the period involved public-sector employers. This result is attributed to the fact that the public sector has well-developed equal-opportunities policies and formal grievance procedures, and is more likely to attempt to settle cases before they reach a tribunal hearing.

In Australia, the Human Rights and Equal Opportunity Commission (HREOC) undertook a National Pregnancy and Work Inquiry (HREOC, 1999). Part of the study included an analysis of complaints of pregnancy discrimination received under the Sex Discrimination Act. Between 1984 and 1998, the annual proportion of sex-discrimination cases involving pregnancy discrimination ranged from 5% to 17%. The figure for the most recent year, 1997-98, was 10%. Further detail was provided on a small number of cases that were current in May 1999 (n=26). Of these, the majority concerned dismissal because of pregnancy (62%); 31% involved inappropriate or negative comments/questions about pregnancy; in 8% of cases, hours of work had allegedly been reduced due to pregnancy; 12% of complainants claimed they had been demoted because of pregnancy; 12% of cases involved inappropriate workloads/tasks, and one case (4%) involved less favourable assessment of work performance.⁹

Legal cases must, however, be seen as highly selective and cannot be taken to represent either the prevalence of pregnancy discrimination or the typical experience of women treated unfairly in the workplace. The survey carried out as part of the EOC's research programme on pregnancy discrimination, discussed in the next section, found that less than 4% of women who had experienced discrimination during pregnancy took their case to an employment tribunal (Adams *et al*, 2005).

2.3 Unfair Treatment: Findings of Equal Opportunities Commission Pregnancy Survey (UK)

The EOC study adopted a broad view of pregnancy discrimination, taking it to mean "any disadvantage at work caused wholly or partly by pregnancy or by taking maternity leave" (EOC, 2005, p11). The main quantitative element of the research was a national survey of 1,006 women with a child aged between 9 and 12 months, who

⁸ The Equal Opportunities Commission was later replaced by the Equality and Human Rights Commission.

⁹ The percentages add up to more than 100% because some complaints involved more than one allegation.

had worked at some stage during their pregnancy (Adams *et al*, 2005). The sample was drawn from a database of pregnant women who had received a guidebook through their GP surgeries and had voluntarily registered to receive free baby products. This means that the sample is not a nationally representative random sample and inferences cannot be drawn from the results for the population of women in general. Occupational quotas and quotas based on the age of the baby were applied and the results were re-weighted using information on mothers with children under one year of age, taken from the labour force survey.

The survey explored women's perceptions of how they were treated during and after pregnancy. As noted in the survey report, the research does not provide an objective assessment of their treatment nor does the treatment necessarily fall under the legal definition of discrimination. Respondents were asked whether they felt they had been treated unfairly as a result of their pregnancy before, during or after their return from maternity leave.

Responses to these questions were grouped into four discrimination categories:

- A. Dismissal: as a result of pregnancy, made redundant, dismissed or treated so badly the woman felt she had to leave (7%)
- B. Financial loss: salary reduction, failure to gain promotion/pay rise, loss of non-salary benefits (21%)
- C. Tangible discrimination: e.g. unsuitable work/workloads, threatened with dismissal, denied training, given different and unsatisfactory job on return (45%)
- D. Unpleasantness: e.g. treated with less respect, dispute about job on return, unpleasant comments (49%)

The categories are considered ordered (with A being the most serious and D the least) and the percentages are presented by the authors in a cumulative fashion. Thus the 21% recorded in category B includes the 7% in category A. Similarly, the 45% in category C includes those in category A and B (Adams *et al*, 2005, p6-7).

The authors report that most problems emerged before maternity leave and fewer respondents felt treated unfairly while on maternity leave: 9% of women had experienced negative treatment while on maternity leave, compared with a third who had experienced similar problems while still at work (Adams *et al*, 2005, p42). Similarly, 9% of women reported being treated unfairly on their return to work, although this percentage applies only to the subset of women who had re-entered employment.

The type of employer or nature of employment was found to have a greater influence than women's individual characteristics on the likelihood of having experienced unfavourable treatment. The level of pregnancy discrimination was highest in the retail and hospitality sectors, particularly the most serious forms of unfair treatment: dismissal and financial loss. Women in the public-services sector were less likely to have reported unfavourable treatment, although even in this sector 17% of respondents experienced dismissal or financial loss. This is considerably higher than the proportion of employment tribunal cases that involved public sector workers, discussed above (Gregory, 2004). Pregnancy discrimination up to and including tangible discrimination was highest at both ends of the occupational spectrum, among managers and elementary workers (Adams *et al*, 2005). Others likely to report unfair treatment were women employed in small firms, those with shorter job tenure, women on their first pregnancy, women pregnant for the first time while working with their current employer, and women with high annual earnings prior to pregnancy. In terms of individual characteristics, young mothers and ethnic-minority mothers were more likely to have experienced "tangible pregnancy discrimination" (categories A, B and C).

The results reported by Adams *et al* (2005) come from bivariate analyses and levels of statistical significance are not reported. Moreover, it is not possible to assess which factors are most important for the risk of discrimination, which would require a model that tests these effects simultaneously.

Employer practices and policies

The EOC survey also investigated women's views on employer's policies around pregnancy, focusing in particular on risk assessments and flexible working arrangements. The survey found an association between discrimination and poor employment practices. Women reporting discrimination were more likely to report employer inflexibility and that their employer did not carry out a risk assessment; however because the data is cross-sectional the direction of the relationship is unclear.

Under British law employers are required to carry out a risk assessment for all pregnant women. It was estimated that in 55% of cases, employers did not carry out risk assessments, failed to pick up risks as part of the assessment or failed to address the risks identified. Poor levels of risk assessment were most common in the business sector and among professional occupations, and for women working more than 40 hours a week, with less than one year's tenure and with high earnings prior to pregnancy.

Employers' flexibility towards new mothers was also assessed. Overall, 19% of women reported that they had not been allowed time off to cope with the illness of their baby or had been denied the opportunity to work more flexibly on their return to work. Lack of flexibility was particularly high among professional and managerial women and in the manufacturing and transport sectors.

Impact on decision to return to work

The EOC survey found a relationship between treatment while pregnant and women's decision to return to work.¹⁰ Overall, 81% of mothers in the sample had returned to work by the time of the survey. Of the women who returned to work as employees (n=799), 59% felt that their employer was *very supportive* of the fact that they had a young child, 26% said their employer was *supportive*, and 13% felt their employer was *not supportive*.

Over three-quarters (77%) of those who stated that their employer was very supportive or supportive during pregnancy had returned to work at the time of the interview, compared to 63% who stated that their employer was not supportive (Adams *et al*, 2005). Hogarth and Elias's analysis of the same survey data suggests that women who were dismissed as a result of pregnancy (type A discrimination) were less likely to have returned to work within the period of observation: 62% as opposed to 75% (Hogarth & Elias, 2005, p15). However, women who reported type B discrimination – 'financial loss' – were more likely to have returned to work by the time of the survey (87%). It is possible that this result arises because the women experiencing financial loss were more likely to be high earners and to have higher educational qualifications, characteristics that increase women's chances of returning to work. As the authors do not control for other characteristics in a model, it is not possible to attribute the differences identified in women's propensity to return to work to the manner in which they were treated during pregnancy. Lack of employer flexibility was found to increase the likelihood of leaving work subsequent to the return (Adams *et al*, 2005, p67).

Loss of income

Another significant impact of discrimination was the loss of earnings experienced by those who were dismissed/made redundant or pushed out of work because of their pregnancy. The problem is exacerbated by the difficulty women face in obtaining another job while pregnant (EOC, 2005, p24). Similarly, those who report problems such as demotion, pay cuts, having their shifts cut without agreement and being forced to go on maternity leave or sick leave earlier than they wanted to will also have experienced financial losses.

Additionally, women dismissed before 26 weeks of pregnancy were calculated to have lost an average of £2,210 in statutory maternity pay (Hogarth & Elias, 2005, p.iv). As well as the immediate cost, the authors report that women who recorded discrimination of type A or B experienced a lower rise in their earnings on return to work than those who were not discriminated against (although, again, other relevant factors are not controlled for in this analysis). Furthermore, those who experienced dismissal as a result of pregnancy were less likely to return to work at all, and those who did return spent longer out of the labour market. Both of these factors are likely to depress women's earnings in the longer term (*ibid*).

2.4 Unfair Treatment: Findings of Maternity Rights Surveys (UK)

The Maternity Rights Survey series in the UK has been monitoring women's take-up of maternity benefits and women's employment pre and post-birth since the late 1970s. We focus here on the four most recent surveys, carried out in 1996 (Callender *et al*, 1997), 2002 (Hudson *et al*, 2004), 2005 (Smeaton & Marsh, 2006) and 2007 (La Valle *et al*, 2008). The methodology of the survey changed over the period, from a postal survey in 1996 and 2002 to a telephone survey in 2005, to a face-to-face, computer-assisted interview in 2007. The content of the questionnaires and the wording of questions also changed from year to year, which means that precise

¹⁰ We discuss the findings relating to women's decision to return to work and their post-birth employment conditions in Chapters 3 & 4.

comparisons are not possible for some of the questions. The researchers caution that changes in methodology may account for some of the differences observed between the surveys even where the same questions were repeated. However, all four samples are drawn at random from national Child Benefit records, and therefore are nationally representative of mothers who had babies in the reference period selected.

We concentrate in this section on the findings relating to women's experiences at work during pregnancy and while on maternity leave. The results relating to women's employment post-birth contained in these studies are discussed in Chapter 3 below.

The survey carried out in 1996 (Callender *et al*, 1997) was of women who had given birth in June 1995. Only women eligible for statutory maternity benefits were included in the study, which resulted in a sample of 2,051 women.¹¹ The women who were employed during their pregnancy were questioned about difficulties with working because they were pregnant: 9% reported health problems alone, 13% reported difficulties with their duties, 2% experienced difficulties with both health and duties, and 4% reported other problems. Personal-service workers were more likely to report difficulties than other occupational groups and clerical workers were least likely to have experienced difficulties.¹² Overall, three-quarters of the women felt they had not been treated differently during their pregnancy, 5% reported negative treatment and 16% reported being treated more favourably. Female managers and professionals were more likely to perceive negative treatment than other occupational groups.

Among women intending to return to work, 7% had experienced problems with maternity leave (for example, employer's reluctance to let women take leave, problems with holiday entitlements) and 8% reported problems with their employer surrounding their return to work. Women employed in workplaces without any family-friendly policies were more likely to have experienced problems with maternity leave (12%), problems with return to work (14%) and unfavourable treatment (9%). Younger women were also more likely to report problems with their maternity leave or return to work. The authors attribute this to differences in expectations rather than necessarily reflecting differences in treatment (Callender *et al*, 1997, p94)

The 2002 survey resulted in a sample of just under 4,000 mothers (Hudson *et al*, 2004). The authors found that 36% of women who worked as employees during pregnancy felt they had been treated differently during pregnancy but in most cases this different treatment was favourable or sympathetic. Seven per cent of the sample related experiences that were negative; for example, loss of respect, lack of promotion and not being consulted (Hudson *et al*, 2004, p73).¹³ A somewhat higher proportion of women compared to the 1996 survey said they had difficulties carrying out their job while pregnant (31% compared to 26%). However, the question was not identical in the two surveys. Fewer women reported difficulties with maternity leave in 2002 (3%) than in the 1996 survey (7%).

In relation to maternity leave, 24% of women said they had stopped work earlier than they wanted to. However, in most cases the reasons were related to health, tiredness, or inability to carry out certain duties while approximately 6% were related to poor treatment or poor working conditions.

In 2005, 2,504 mothers were interviewed for the Maternity Rights Survey of whom 1,860 had been employed during pregnancy. The authors report that 11% of mothers said they had been unfairly treated during their pregnancy (Smeaton and Marsh, 2006). Among those reporting such treatment, the most common forms were: being given unsuitable workloads (44%), unpleasant comments (39%), and failure to get a promotion (35%) (*ibid*, p64, Chart 6.1). One third of the women said they had been treated so poorly they had to leave, which represented 3% of all women employed during pregnancy (*ibid*).

The 2007 Maternity Rights Survey surveyed 1,952 mothers who had given birth in the previous 18 months and were in employment at some point during the 12 months before the baby's birth (La Valle *et al*, 2008). Mothers who were employees during their pregnancy (1,517) were asked if they thought they had been treated unfairly at work as a result of their pregnancy. The question did not include a definition of what constitutes 'unfair treatment'. Just

11 Women who had worked for at least 26 weeks between January 1994 and the birth of their child.

12 No statistical significance levels are reported in the study; therefore it is not certain if the differences between groups of women outlined in this paragraph are large enough not to be due to chance.

13 Multiple responses were recorded so it is possible that some of this 7% also reported favourable treatment of some sort.

over one in 10 mothers (11%) thought they had been treated unfairly at work as a result of their pregnancy, the same figure as in 2005. These respondents were then asked to select the types of unfair treatment that they had experienced from a pre-coded list of options; multiple responses were allowed (see Table 2.1). The most common form of unfair treatment was being given unsuitable work or workloads. Almost one-third experienced unpleasant comments from colleagues or their employer and 21% reported being treated so badly that they had to leave, which amounts to 2.3% of the whole sample of employees. The survey did not ask respondents if they had been dismissed or made redundant so the categories are not comparable with those in the EOC survey outlined above which found that 7% of women were dismissed, made redundant or treated so badly they had to leave due as a result of their pregnancy (Adams *et al.*, 2005). However, as noted, the results from the MRS are more statistically robust as they are based on a nationally representative random sample of women with young children, whereas the EOC study did not use a representative sampling frame

Women employed in workplaces with no family-friendly working arrangements were significantly more likely to report unfair treatment (25%) than women in organisations with five or more such arrangements (7%) (La Valle *et al.*, 2008, p22).

Table 2.1: Types of unfair treatment at work, Maternity Rights Survey 2007

Multiple response	Column %
Given unsuitable work or workloads	40
Received unpleasant comments from employer/colleagues	32
Treated so poorly that felt had to leave	21
Discouraged from attending ante-natal classes during work time	20
Unfairly criticised or disciplined about performance at work	18
Failed to gain a promotion it was felt was deserved or otherwise sidelined	16
Denied access to training that would otherwise have received	10
Received a lower pay rise or bonus than peers	8
Had a reduction in salary or bonus	7
Bullied by line manager/supervisor	2
Other type of unfair treatment	19
Base (<i>unweighted</i>)	332

Base: Mothers who reported being treated unfairly during pregnancy in the last pre-birth job.

Multiple responses allowed so figures add up to more than 100%. 332 refers to the number of responses rather than number of individuals.

Source: La Valle *et al.* (2008, p24)

2.5 Women's Responses to Unfair Treatment

In the Equal Opportunities Commission survey, the majority (55%) of women took no action in response to the unfavourable treatment they described, 13% took a formal action of some sort and a further 34% raised the issue with an employer/manager (Adams *et al.*, 2005, p58). As mentioned above, less than 4% of women reporting some form of pregnancy-related discrimination took their case to an employment tribunal; only one woman had won her case and two others were settled (*ibid*, p62). These figures are broadly similar to those found in an Irish study of more general discrimination, which found that 60% of those who had experienced discrimination in the preceding two years took no further action, while only 6% made an official complaint or took legal action (Russell *et al.*, 2008).

The qualitative research by Davis *et al.* (2005)¹⁴ highlighted the strong disincentives to taking a case among those experiencing discrimination. The authors conducted in-depth interviews with 35 women who had faced some

¹⁴ This research was also undertaken as part of the EOC programme of research on pregnancy discrimination in the UK

form of pregnancy-related discrimination in the workplace, of whom six had initiated legal proceedings against their employer. The barriers to taking action following discrimination were also discussed in 12 focus groups with women who had recently given birth and had worked during their pregnancy. The most commonly mentioned factors were the additional stress because of their pregnancy and/or having a new baby to care for, and the need to maintain their reputation for their current or future jobs:

I wanted to take the case further but ...I felt that the stress would have been too much for me. I had had a miscarriage before and I was scared that the stress would lead to a similar situation. (Assistant at a nursing home)

I don't know whether I should have done more, but at the time I found it very difficult being pregnant and having two children at home and to be battling with this woman at work as well. (Media worker in a newsroom)

The concern that pursuing the case would have a negative effect on their employment prospects is something that is shared by those who had taken cases:

I complained to my line manager about the treatment that I had received but nothing was done about it and I didn't want to take it any further in case I was sacked and it might make it difficult for me to find another job. (Participant in young mothers focus group)

I must say it's a stigma that I don't know how to get rid of. I am going to have to go to work but I don't know how people are going to react to this. I don't want people to know that I took my employer to court because they might think I am that type of person. (Training manager, who had taken an unsuccessful tribunal case)

For others, financial pressures or worries prevented them from taking a case or even making a complaint (*ibid*):

I had no job and I had no redundancy money until this was solved, so for six months I'd have no income ... And they could also withdraw the redundancy money altogether, so it was such a stressful time, and I had a young baby that needed looking after ... so I took it [redundancy money]. (Advertising executive made redundant on her return to work)

Studies among other groups experiencing discrimination also shed light on other barriers to taking action that may be shared by those experiencing pregnancy-related discrimination. In their study of discrimination in Ireland among the general population (mentioned above), Russell *et al* found that taking any action in response to perceived discrimination was restricted by lack of knowledge about rights and protections under Irish law (Russell *et al*, 2008). Among those who had no knowledge of their rights, only 30% had taken any action in response to perceived discrimination, whereas this figure rose to 49% among those who had a good understanding of their rights.¹⁵ This relationship between knowledge and action remained significant even when other factors, such as severity of impact, were controlled.

2.6 Employment, Pregnancy Outcomes and Crisis Pregnancy

So far we have reviewed research on the effect of pregnancy on women's experience in employment. However, working during pregnancy also impacts on women's experience of pregnancy in a number of ways. In this section we review research findings on the impact of employment on the experience of pregnancy, focussing on aspects of work that have been identified as risk factors for adverse pregnancy outcomes and on the role of employment factors in crisis pregnancy.

Employment during pregnancy is now the norm and, with proper risk assessment, can in the great majority of cases be undertaken without any risk to the health of women or their babies. Nevertheless, certain occupational factors are suspected to have an adverse effect on the outcomes of pregnancy. Reviews of literature and medical papers by Bonzini *et al* (2007) and Mozurekewich *et al* (2000) evaluate the association between working conditions and adverse pregnancy outcomes. These studies examine three major adverse outcomes: pre-term delivery, low birth-weight and pre-eclampsia, in relation to working hours and physical activities. Bonzini *et al* (2007) identified

¹⁵ In both cases, the majority had made only a verbal response to the discrimination.

53 reports over a nine-year period¹⁶, which related these adverse outcomes to five common occupational exposures: prolonged working hours, shift work, lifting, standing and heavy physical workload. They find extensive and consistent evidence relating each of these exposures to pre-term delivery. For 'small for gestational age', the position was similar, but the evidence base was more limited. For pre-eclampsia and gestational hypertension, they found the studies were too small to allow firm conclusions.

Similarly, Mozurekewich *et al* (2000) evaluate the association between working conditions and adverse pregnancy outcomes. This study conducted a meta-analysis of 160,988 women in 29 studies to evaluate the association of occupational exposures – which included physically demanding work, prolonged standing, long working hours, shift work, and cumulative work fatigue – with pre-term birth, hypertension or pre-eclampsia and small-for-gestational-age infants. This study found that physically demanding work and prolonged standing were significantly associated with pre-term birth and hypertension or pre-eclampsia, but found no significant association between long work hours and pre-term birth.

Interestingly, a study by Pompeii *et al* (2005) found that physically demanding work does not seem to be associated with adverse pregnancy outcomes, but did find that night-work during pregnancy may increase the risk of pre-term delivery. Conducting the study through clinic and hospital settings in Central North Carolina, the researchers used specific indicators – standing, lifting, night-work, or long hours – to assess if they are associated with an increased risk of pre-term or small-gestational-age birth. Similarly, Liang Zhu *et al* (2004) estimate the effect of shift work on the duration of pregnancy and birth-weight using the Danish National Birth Cohort. This study also pointed to night work in particular and its impact on prolonging pregnancy duration and reducing foetal growth, especially among industrial workers (Liang Zhu *et al*, 2004).

Despite some inconsistencies in the scientific literature, the reports recommend preventative measures should be taken and advise against long working hours, prolonged standing and heavy physical work, particularly in late pregnancy. Saurel-Cubizolles *et al* (2004) suggest that the inconsistencies may result from the great variety of indicators used to evaluate exposure to physical workload during pregnancy (standing, walking, heavy lifting, physical exertion, heavy work, etc).

In Ireland, the impact of working while pregnant has received little attention in relation to birth outcomes. One exception is a study by Niedhammer *et al* (2009), which examines the predictive effects of various occupational factors on pregnancy outcomes including birth-weight, pre-term delivery and small-for-gestational-age. Using a cohort of 1,124 pregnant women, this study found significant associations between physical work demands and low birth-weight (<2500g) and between working temporary contract work and pre-term delivery. This study highlights that, although linkages have been previously made between three of the four occupational factors (long working hours, shift work and physical demands) and low birth-weight, few studies associate temporary contracts with pregnancy outcomes.

In addition to the particular occupational factors discussed above, experiencing discrimination can have a negative impact on the health or well being of pregnant women. In the UK study cited earlier, Davis *et al* find that six of thirty-five women interviewed explicitly mentioned that discrimination during pregnancy had impacted on their health or on the health of their baby (Davis *et al*, 2005). Most of the women affected described feelings of stress, often accompanied by exhaustion, anger, and unhappiness:

And it was so stressful, really stressful ... I didn't enjoy my maternity leave at all and I really resent that company for making me go through that. I'm so angry with them for making me have five months of stress. (Advertising executive)

I did suffer quite a bit with health issues, I ended up with high blood pressure and I never recovered from my kidney infection and ... the growth of the baby was weeks and weeks behind what it should have been ... I should have been going to the midwife every month and I was going every week, and then that worried me as the months and weeks were going on that, you know, the baby wasn't healthy and I was losing weight. (Veterinary nurse)

¹⁶ The authors carried out systematic searches of Medline and Embase between 1996 and 2005.

One woman described the psychological difficulties she experienced due to the manner in which she was treated by her employers:

I wasn't really thinking straight at the time, I was close to having a breakdown and I felt suicidal at times. The impact was huge, and what should have been the happiest time of my life was a nightmare. (Regional manager at an optician's)

Stress was particularly acute for women who experienced dismissal and resulting financial pressure. Many of the women also felt that the stress of the situation spilled over into their family life, affecting their relationships with their partners and their children (*ibid*).

Experience at work and crisis pregnancy

Research suggests that women's experiences at work during pregnancy can contribute to their experiencing a crisis pregnancy. The Crisis Pregnancy Programme defines a crisis pregnancy as a "pregnancy which is neither planned nor desired by the woman concerned and which represents a personal crisis for her" (Crisis Pregnancy Agency, 2004a, p5). O'Keeffe (2004) argues that a crisis pregnancy may not be interpreted as such at first but may become a crisis as a result of changing circumstances, including a woman's employment. In their review of research, Redmond *et al* stress that the likelihood of having a crisis pregnancy is strongly related to work-life balance policies adopted by employers, workplace culture and maternity arrangements (Redmond *et al*, 2006).

Rundle *et al* (2004) carried out a nationally representative survey of the population which found that 28% of women and 23% of men with experience of pregnancy had experienced a crisis pregnancy in Ireland (Rundle *et al*, 2004). The authors report that while crisis pregnancies occur among child-bearing women of all ages that women in their early twenties are more likely to experience a crisis pregnancy.¹⁷ This coincides with the age at which most women enter a critical phase in their employment experience or career (*ibid*). Participants in the study were asked to explain why they had described their pregnancy as a crisis pregnancy. As expected, most responded that it was due to the pregnancy being 'not planned' or due to 'relationship difficulties'. It is interesting however that a small minority specifically stated work-related reasons as to why their pregnancy was a crisis; 3% cited 'work commitments/plans' and 5% cited 'financial reasons/unemployment' (*ibid*, p132).

Findings from the nationally representative survey report that 75% of women who had experienced a crisis pregnancy chose to give birth and 15% chose abortion (Rundle *et al*, 2004). In a review of issues related to work-life balance, workplace culture and maternity/childcare issues, Redmond *et al* suggest that decision-making around crisis pregnancy can be influenced by the absence or presence of flexible working arrangements (2006) (see also Crisis Pregnancy Agency, 2003, 2004a, 2004b, O'Keeffe, 2004). The authors found that women assess whether having a child will have a detrimental affect on their career trajectories and assess how they will cope with parenthood in their current education or employment circumstances (Redmond *et al*, 2006). For younger women in particular, concerns were expressed about having sufficient time to devote to both work and family life (Mahon *et al*, 1998). For women who were not married or in steady relationships when they became pregnant, a key consideration was that lone-parenthood is perceived as difficult (*ibid*).

Davis *et al* (2005) reported that some women who found themselves in financial difficulty as a result of pregnancy-related dismissal or disputes over maternity pay also considered abortion:

I thought, god, that's it, I'm going to be homeless, and I'm going to be homeless this week! I'd just had all this stuff delivered from my friend, cots and mountains of baby stuff, and I was totally distraught. And I went to the council offices here, like the council housing, and said "Oh my god, I'm pregnant and I've just been fired!" Reality really hit, and my rent was £250 a week which I could very easily afford last week! I was so completely distraught, and they took me off and gave me a cup of tea, and I was really upset. I was saying "Oh my god, I should have an abortion, I can't afford to have this child!". (Chef in a private household)

Mahon *et al* (1998) found a link between women's employment and the decision to have an abortion. In a qualitative study carried out in abortion clinics in the UK, more than one-third of the Irish women in the sample (N = 88) who had had an abortion said that career and job-related reasons had strongly influenced their decision

17 The mean age for the occurrence of crisis pregnancy is 23 for women and 24 for men (Rundle *et al*, 2004)

(Mahon *et al*, 1998). Interestingly, the authors report that in deciding to terminate a pregnancy the women were not rejecting motherhood *per se*, but motherhood under current circumstances, when they were financially unstable, beginning careers or in education (*ibid*). In recognition of the link between employment and pregnancy decision-making, pregnant employees are protected by EU directives which rule that the entire period of pregnancy and maternity leave is a special protected period and which prohibit pregnancy-related dismissal on grounds of equality.¹⁸ This is in view of the harmful effects which the risk of dismissal may have on the physical and mental state of pregnant women, including the particularly serious risk that they may be prompted voluntarily to terminate their pregnancy (Banks & Russell 2011).

2.7 Employer's Perspective

Employers' experiences of employing pregnant workers and their attitudes towards this group of employees have rarely been explored. As noted above, this lack of research may be due in part to an expectation that employers may give socially desirable responses to the researcher rather than reflect their actual views or behaviour. Nevertheless, the paucity of research on the employers' perspective in Ireland means that an important element of the picture of pregnancy and workplace relations is missing. Research on employers in Ireland would add to our knowledge along three important dimensions:

- Employers' experiences of dealing with pregnancy in the workplace
- Employers' knowledge of and views about the regulations around pregnancy and maternity
- Employers' perspective on reintegrating women into employment following childbirth

A recent study of 246 organisations in Ireland on attitudes to employment law was published by a private human-resource management firm, Graphite. This study did not provide any information on the sample selection and the methodology and as a result the findings cannot be viewed as representative. Moreover, some of the questions appear to be leading and some of the response scales reported are unbalanced, which undermines the validity of the results. The majority of organisations surveyed were in the private sector (87%) and with regard to organisational size, 22% had fewer than 20 employees, 35% had 21 to 100 employees, 25% had 101 to 500 employees and 17% had over 500 employees. In response to the question "do you believe that current provisions for maternity leave are too generous?", 39% of respondents said yes (Graphite, 2009, p.19). Almost 59% of employers believed that the length of maternity leave affects women's promotional or career opportunities, but only 13% said that maternity leave provisions affected their decision when hiring women of child-bearing age. The authors suggest that these two responses do not 'stack up' and acknowledge that there may be a social-desirability bias in the responses on hiring (*ibid*, p20).

As part of the EOC programme of research in the UK, in 2004 a survey of employers was carried out, which was specifically designed to examine employer's awareness of legal rights and responsibilities with respect to pregnancy at work and to investigate the reasons for non-compliance (Young & Morrell, 2005a, 2005b, 2005c). This research involved a survey of over 800 employers¹⁹ across Britain: 453 in England, 150 in Wales and 205 in Scotland. The sample was stratified by broad workplace size and sector, and the results were re-weighted to reflect the distribution of businesses by size and sector within each country. Organisations with fewer than five employees were excluded from the survey.

The authors suggest that the unfavourable treatment of pregnant women by employers arises partly from a lack of knowledge about their responsibilities and the entitlements of pregnant women, partly from negative perceptions about pregnant women or mothers of young children in the workplace, and partly due to negative attitudes about employment regulations.

While the majority of employers said they were supportive of employees when they were pregnant and on their return to work, a significant minority expressed negative views, which could account for the minority of employers who treat these women unfavourably. For example, in the survey of English employers (Young & Morrell, 2005a):

¹⁸ Equal Treatment Directive (76/207/EEC) and the Pregnancy Directive (92/85/EEC)

¹⁹ The survey was administered to human-resource managers or equivalent and was carried out by telephone. Organisations were approached at establishment level, i.e. not at head office, where there was more than one outlet.

- 47% agreed that some women abuse their rights during pregnancy, maternity leave and on return to work
- 17% of employers agreed that pregnant women tend to be less committed to work
- 12% disagreed that women returning to work after maternity leave are just as committed to work as other members of the team
- 28% disagreed that it is worth training someone who is pregnant even though she may not return to work²⁰
- 85% agreed that during recruitment it is reasonable that women declare upfront if they are pregnant²¹

Attitudes were found to be more negative among employers in small firms, establishments that had a lower proportion of female employees (less than half) and among those who had not dealt with a staff pregnancy in the preceding three years. This last finding leads the authors to conclude that, among employers, “the perception of potential difficulties may be worse than the actual experience” (Young & Morrell, 2005a, p40). A more pessimistic interpretation of this result is that it indicates that employers with negative attitudes are less likely to employ women of childbearing age. Public-sector employers expressed more positive attitudes towards pregnant employees than private-sector employers. For example, 87% of public-sector employers agreed or strongly agreed that it is worth training someone who is pregnant compared to 60% of private employers in the manufacturing sector and 70% of employers in the services sector.

Smaller employers were also more likely to experience difficulties in managing pregnancy in the workplace. As one might expect, respondents in smaller workplaces more commonly mentioned problems with managing workload increases for other staff members and associated issues such as training new staff and arranging or planning cover during a leave period (Young & Morrell, 2005a).

Employers’ knowledge of maternity entitlements was assessed on the basis of an open question on what they believed to be the statutory entitlements of pregnant women and those returning from maternity leave. Among employers in the English survey, around three in 10 could not name any statutory entitlement; 45% mentioned maternity leave, 46% maternity pay, 25% paid time off to attend an appointment, 7% risk assessment, 7% flexible working and 5% accrual of annual leave. While the percentages increased among employers with experience of a pregnant employee in the last three years, even among this group less than a third mentioned any of the entitlements other than maternity leave and pay. These responses may be partly influenced by the absence of any prompts in the question; nevertheless, the responses suggest wide gaps in employers’ knowledge of such entitlements.²² Awareness of statutory entitlements for pregnant staff was found to be significantly higher among public-sector employers than among private-sector employers.

In the US, researchers investigated employer discrimination toward workers with children by conducting a field experiment with employers. A pair of fictitious CVs and cover letters were sent to employers for advertised job vacancies over a period of 18 months. Qualification levels, prior experience, gender and other relevant characteristics were matched across the two applications, but parental status was varied. Childless women were found to receive twice as many calls to interview as mothers (Correll *et al*, 2007, p1331). For men, being a parent had no impact on the rate of calls to interview. Interestingly, childless women were more likely to be called to interview than equally qualified childless men (*ibid*).

A second element of the study shed light on how stereotypes may disadvantage parents in the workforce. In a separate laboratory experiment, participants (who were not employers) were asked to evaluate a pair of equally qualified job candidates of the same gender but who differed in parental status, to rate their competence and to make a recommendation on hiring and starting salary. The results show that evaluators judged mothers to be substantially less competent and committed than women without children. Competence ratings were 10% lower for mothers and commitment ratings were 15% lower for mothers. Mothers were much less likely to be deemed hireable/employable: 47% of mothers were recommended for hire compared to 84% of non-mothers. The recommended starting salary for mothers was \$11,000 less than that offered to non-mothers (*ibid*, p1316). The authors argue that cultural understandings of the motherhood role conflict with cultural understandings of

20 Under British law it is illegal to deny training on the basis of pregnancy.

21 Such declarations are deemed unnecessary under British legislation (Young & Morrell, 2005a, p38).

22 The question only requires naming the entitlement and not the details (e.g. length of leave or amount of benefit etc).

the ideal worker. The findings are judged to support the theory of status-based discrimination, which suggests that lower-status actors will be judged more harshly; because good performance among low-status actors runs counter to expectations, their performance is more critically scrutinised. In other words, "the standard used to evaluate workers is systematically biased in favour of high status groups" (Correll *et al*, 2007, p1302).

2.8 Conclusion

Unfair treatment

The studies outlined above suggest that pregnant women are indeed potentially exposed to a wide range of negative treatment in the workplace. Estimating the precise number of women who experience such problems is difficult. The cases that appear before legal tribunals represent only the tip of the iceberg. Probably the two most relevant estimates of the rate of such discrimination come from the 2007 National Maternity Rights Survey (MRS) (La Valle *et al*, 2008) and the EOC/Adams *et al* (2005) study. The MRS study found that 11% of women felt they had been treated unfavourably during pregnancy, while the EOC/Adams *et al* study estimated that 45% of women had experienced tangible discrimination.

The results from the MRS are more statistically robust as they are based on a nationally representative random sample of women with young children, whereas the EOC study did not use a representative sampling frame.²³ The two studies also differ in the way in which the questions on discrimination or unfavourable treatment were framed. In the MRS, women had to respond spontaneously to a question on whether they had been treated unfairly due to their pregnancy, without any prompts as to what this treatment might have entailed. In contrast, the EOC study showed women a list of experiences and asked if any applied to them. The women themselves did not define the treatment as unfair or unfavourable. In neither case can it be established that the experiences reported would pass a legal threshold of discrimination.

While the extent of the problem is difficult to measure precisely, the research provides a somewhat more consistent view of the factors associated with increased risk of discrimination or unfavourable treatment. Nevertheless, the results on risk factors are far from conclusive due to the relatively small number of studies carried out and the lack of representative data. We highlight below some of the results that have recurred across more than one of the studies described.

Higher risk in private sector: A number of sources, including the survey of employers (Young & Morrell, 2005a), the legal case studies and the EOC survey (Adams *et al*, 2005) suggest that women in the private sector face a greater risk of unfair treatment during pregnancy compared to those working in the public sector. Greater adherence to equality policies and formal recruitment and human-resource practices, as well as greater awareness of regulations around pregnancy at work, may account for lower rates of discrimination in the public sector. It was also argued that public-sector employers might be more likely to settle discrimination cases before they reach the courts.

Less risk with flexible-work-practices culture: Flexible work practices were found to be associated with better treatment of pregnant workers in a number of the studies. Both the EOC survey and the 1996 and 2007 Maternity Rights Surveys (Callender *et al*, 1997; La Valle *et al*, 2008) found that women in firms without flexible working arrangements were more likely to have experienced problems with their employer concerning their pregnancy and maternity leave. The provision of flexible working options is likely to indicate that the employer is aware of the competing demand facing employees outside of work and may also suggest a greater concern for employees' welfare more generally.

Higher risk in small firms: Differences between small and larger employers were found in Young and Morell's study of employers as well as by Adams *et al* (2005). Women in small firms had a higher risk of discrimination and employers in smaller firms expressed more negative views about pregnant workers and about dealing with pregnancy in the workplace. This latter effect is partly structural as employers in small firms do not have the same resources to cover employees on maternity leave.

²³ The EOC sample was reweighted to the relevant population but selection bias may remain a problem.

Risk associated with full-time work and short job tenure: The characteristics of the women themselves appeared to have less influence on the risk of unfavourable treatment than the characteristics of their employing organisation or job. However, both the British and Irish legal caseload results found that women working full-time and women with shorter job tenures were over-represented among complainants. Greater vulnerability for women with short job tenures is backed up by both the EOC and the 1996 Maternity Rights Survey (Callender *et al*, 1997), but none of the surveys reports higher rates of discrimination for full-timers. These differences may arise because those working part-time are less likely to pursue their case. From an economic point of view, women with longer job-specific experience will be more difficult and costly for employers to replace, whereas those with shorter tenures may be seen as more dispensable. Mutual commitment and the employee's social capital within the firm are also likely to increase with tenure. Employers may also be unaware that there are no length-of-service requirements for protection from unfair dismissal due to pregnancy. The EOC survey and the 1996 Maternity Rights Survey also found that younger women were at greater risk of unfavourable treatment, a factor that may be linked to the length of their job tenure.

Health

The literature reviewed suggests that the majority of women who work during pregnancy do not experience health problems. For example in Britain approximately 11% of women reported health problems. Nevertheless the literature identifies a number of work factors that have been found to increase the risk of adverse outcomes during pregnancy, these include; prolonged working hours, shift work, lifting, standing and heavy physical workload. This research highlights the need to ensure that health risks for pregnant women are properly assessed in the workplace and steps are taken to minimise those risks as provided for by health and safety regulation in Ireland and at the EU level.

Crisis pregnancy

Similarly, the review highlights the relevance of employment for the issue of crisis pregnancy. Since the majority of women of child-bearing age are in the labour market, their experiences in that domain can both moderate and contribute to a pregnancy being perceived as a crisis for the woman involved. Flexibility and family friendly arrangements are important in maintaining employment following birth and therefore reduce fears of financial problems on transition to motherhood. Job loss and the fear of job loss are likely to become increasingly prevalent as a cause of crisis pregnancy in the current economic environment, and therefore employment protection provided through maternity legislation and anti-discrimination legislation continues to be extremely important.

In addition to these findings, the literature review also highlights gaps in the research, particularly in Ireland. The rapid rise in women's participation in the paid labour market emphasises the urgent need for greater research into understanding women's experiences at work during pregnancy. The research project, of which this literature review is part, is a major step in addressing some of the many gaps in the literature on this topic in Ireland. Other specific issues that cannot be addressed in the current research project but which deserve further attention include the relationship between occupational factors and pregnancy outcomes, and studies of employers and their experiences.

The background is a gradient of blue, transitioning from a darker shade at the top to a lighter shade at the bottom. Several large, rounded rectangular shapes in various shades of blue are scattered across the page, overlapping each other. The text is centered within one of these shapes.

Chapter 3:
Women Returning to Work
After Childbirth

3.1 Introduction

The way in which women are reintegrated into employment following any interruption involving childcare is believed to be crucial for gender equality in the labour market. Later, in Chapter 4, we will review the literature on the occupational and wage effects of interruptions in employment due to childbirth. As the research presented there will illustrate, the decision on whether and when to return to the workforce and the jobs women enter on their return can have long-term consequences for gender differences in earnings and for occupational segregation by gender. These are persistent features of the labour market across the developed world. But first, in this chapter, we focus on the evidence surrounding the factors and processes that influence decisions to return to work and the duration of time spent outside employment.

There have been periodic studies of the factors that influence female participation rates in Ireland, which track the influence of motherhood vis-à-vis other factors in predicting whether women are likely to be employed or participating in the labour market. These studies apply econometric approaches to women's labour-market participation to assess the relative impact of different factors (Callan and Farrell, 1991; Barrett *et al*, 2000; Doris, 2001; Callan *et al*, 2009). The key findings are that university education and greater work experience make participation more likely. Conversely, the presence of a young, pre-school child is a strong factor depressing participation (Callan and Farrell, 1991; Barrett *et al*, 2000).

The most recent analysis of women's labour-market participation is found in Russell *et al* (2009). Comparing 1990s and 2005 data, this study finds that the effect of having pre-school children on women's probability of being in the labour market (while holding constant both age and predicted wages) has increased among women with low educational qualifications. Among women with some qualifications of Leaving Certificate level or above, the effect of having pre-school children fell marginally between 1994 and 2005. The effect of having children aged 5 to 12 increased somewhat over the same period for this group of women. Having children aged 13 to 18 was found to have no effect on women's level of participation in 2005, net of women's predicted earning capacity. However, it should be noted that predicted earnings incorporate the depreciation in wages due to time out of the labour market, which will capture some of the impact of having older children.

These econometric studies are cross-sectional and look at the female labour market at different points in time. However, to understand return to work after childbirth, it is essential to capture the dynamic element of the process by looking at transitions over women's individual life-course through longitudinal data. Most of the studies described below use panel data or retrospective life/work histories. A number of studies directly sample women who have recently given birth and collect information about their transitions back to employment. Previous Irish research of this sort is limited, partly due to lack of appropriate data. Therefore the review draws mainly on the international literature, while highlighting Irish research where it exists.

The factors thought to influence the decision on if and when to resume employment following childbirth can be grouped into a number of categories. We look at three sets of influences: those that arise at an individual level, job/organisational factors, and institutional influences. We consider the mechanisms through which these factors are likely to influence women's decision to resume work after childbirth and present the empirical results on each.

Factors arising at the individual level include socio-economic and demographic characteristics and individual preferences. In Section 3.2 we examine human capital factors - occupational group, education level and previous work experience. Demographic and family characteristics such as age of mother, birth order, partnership status and partner's earnings also operate at the individual level and these are then examined (Section 3.3). In Section 3.4 we focus on preferences and gender role attitudes. In Section 3.5 we move on to the organisational level factors. Here we examine research on job characteristics, such as flexible work arrangements, security of tenure, and sector.

The distinct patterns of labour-market participation among mothers across Europe (outlined in Chapter 1) highlight the central role of institutional and welfare arrangements that encourage different levels of labour-market involvement among mothers. Equally we would expect that welfare regimes will shape women's transitions back into employment. In particular, provisions for maternity leave and parental leave are likely to influence the timing of women's return to work, while the availability of childcare supports is likely to influence whether mothers of

young children can return to employment at all (e.g. Stier *et al*, 2001; Gornick *et al*, 1997, Gornick, 2008; Esping-Andersen 1999). These policy factors are the focus of Section 3.6. Finally Section 3.7 looks at cohort effects - change over time net of changes in other characteristics.

3.2 Human Capital

Women with higher educational qualifications and those who occupy privileged job positions prior to childbirth are likely to have both stronger financial incentives and non-financial motives for returning to employment than those with few qualifications and/or low-skilled jobs. High-skilled women can command higher wages; in economic terms, the opportunity costs of staying outside the labour market are therefore higher. Moreover, women with a higher earning capacity are in a better financial position to afford childcare (when this cost is not borne by the State) and to outsource other domestic tasks. It has also been argued that the costs of taking a break in employment in terms of career development may be greater for those in professional/managerial positions than for those lower down the occupational hierarchy (Smeaton, 2006).

Education and occupational level are also likely to correlate with other important non-financial elements of work experience. Those with higher educational qualifications or occupying professional/managerial positions also tend to enjoy greater intrinsic rewards, such as a greater degree of autonomy and more opportunity to exercise their skills. This is exemplified by higher levels of job satisfaction and organisational commitment among these groups (O'Connell *et al*, 2004).

In the economic literature, previous job experience is also used as a key indicator of human capital and is found to be associated with pay levels. In the case of women who have recently had children, prior work experience is also likely to capture commitment to employment, while longer job tenure indicates greater commitment to the previous job. Higher levels of job-specific human capital (such as years of accumulated experience, job-specific training, specialised education) also make it more difficult for the employer to replace the employee; employers are also likely to invest more effort in retaining such women following childbirth.

Therefore, in general, there is an expectation that higher levels of human capital will make a return to work more likely following childbirth, and sooner rather than later. However, there are pressures that may pull in the opposite direction. Most notably, women in unskilled occupations may be under greater financial pressure to return to employment relatively soon after they have given birth, while those in higher-level occupations will have the resources to sustain a longer period of leave. This countervailing influence is recognised by Smeaton (2006, p13) when she points out that:

"The inverse scenario applies to women lower down the occupational hierarchy for whom career disruption may have fewer long term consequences, but the sacrifice of salary may not be sustainable."

At least one of these variables (education, occupation, work experience) is included in all the empirical studies of women's return to work following childbirth, discussed below. In some cases all three are tested. In some of the studies the effects of earnings prior to birth are also tested directly.

The only previous research examining Irish women's transitions back to employment after childbirth using longitudinal data is contained in a cross-national study by Russell *et al* (2006), which compares return to employment among women in Ireland, the UK, Germany and Sweden. The Irish results were based on analysis of eight waves of the Living in Ireland Panel Survey. The survey began in 1994 and respondents were re-interviewed each year up to 2001. The surveys were conducted at approximately one-year intervals and any births between the waves were recorded.²⁴ The first element of the analyses was to investigate the factors that influenced being back in employment at the first interview after the birth. As the births were distributed across the year, the age of the child of the interviewee could vary between zero and around 12 months. The Irish results show that women with third-level qualifications were significantly more likely to be back in employment at the first interview post-birth, as

²⁴ The German sample came from the German Socio-Economic Panel. The UK analysis used the British Household Panel Survey, and the Swedish analysis was based on ULF panel surveys (the Statistics Sweden Survey of Living Conditions). The German and British panels were run annually but over a much longer period than the Irish survey, thus providing a greater number of cases for analysis. The Swedish panel were only re-interviewed after a seven-year interval.

were women who had longer employment tenures before the birth. The effect of education on the transition back to work was significantly stronger in Ireland than in Germany or the UK (Russell *et al*, 2006, Table 5).

The influence of human capital, in the form of previous occupational position and work experience, is also demonstrated in British studies across a number of decades. McRae's study of women's return to work following childbirth surveyed women who gave birth between December 1987 and January 1988 (McRae, 1993). The study is based on a sample of 7,600 women drawn from the Child Benefit Register, who had given birth between eight and nine months before the survey in 1988.²⁵ The analyses were based on women who were employed during pregnancy. Women in higher-level, 'service class' occupations were markedly more likely to return to work within eight to nine months and to return to work full-time, relative to women in other locations in the labour market. Moreover, the class patterning of returns was much the same in 1988 as it had been in 1979. Although the absolute rates of return had increased for all occupational groups, the relativities between groups remained the same (McRae, 1993, p125). Similarly, logit models of the return to work within nine months showed that educational level and hourly pay rates were strong predictors of return, but length of time in the labour force was not significant when other factors were controlled for.

More recent research from the UK (Smeaton, 2006) analysed the determinants of work return rates after childbirth for two cohorts of women: those aged 30 in 1988 and those aged 30 in 2000, using the National Child Development Study (NCDS) and the British Cohort Study (BCS70). The study focuses on women's first births and is confined to women who have given birth by age 30. The analysis is also restricted to women who were employed at the time of conception. Smeaton found that, in the earlier NCDS cohort, qualification levels had a strong positive effect on the probability of being back in employment within one year, holding other factors constant. However, the effect of both education and prior occupational position was much weaker in the 2000 cohort. It is possible that some of this weakening of effect may have been due to a greater postponement of births among higher-educated groups in the later period. This could mean that women with higher qualifications who had babies by the age of 30 were untypical of that educational group.

In contrast, the most recent Maternity Rights Survey in the UK again found that education was a strong predictor of an early return to employment (La Valle *et al*, 2008). The researchers found that 82% of women with third-level qualifications had returned to work at the time of the survey (a maximum of 18 months after the birth) compared to 42% of those with no qualifications. The authors also found that lack of qualifications reduced the chance of returning to work even when other employment and personal characteristics were controlled for. Prior occupation did not have a significant influence in the models, but the likelihood of return increased systematically with women's earnings. The length of time women had spent in the pre-birth job was also a powerful predictor of return decisions: controlling for age, women with less than five years' work experience were less likely to have returned within 12 months than those with longer tenures before the birth (La Valle *et al*, 2008, Table D4).

The influence of pre-birth job tenure and education levels on women's job retention after childbirth has also been compared in the US, Britain and Japan. Waldfogel *et al* (1999) examine the probabilities of women returning to their pre-birth employer within 12 months of the birth of their child. The main focus of the study is the effect of family-leave policies on retention. The analysis is conducted on nationally representative longitudinal data for each country: the National Longitudinal Survey of Youth in the US, the National Child Development Study in the UK, and the Panel Survey on Consumers in Japan. Education had the strongest effect on retention rates in Britain: women with degrees and those with 'A Levels' were significantly more likely to have returned to their previous employer during the reference period. In the US, only graduates had significantly higher rates of retention than those with less than high-school qualifications. In Japan, education was not significant in the retention models but this may be partly due to the small size of the sample. Job tenure at the birth of the child was a significant predictor of retention in all three countries. This measure was seen to provide an indication of the woman's attachment to her pre-birth employer as well as her commitment to the labour market more generally.

Similar results have been found in a range of other countries. Saurel-Cubizolles *et al* (1999) examined women's transitions into employment within 12 months of birth in France, Spain and Italy. The study recruited women in maternity hospitals²⁶ after delivery and the women were re-contacted twice in the subsequent 12 months.

²⁵ Maternity Rights Survey 1988.

²⁶ In Italy women were recruited across five maternity units, in France women were selected from three maternity units and in Spain from only one unit.

The analysis was limited to women who were employed during pregnancy and who were first and second-time mothers. The sampling strategy used means that the samples are not representative of the national populations. The analyses found that the higher the occupational position, the more likely women were to have returned to work in all three countries. This trend was strongest in Spain and weaker in Italy, which the authors suggest is related to the longer leave entitlements for Italian women (*ibid*, p184).

The findings on the important effect of women's human capital in the form of education and accumulated work experience on women's re-entry to the work-force are confirmed by the chapters in the volume edited by Blossfeld and Drobnič (2001). The study contains analyses of women's labour-market transitions in a wide range of countries (Germany, the Netherlands, Belgium, Italy, Spain, Britain, US, Sweden, Denmark, Poland, Hungary and China). These studies use national datasets containing retrospective life and work histories, but aim to construct the same type of models for each country, including a similar range of variables. This research differs from the studies outlined above in that the analyses are not restricted to women who have recently given birth, but look at women's whole career and life-course.

A similar approach is taken in Russell *et al* (2000) and Russell and O'Connell (2004). Both studies draw on six years of the Living In Ireland Panel Survey to examine women's re-entry into employment across the life-course. The study included all women who had made a transition from home-duties to paid work between 1994 and 2001. A total of 30% of the returners had been out of the labour market for less than five years, and a similar proportion (31%) had children under five years old. The study also included older women who returned to employment from home duties after prolonged periods outside employment. For this broader section of the female population, the probability of resuming employment was significantly linked to educational qualifications, time out of the labour market and years of work experience.

3.3 Demographic and Family Characteristics

The second set of individual-level influences on return to work concerns women's demographic/family characteristics. The figures outlined in Table 1.1 (Chapter 1) shows that the level of women's participation in the labour market in Ireland and elsewhere is influenced by family characteristics such as the number and age of children. The longitudinal studies discussed above have highlighted a range of other demographic and family influences on the return decision, including: age of mother at birth, birth order, partnership status and employment situation of the partner. While the literature suggests that the influence of the human-capital factors is fairly universal, the influence of demographic and family composition appears to be less consistent across countries. One possible explanation is that the effect of family characteristics on employment is more subject to the influence of social policy, which gives rise to greater variation between countries.

Age of mother at birth

The effect of the mother's age on the likelihood of returning to work varies across countries. Among Irish women, Russell *et al* (2006) found that the likelihood of return decreased with age. Mothers aged over 35 were significantly less likely to have returned by the first interview after birth, compared to those aged under 30. A similar pattern was found in France; women aged 35 years or older were less likely to have resumed work, all other factors taken into account (Saurel-Cubizolles *et al*, 1999). However, in Spain, the oldest group of women were most likely to have resumed work, and age was not a significant factor in Italian women's likelihood of returning (Saurel-Cubizolles *et al*, 1999). The authors suggest that the Spanish result may arise because the older mothers are more motivated to work as they joined the labour market in a period when women's employment was not supported (*ibid*).

Similarly, in their analysis of rates of return to the pre-birth employer, Waldfogel *et al* (1999) observe differing age effects in the three countries studied. In the UK and Japan, retention rates were higher among older women. In the US, by contrast, age had a negative effect on retention in the models; in other words, younger women were more likely to have returned.

It is important to bear in mind that older age at first birth is related to other factors that influence return decisions. Longer educational careers and greater labour-force attachment are both likely to be associated with postponement of births. Educational attainment is also strongly linked to the number of children that women have

in each age category (Lunn *et al*, 2010). Indeed, some researchers have used the age of mother at first birth as a measure of career orientation (Vlasblom & Schippers, 2006).

Birth order

Birth order refers to whether the birth is the mother's first, second, or subsequent birth. It was found to be a significant predictor of returns to work among women in Ireland, Germany and the UK (Russell *et al*, 2006). Women who were on their second or subsequent births were less likely to have re-entered employment within one year of birth than first-time mothers, holding other factors constant. The effect of birth order was stronger in Ireland and Germany than in the UK (*ibid*, p.15).

In contrast, the 2006 Maternity Rights Survey in the UK (La Valle *et al*, 2008) found that birth order had no significant effect on return probabilities. However, in this study, only women who had been in employment during the pregnancy were selected for the analysis. This means that all 'non-first-time mothers' had gone back to employment after the birth of their other children. The sample therefore already selects non-first-time mothers who are more committed to employment. Resuming work, however, was found to be influenced by children's age; women with both pre-school and school-age children had higher odds of resuming work (*ibid*, p79).

Partnership status/lone parenthood

The effects of partnership status are not necessarily straightforward. Women living without a partner within a relatively short period of the birth are likely to face formidable barriers to participate in employment (see Chapter 1). Caring for a young child alone is difficult to combine with the demands of employment, even if reliable and affordable childcare is available. However, the financial need to return to work may be particularly acute for women who bear the main or sole financial responsibility for their child(ren). The economic pressure for lone parents to re-enter employment will also depend on the welfare regime in operation (Pederson *et al*, 2000; Bradshaw, 1996). The effects of lone parenthood on return decisions are relevant to the discussion of crisis pregnancy and employment, discussed above. For those women for whom lone parenthood originated with a crisis pregnancy, the support received during pregnancy within the workplace may also influence the return decision.

In the UK, lone mothers were found to be less likely to return to employment, holding constant factors such as wage levels and qualifications (LaValle *et al*, 2008, p79). In most of the other studies, there were too few women in this category to investigate. As noted in Chapter 1, recent Irish research found that, in 1998, lone mothers' rate of labour-market participation was higher than that for married/cohabiting mothers, but by 2007 their participation rate had fallen below that of other mothers (Russell *et al*, 2009).

Partner's employment/earnings

According to Becker's (1981) New Home Economics theory, women's labour-market participation should be influenced by their partner's resources, i.e. the higher the man's earnings the greater the incentive is for women to specialise in household work. However, the results of the research on this topic are mixed. In the UK, Joshi and Hinde (1993) found that the influence of husband's class on women's return had weakened over time, while McCulloch and Dex (2001) found no effects of husband's resources on wife's labour-market transitions. In contrast, La Valle *et al* (2008) found that British women's probability of resuming work within one year increased as the partner's wage decreased.

In Ireland, Russell and O'Connell (2004) found that neither the husband/partner's employment status nor his income had a significant impact on the probability of women returning to work. This result applies to women re-entering employment across the whole life-cycle, rather than the period immediately following a birth. Drawing on the results of the contributors, Drobnič and Blossfeld (2001) summarise that the effect of the husband/partner's status is negative in the Conservative welfare states (Germany, the Netherlands and Belgium) and the Mediterranean states (Italy and Spain), has no effect in the Liberal welfare regimes (UK), and has a positive effect in the Social Democratic (Sweden, Denmark) and former state-socialist countries (Hungary, China), i.e. women with high-earning partners are more likely to return. This highlights the role of the welfare state regime, and the gender ideologies built into these institutional arrangements, in shaping the division of paid and unpaid labour between spouses in a way that is not captured by Becker's economic theory.

3.4 Preferences and Gender Role Attitudes

The final individual-level influence on the return decision concerns women's preferences and attitudes rather than their labour-market, social and demographic characteristics. Relatively few of the quantitative studies outlined above incorporate women's preferences and attitudes into the analysis of returns to employment after childbirth. This is partly to do with data constraints. Retrospective life and work histories, on which some of the studies are based, do not easily accommodate such measures; it is neither practical nor legitimate to collect information on what people's attitudes were in the past. The direction of causality between behaviour and attitudes can only be properly disentangled using longitudinal data, since individuals may adjust their preferences so that they are consistent with their current circumstances (Elster, 1983).

Preferences and attitudes are likely to play an important role in women's labour-market behaviour, but it is misleading to assume that women's behaviour necessarily reflects their attitudes. McRae (1993, p130) found that one in four women at home after the birth of a new baby would prefer to be employed, while one in four of mothers in work soon after the birth would prefer to be at home. McRae places intentions and attitudes on an equal footing with other influences and argues that the factors such as education level, maternity policy, employer policies, etc:

"might be better seen as facilitators, which allow women with such characteristics who intend to continue working after childbirth to do so. Women who share their aims but have very different personal or labour market characteristics tend, however, to be much less able to fulfil their intentions."

The study found that women who did not fulfil their intention to return to employment were more likely to have had manual jobs, worked in the private sector, and worked full-time. They were less likely to have qualified for the right to return to their former employment.²⁷

Keeping in mind this caveat that individuals may not get to exercise their preference due to financial and other considerations, gender role attitudes have nevertheless been found to have an independent influence on return decisions. In the UK, women who disagreed with the statement "pre-school children suffer if their mother goes out to work" were significantly more likely to be in employment one year after childbirth, than those who agreed with the statement, holding constant occupation, education, and family characteristics (Smeaton, 2006, p14).

The results of the 2007 Maternity Rights Survey also shed light on the role of preferences vis-à-vis financial and other factors in decisions to return or not to return to paid work, although this information was not collected in a way that could be included in the quantitative analysis. Women who had not returned to work were shown a series of 20 statements regarding the decision not to return to work and were asked how much each factor listed had influenced their own decision. This list included statements about their desire to mind their children themselves or willingness to leave the child in the care of others, financial issues (don't need money, lose benefits, etc), obstacles relating to childcare, job constraints (lack of job opportunities, inflexibility, transport, etc), family support and personal issues (own/others' health, confidence, etc). From these responses, five clusters of women were identified:

1. Some obstacles and family-oriented (35%)
2. Job and childcare difficulties (23%)
3. Carer by choice (22%)
4. Few obstacles (13%)
5. Many obstacles and family-oriented (7%)

Women in cluster 3 showed a strong preference for parental care and their decision not to return was exercising that preference. Women in the largest group (cluster 1), who accounted for just over a third of the sample, also showed a strong family orientation in their attitudes; half of the group said the most important factor was "I want to look after my child/children myself". It is for the 23% of women who were in cluster 2 that the decision to remain at home seemed less a matter of preference and more a result of constraints. The factor most commonly identified as the most important factor for this group was "I am not sure I would be financially better off at work" (La Valle et al, 2008).

²⁷ At the time of the study, women were required to work continuously for the same employer for at least 16 hours a week for at least two years (or between eight and 16 hours weekly for five years) to qualify for reinstatement (McRae, 1993, p129).

Similarly, among the women who had returned to work, their own justification for timing of return shows the juxtaposition of positive preferences and other factors which have more to do with financial need than choice (La Valle *et al*, 2008, p84). The need to earn money was the most commonly cited reason for returning to work.

3.5 Job and Organisational Level Characteristics

The type of job and organisation in which a woman was employed before childbirth can affect post-birth return in a number of ways. The discussion of occupational position (above) highlighted the way in which the resources available to new mothers are structured by their position in the occupational hierarchy. Further elements of work organisation are also likely to be influential, in particular the availability of flexible working arrangements which allow women to combine work and the care of a young child. While women may not have availed of flexible working options before birth, such options can be critical to continued employment among women with young children.

The literature on flexible working arrangements and work-life balance in Ireland has been reviewed comprehensively in Redmond *et al* (2006). The most recent national figures on flexible working, collected in the National Workplace Survey 2009 (O'Connell *et al*, 2010), show that flexible working (part-time, flexible hours, working from home, job-sharing) has increased in Ireland since the first National Workplace Survey in 2003.²⁸ Flexibility of this sort is relevant for all workers but is particularly pertinent for those combining work with the care of young children. Fine-Davis *et al* (2004) explored work-life balance among parents in four European cities (Dublin, Paris, Copenhagen and Bologna). A total of 100 people were surveyed in each city, all of whom had at least one child under the age of six and lived with their partner, who was also in employment. The samples were recruited through employers, community groups and childcare centres and are not therefore a random sample.²⁹ The study found that the Irish respondents were most likely to have changed their working time following the birth of their youngest child (56% of women and 46% of men), in the majority of cases reducing their working hours.

Other Irish research, based on a survey of employees in five large organisations, found that 62% of women had modified their working hours on becoming a parent. Of these, 90% had decreased their working time (Drew *et al*, 2003). While neither study can be generalised to the national population, they highlight the importance of the ability to reduce working hours among mothers who remained employed when they had young children. This pattern is also evident in the UK, where the 2007 Maternity Rights Survey found that 37% of mothers had decreased their working hours, compared to those worked during pregnancy (La Valle *et al*, 2008). This study also found that women who had access to family-friendly arrangements were more likely to return to work after the birth of their child, while a quarter of mothers who did not return said that working hours that suited their needs would have facilitated their return to work (*ibid*, p113).

Security of tenure can also influence return decisions. For those in permanent jobs there is a longer-term commitment between the employer and the employee, which makes it more likely that the employer will encourage a return and for the employee to want to return. Those on fixed-term contracts during pregnancy may not have an employer to return to and face the more difficult task of finding a new job. The effects of fixed-term contracts are therefore similar to the lack of employment protection/coverage (as discussed in the policy section below). The weaker commitment of employer to employee may also be reflected in the degree to which employers accommodate requests from women for more flexible work options.

Saurel-Cubizolles *et al* (1999) found that employment contract and sector influenced the likelihood of returning to employment within 12 months of childbirth, particularly in Spain and France. Compared to permanent workers in the public sector, private-sector workers and those on fixed-term contracts had a significantly lower likelihood of returning within 12 months. Sector had weaker effect in Italy, but Italian women on fixed-term contracts were also less likely to have returned to employment. The authors also found that, in Spain, women who previously had worked part-time were less likely to have returned to work. The positive impact of working in the public sector has also been found in the UK (La Valle *et al*, 2008), and in Sweden (Jonsson & Mills, 2001a). Both the Swedish and British studies found that employment in large organisations also increased the likelihood of resuming work within a shorter period.

28 Both surveys involve a nationwide representative sample of over 5,000 employees. The extent of job-sharing remained stable.

29 Public-sector workers were over-sampled to represent half of the respondents.

The sectoral effect could arise because public-sector employees are better protected than private-sector employees (e.g. given better leave packages) or may be related to the greater availability of family-friendly work arrangements in the public sector. This latter proposition is tested directly in a number of recent British studies. Both the EOC survey (Adams *et al*, 2005) and the Maternity Rights Survey (La Valle *et al*, 2008) in the UK highlight the importance of flexible work arrangements in influencing women's decision to return to work, either to the previous employer or to a new job. La Valle *et al* (2008, p4) found that 86% of mothers with a pre-birth employer that provided five or more family-friendly arrangements returned to work, compared with 42% of mothers where none of these arrangements was available. The positive effects of flexible working arrangements and public-sector employment both remained significant in the models, suggesting that the positive effect of the public sector on the chances of resuming work go beyond the greater flexibility offered in that sector (*ibid*, Appendix Table D4).

Women who worked part-time during their pregnancy were also more likely to be employed one year after childbirth (Smeaton, 2006, p16). Therefore, far from indicating a lower level of commitment to employment, part-time working facilitates longer-term attachment to employment.

3.6 Family Policies

As predicted by theories on welfare regime, family policies are found to be significant in structuring the duration of time-out and the probability of returning to work. Looking at transitions after childbirth over a long period, which covered significant policy changes in parental-leave provision, Jonsson and Mills (2001a) found that Swedish women who had taken parental leave returned to employment much more rapidly than those who had left the labour market (for cohorts of births between 1942 and 1986). The introduction of universal leave schemes was also influential in that few women in later cohorts left the labour market at the time of birth. In Germany, Ondrich *et al* (1996) found that leave policies had a significant impact of the timing of returns to employment. The effects of other factors varied inside and outside the protection period; for example, previous experience affected return probabilities only after the protection period.

Research in the US suggests that state maternity-leave schemes did not affect the propensity to return to employment but did influence the length of leave (Klerman & Leibowitz, 1997). Waldfogel *et al* (1999) examine the rates of return to previous employer among mothers in the US, Britain and Japan. All three countries had less than universal family leave at the time of the study and thus were suitable for the analysis of policy effects.³⁰ Access to maternity/parental leave was found to increase the probability of returning to employment in all three countries. For example, in the US 64% of women covered by maternity leave returned to their employer within one year compared to 43% of those not covered. This effect remained significant when other relevant characteristics were controlled for. The effect of leave was particularly marked in Japan but in Britain this effect could not be disentangled from previous tenure as entitlement to maternity leave was based on length of tenure.

Saurel-Cubizolles *et al* (1999) found that differences in the timing of returns to work after childbirth in France, Italy and Spain are consistent with the national leave arrangements. In both Spain and France, there is a sharp increase in return rates when maternity leave is exhausted (16 weeks in both countries at the time of the survey). In Italy, where women were entitled to 22 weeks paid maternity leave plus six months of parental leave paid at a lower rate, returns to work were much more evenly spaced across the year. The authors note: "In Italy there was no obvious standard strategy" (*ibid*, p190). This result suggests that a longer paid leave scheme allows women more choice in the timing of their return.

The study by Russell *et al* (2006) also confirms the importance of policy differences. In Ireland and the UK, a relatively high proportion of mothers (38% and 31% respectively) are found to be back in employment at the first interview after the birth of a child³¹ compared to less than 16% of German mothers. The proportion of Irish and British women back in work by the second interview rises to 48% – again more than twice the German rate. These

30 In the US there was no national legislation on maternity-leave provision before 1993, but an estimated 40-60% of women were covered by employer policies. In the UK only about half of working women were covered by the maternity-leave legislation because of the requirement to have worked two years full-time or five years part-time to qualify. The level of coverage among Japanese women is not reported, but it is stated that women working in contingent or part-time jobs were unlikely to be covered.

31 Interviews were held at roughly yearly intervals and births could have occurred at any point within the 12-month period between the interviews.

patterns are consistent with the relatively short periods of paid leave permitted in the Irish and British systems and the long periods of maternity plus parental leave provided in Germany. After the second interview the proportions of mothers back in employment at each subsequent wave remain static in Ireland, while in Britain the proportion increases at a much slower rate, to 59% in year seven. In Germany, the proportion in employment increases gradually each year to just under half by year seven. In Sweden, information on the proportion in employment is only available in the seventh year after the birth. At that point 78% of Swedish mothers are in employment, which is much higher than in the other three countries.

The authors conclude that in the UK and Ireland women face a stark choice between returning to work within months of childbirth or leaving their employer and exiting the labour force. "It appears these systems polarise women into two distinct groups: those who return relatively quickly ... and those who remain outside the labour market for long periods. Even among women employed during pregnancy almost one third have not returned by year five/seven in these two countries" (Russell *et al*, 2006, p25).

Maternity benefits

There is some evidence that the duration of maternity *benefit* is more important in return timing decisions than the length of maternity-leave entitlements (Callender *et al*, 1997). Financial factors clearly have an important role to play in returning to work. Availing of extended unpaid leave may not be an option where households rely on women's income.

McRae (1993) found that one of the most significant influences on women's labour-force behaviour after childbirth was whether a woman had received maternity pay from her employer. This is attributed in part to the fact that failure to return may lead to the non-payment or re-payment of employer-provided maternity pay (*ibid*, p128). Women who received a lower level of state benefits, because they were self-employed or had not made enough social insurance contributions, were less likely to have returned to work within nine months of birth.

Similar results have been found in the more recent British Maternity Rights surveys. La Valle *et al* (2008) report that the rate of return to work was 87% among mothers who received the most generous maternity pay package, compared with 41% among women who received no maternity pay (2008, p4).

3.7 Cohort Effects/Change Over Time

A number of studies have highlighted significant reductions in the length of labour-market interruptions around childbirth by comparing the work histories of different generations or cohorts of women. In the UK, Joshi and Hinde (1993) found that "the break after childbearing had at least halved between the years around 1950 and those around 1970". Comparing mothers who had their last child in 1946, 1958 and 1967-72, they found a significant increase in the proportion 'ever working' before the child reached age 11: 61%, 74% and 87% respectively. Macran *et al* (1996) took two cohorts of British women born in 1948 and 1958 and compared their work careers up to age 33.³² They report that half of the 1958 cohort had resumed employment less than 29 months after the birth of their first child compared to 70 months for the 1948 cohort. Smeaton's (2006) study of women born in 1958 and 1970 found that 37% of the older cohort had returned to employment one year after the birth compared to 57% of the 1970s cohort.

The long-term decline in the duration of time out of the labour market at childbirth has also been observed in Sweden (Jonsson & Mills, 2001a). The contributors to Blossfeld and Drobnič (2001) show that, in most of the countries studied, the probability of re-entering the labour market following the birth of a child increased significantly with each successive cohort of women, controlling for characteristics such as education, number of children and the age of the youngest child. This means that the change in propensity to return can be separated from changes in the composition of the female population over the same period (e.g. increased education).

32 The data for the younger cohort are drawn from the National Child Development Study, which followed respondents from their birth.

3.8 Conclusion

There is a growing body of research that analyses women's transitions back into employment following childbirth. These studies shed light on the process of re-entry that is not possible with cross-sectional snapshots of the female population. The research highlights that the decision on if and when to return is influenced by a complex amalgam of personal, job and policy factors, which interact with each other to create different sets of opportunities and costs for different women. A woman's human capital – measured in a variety of ways (education level, prior occupational position, work experience, prior earnings) – was found to have a strong influence on return-to-work decisions across a wide range of countries in nearly all the studies reviewed. The positive effects of a woman's human capital were found in studies that examined women's transitions in the months immediately following childbirth and studies that took a wider time-frame across women's careers. In general, women who had a higher human capital and earning capacity were likely to return to work more quickly than women with lower human capital. Furthermore, there is little evidence that the effect of a woman's human capital has declined over time, despite the substantial changes in women's labour-market participation and education level over the long period covered by the studies in the UK.

The human-capital effect is likely to be linked to both the stronger financial incentives and non-financial motivations for women in more privileged positions to resume employment. These characteristics are also likely to correlate with other organisational benefits that encourage a return, such as access to more generous employer-provided maternity pay and greater job security. Women's individual and family characteristics in terms of their age of birth, number and age of other children and partner's characteristics are also found to influence return decisions. However, in this case, the effects are more varied across countries. This suggests that their influence is moderated by policy regimes such as the availability and cost of childcare, and the level of economic dependency among couples that is encouraged by the tax and benefit system.

Job and organisational factors are also found to play a role in return decisions. Women in the public sector, those in permanent positions and women with access to flexible working arrangements are all more likely to make a quicker return to employment. These findings highlight the type of employer arrangements that increase retention following childbirth. Employer provisions also interact with state provisions for maternity leave and for flexible work options. In countries where government-provided benefits are lower (for example in the US), employer benefits become increasingly important. Government-provided maternity and parental-leave schemes have been instrumental in maintaining women's link to employment following childbirth. In the absence of such provision, women's probability of returning to employment is much lower and employment gaps of many years are much more common.

Return-to-work decisions are not simply driven by policies, socio-demographic characteristics and job characteristics; individual preferences also play a role, particularly women's orientation towards family. The extent to which women's preferences can be exercised is, however, related back to both her individual resources and the labour market and policy context in which she is located.

The background is a gradient of blue, transitioning from a darker shade at the top to a lighter shade at the bottom. Several large, rounded rectangular shapes in various shades of blue are scattered across the page, overlapping each other. The text is centered within one of these shapes.

Chapter 4:
Consequences of Breaks in
Employment After Childbirth

4.1 Introduction

The literature examined in this chapter attempts to assess the effects of breaks in career around childbirth. These can, therefore, be seen as the outcomes that arise from the complex return decisions described in the preceding chapter. The literature examines two labour-market outcomes of interruptions in employment: occupational position and pay. The two questions addressed in this body of research can be summarised as:

- Do women experience occupational downgrading when they return to employment?
- Is there a motherhood pay penalty?

Many of the studies that address these issues have been described in the preceding chapters; where this is the case, detailing the methodologies of the studies will not be repeated. Where research studies are mentioned for the first time in the review, a brief description of the sample and methods will be given.

4.2 Occupational Downgrading

Downward occupational mobility refers to the possibility that women return to a job at a lower level than the one they occupied before their break in employment. Downward mobility is likely to be strongly linked to the length of time spent outside the labour market. This is partly due to the operation of maternity leave and the statutory protection given to (some) women in many countries, which allows them to return to the job they occupied before childbirth within a specified period. Indeed, Smeaton (2006, p10) argues that the most significant determinant of status retention after birth is access to maternity leave. The proportion of women covered and the length of time for which their employment is guaranteed depend on the jurisdiction. In Ireland, women who return to their employer following a period of maternity leave (up to a maximum of 42 weeks) are entitled to return to the same job or a job at an equivalent level without diminishment of rights and benefits. Women who spend a longer period out of employment³³ are not entitled to return to their previous employer and therefore must compete in the open job market.

The potential for longer breaks in employment around child-rearing to damage women's occupational attainment arises for a number of reasons. First, as mentioned above, where the spell falls outside the period of maternity protection, women are likely to have broken the link to the previous employer, and thus the benefits that accrue with longer service will be lost. Other factors that may lead to downward mobility, the longer the time spent out of the labour market, include the depreciation of job skills over time, loss of confidence, and a disconnection from relevant information networks (see Russell *et al*, 2002). These problems are likely to be more acute where there are few opportunities for re-entrants to refresh their skills or retrain.

The review of literature on the influence of job characteristics on return decisions in the previous chapter highlighted that not all women are afforded the same protection or consideration from their previous employer. Women on fixed-term contracts and those whose employers do not comply with legislation on discrimination/ maternity protection are also likely to share the disadvantage of having to obtain new employment if they wish to return to work, even if they take a shorter break in employment.

In discussing the findings on occupational downgrading, it is important to distinguish between studies that include returners who may have been out of the labour market for long periods and studies confined to women who have returned to employment within a short period – often less than one year. In the latter case, the main distinction is likely to be between those women who return to the pre-birth employer and those who resume employment, but with another employer. It should also be noted that, due to reliance on long-term panels and retrospective life histories, the studies on occupational downgrading also cover a wide historical period, referring to women's careers as far back as the 1940s.

Occupational consequences of childbirth: all re-entrants

One of the first studies of occupational downgrading was published by Joshi and Hinde in 1993, which compares the occupational effects of births occurring in the 1940s to births occurring in the 1960s and 1970s.

³³ Women may be able to extend this period somewhat through holiday entitlements which accrue while on maternity leave. With the agreement of the employer, women may also take unpaid parental leave of 16 weeks immediately after maternity leave.

The study found that 36% of women who gave birth in 1946 were downwardly mobile when they returned to work. More surprisingly, the level of occupational downgrading was the same for their daughters when they returned to employment following childbearing during the 1960s and 1970s. Approximately 30% of each cohort resumed employment within five years of the birth of their youngest child. The median time before return was eight years and one month for the 1946 cohort of mothers.³⁴ The data consisted of a nationally representative sample (5,362) of women who gave birth during the same week in 1946. The cohort of children who were born in 1946 was followed up with surveys from school-leaving age up to 32nd birthday (Joshi & Hinde, 1993, p206).

A more recent cohort of women in the UK was investigated by Smeaton (2006). Smeaton uses a classification of nine occupational groups to investigate downward occupational mobility following childbearing, using the National Childhood Development Study sample of women born in 1958, and the 1970 British Cohort Study cohort, who were aged 30 when surveyed in 2000. The analysis includes returns to work that occurred 'many years' after the birth. The maximum length of career break is not specified but, to ensure comparability between the two samples, childbirth and the return job have to be observed by the age of 31 years in both cohorts. The nine occupational categories used are: Manager; Professional; Associate Professional; Clerical; Craft and Related Manual; Personal and Protective; Sales; Plant and Machinery; Elementary. For managers, professional and associate professional downward moves are defined as a transition to clerical or below. For clerical occupations, downward mobility consists of moves to craft and related manual workers or below. For personal and protective services, downward moves involve transitions to plant and machinery operatives or to elementary occupations.

The downward mobility rate for women born in 1958 was 36%, identical to that found in the earlier cohorts by Joshi and Hinde (1993), using different definitions. Among the 1970 birth cohort, the proportion of women who experienced occupational downgrading on their return to employment had declined to 22%. Smeaton's study also reveals some important differences in the risks of downgrading for occupational groups. The women most vulnerable to downward mobility were those in managerial jobs and craft occupations. This was true for both cohorts but in the earlier cohort clerical workers also had an above-average risk of demotion. Smeaton attributes the high levels of downward mobility following childbirth among managers to organisational cultures which expect managerial staff to work long hours, leading women to change jobs. Similarly, the lack of part-time opportunities for craft workers is thought to explain their higher risk of downward mobility. However, the results for the higher occupational groups should be interpreted with some caution. The analysis is restricted to women aged under 31 and, as noted in the previous chapters, mothers in the higher occupational and educational categories tend to delay first births until their thirties (Smeaton, 2006).

The study of women returners in Ireland by Russell *et al* (2002) also includes women with long periods outside the labour market. The study found evidence of occupational downgrading among re-entrants at the aggregate level. Using longitudinal data from the 1994 to 1999 Living in Ireland Panel Surveys, it was found that the jobs women returned to following a spell outside the labour market were much more likely to be concentrated in lower-level occupations in the personal-service sector (e.g. shop assistant, domestic work, cleaning, etc) when compared to their previous employment. Russell *et al* (2009) investigate occupational downgrading for the same women at the individual level. Changes in occupational position pre and post-employment break were investigated using the International Socio-Economic Index of Occupational Status (ISEI). Upward and downward moves were defined as those entailing a difference of at least five points between last job and return job. The study found that a third of women re-entrants return to a job that is of lower status than their previous job, half remain at the same status level and 16% experienced upward mobility. Erosion of status was more common for women who had spent longer periods out of the labour market (see Table 4.1): 42% of women who had a break of employment of 10 years or more were downwardly mobile. Downgrading was less common among women who had spent less than two years out of the labour market, but was still experienced by just under one-quarter of the group. However, this was counter-balanced by 17% of this group who were upwardly mobile on their return to employment.

34 The median return time was not reported for the 1946 birth cohort.

Table 4.1: Occupational mobility among female labour market re-entrants in Ireland by time since last job

	Time since last job			
	Under 2 years	2 – 4.9 years	5 – 9.9 years	Over 10 years
Downward (%)	23.1	35.0	34.1	41.8
Stable (%)	59.6	53.3	45.5	41.2
Upward (%)	17.3	11.7	20.5	16.9
	100	100	100	100
Total N¹	104	60	44	177

¹ The figures refer to the number of transitions rather than number of respondents.

Source: Russell *et al*, 2009.

Occupational mobility among women with short career breaks

A number of research studies on pregnancy and maternity experiences in the workplace focus on samples of women who are interviewed relatively soon after childbirth, usually between about nine months and two years. These studies provide important insights into women's transitions following childbirth, but the time-frame of the surveys means that the career costs of childbirth for those taking longer breaks are not included in the results.

The research by Adams *et al* (2005) described above shows that returning to the same employer after childbearing is crucial to maintaining occupational status. The research covers women whose babies were aged between 9 and 12 months at interview. Of the women who had returned to work within this period, 87% had returned to the same employer, but almost two-thirds of this group (62%) had reduced hours on their return. One-fifth (20%) of women reported earning less per hour than they had before their pregnancy, a further 27% reported the same hourly earnings, and 44% earned more.

Three-quarters (74%) of women returning to the same employer were employed in the same type of work and at the same level as in their previous job, 12% returned to a different type of job, 5% returned to the same work at a higher level, and 5% returned to the same work at a lower level. The incidence of downward occupational mobility was higher for the 13% of women who did not return to the same employer; 14% went from a permanent to a non-permanent position and 12% were involved in the same type of work at a lower level. It is significant that this level of downgrading is evident among women who returned to work relatively soon after the birth of their child.

Also in the UK, the 2002 Maternity Rights Survey (Hudson *et al*, 2004) found that 59% of women returned to the same job with the same employer, which is significantly lower than the rate found in other studies of this type. Women were surveyed 13 to 16 months after the birth of their child, so this study is more likely to include women who took longer leave than the statutory provision and who thus did not have the right to return to the same job. Those in the public sector were more likely to have returned to the same job and employer than those in the private sector. Returning to the pre-birth employer was also more common among non-first-time mothers, older mothers, those in higher-paying jobs pre-birth and those who had previously worked part-time.³⁵ A total of 80% of those who changed jobs or employers had done so voluntarily, and 20% because their old job was not available. However, the authors note that it is not clear if this latter group of women had been offered and turned down an appropriate alternative or if they had been denied rights under maternity law (Hudson *et al*, 2004, p115).

The most recent maternity rights survey in the UK provides some greater detail on the jobs women enter on their return to employment. Only 14% of women who had returned to work within 18 months had changed jobs (and employers), while 86% returned to the same job. Just under 40% of women decreased their working hours after the birth. The authors do not present information on occupational change, but they find few shifts in contract-type or supervisory status following resumption of employment. Only 3% of mothers had moved from a permanent pre-birth job to a temporary position after returning to work (*ibid*, Table 5.6), while just 3% reported a loss in supervisory responsibilities. A total of 22% of returners recorded a drop in weekly earnings, but hourly pay levels were not reported and this figure is lower than the proportion of women who reduced their hours of work (La Valle *et al*, 2008)

³⁵ Note there are no models to assess how these factors overlap or operate independently.

Most of the studies of the occupational effects of taking time out of the labour market to care for children are limited to the first job after return. Therefore, rather little is known about the sustainability of these jobs and whether, on their return to work, women manage to regain any of the losses experienced. However there are a number of significant exceptions, including the Macran *et al*/study of British women (1996). They found that the length of the gap had little effect on the possibility of leaving the job within one year but after one year those who returned to work sooner were more likely to stay in work longer. Studies of the motherhood pay penalty (outlined below) suggest that the negative effects of time out of the labour market on pay are persistent and long-term.

The cross-national study by Russell *et al* (2006) (described in Chapter 3) examined the medium-term effects of time spent out of the labour market around childbirth in Ireland, Germany, Sweden and the UK, using national longitudinal data-sets. By looking at these effects five years and seven years after the birth, it examines whether disadvantages persist over time, while the comparative element of the study highlights possible institutional influences on the persistence of inequalities.

The results show that, after five years, women in Britain and Ireland who had a birth in the first year of the panel had significantly lower occupational scores than women with similar characteristics who did not have a birth. A significant difference between those who had and had not given birth was observable seven years later in Britain and Sweden. This effect is in addition to the negative effect of having other children aged under 16 at year 0, which is significant in Ireland, Britain and Germany. These negative effects are also additional to the decline in status associated with reduced labour-market experience. It is argued that the absence of this effect for mothers in Germany supports the hypothesis that extended periods of leave help to preserve the occupational position of those who re-enter employment. However, the negative effect of having a birth on women's occupational status found in Sweden, seven years after the birth, suggests that extensive maternity protection in that country did not protect mothers from this disadvantage. The study found no medium-term effects of births on women's wages five years after the birth, but the length of time in the labour market between the first and fifth interviews was found to be significant (Russell *et al*, 2006).

These cross-national comparisons provide some support for the view that providing maternity and parental leave reduces occupational downgrading by guaranteeing employment at the same level and by increasing job tenure.

Occupational downgrading and part-time work

The studies outlined above highlight that a significant proportion of women reduce their hours or work part-time following childbirth. It has recently been argued that the move into part-time work is one of the primary mechanisms behind occupational downgrading among women in Britain (Connolly & Gregory, 2008). Using data from the New Earnings Panel Survey (NESPD) and the British Household Panel Survey (BHPS)³⁶, Connolly & Gregory examined all transitions from full-time to part time work in consecutive years among women aged 22 to 59 years of age between 1991 and 2001. The restriction of the analysis to transitions in consecutive years means that women who move to part-time work following a break of longer than one year are not included.³⁷ The 15-point occupational ranking used in the study is based on the average qualification level of incumbents calculated from the Labour Force Survey. This leads to some differences from standard occupational and class hierarchies, most notably by having teachers at the top of the hierarchy, and the placement of corporate managers below Nurses and other associate professionals.

The authors found that in their two samples, 8% (NESPD) and 17% (BHPS) of women who switched into part-time work were downwardly mobile. However, this figure was considerably higher for those who also changed employer-"movers"-33% (NESPD) and 41% (BHPS) than among those who changed to part-time hours with the same employer-"stayers"-(between 6% and 17%). Since these women have worked continuously or taken a break of only one year the authors argue that this "is the rosier part of the picture" (*ibid.* F73). Multinomial regression analysis confirmed that controlling for other relevant factors, there is a high risk of downward mobility for movers, while transitions to part-time work that did not involve a change of employer were associated with a much smaller (though still statistically significant) risk of downgrading.

36 The NESPD has a very big sample size (over 70,000 women per year), while the BHPS has a smaller sample (N women approx 2500 per year) but a much richer set of variables.

37 The BHPS records Maternity leave and this is treated as continuous employment, while in the NESPD gaps of a single year are treated as consecutive.

While having pre-school age children did not significantly alter the risk of downward mobility attached to shifts to part-time work, Connolly and Gregory (2008) did find that the (lack of) availability of part-time opportunities in the previous employment strongly influenced the chance of downgrading.

It should be noted that the polarisation between part-time workers and full-time workers is particularly acute in the UK and so the results might be stronger than in other societies (Gornick & Meyers, 2003; McGinnity and McManus, 2007; O'Reilly and Fagan, 1998).

The literature on occupational downgrading highlights that returning to the pre-birth employer is a decisive factor in avoiding occupational downgrading on return to work, particularly for mothers who wish to reduce their work hours. The availability of job protected leave is crucial for women to maintain this link with their previous employer. While all EU countries provide a minimum of 14 weeks paid leave with job protection, there is wide variation in the maximum period of job-protected leave (see Banks & Russell, 2011). Employment practices, particularly the availability of reduced or part-time hours, are also likely to influence women's likelihood of remaining with their pre-birth employer. Where an employer does not provide such flexibility women may be pushed into a job move despite an entitlement to return to their previous employment. The evidence in the UK shows that such moves may be extremely costly in terms of occupational downgrading. In the following section we examine a very similar set of issues in relation to women's pay levels.

4.3 The Motherhood Pay Penalty

In this section of the review, we describe studies that have investigated the effect of childbirth on women's subsequent earnings. We use the term *motherhood pay penalty* to encompass the pay disadvantage that women experience as a result of interrupting their careers to have children and the gap in pay that this leads to, both between women and men, and between mothers and non-mothers (when other relevant characteristics have been held constant).

Numerous studies have demonstrated that time out of the labour market has a negative impact on women's earnings across a wide selection of countries (Stafford & Sundstrum, 1996, in Sweden; Mincer & Ofek, 1982, in the US; Wetzels & Tjzens, 2002, in the Netherlands; Beblo & Wolf, 2002, in Germany). Various studies have also demonstrated that differences in length of labour market experience and time out of employment account for a significant part of the male-female wage gap (Albrecht *et al*, 1999; Barrett *et al*, 2000; Callan & Russell, 2003; McGuinness *et al*, 2009; Waldfogel, 1997a).

We begin with the Irish studies. The most recent analysis of gender differences in pay was carried out by McGuinness *et al* (2009), using data from the 2003 National Employment Survey. The survey is a matched sample of employers and employees, and the number of employees used in the analyses was 38,752. The unadjusted gap in men and women's hourly wages was 22%. When a wide range of individual and organisational characteristics were controlled for, a gap of 8% remained. The authors found that the difference in the labour-market experience of men and women – which widened the gap by three percentage points, equivalent to 14% of the raw gap – was the largest single influence on the gender wage gap (McGuinness *et al*, 2009). This difference in experience between women and men is mainly accounted for by the time women spend looking after family, but is also contributed to by the younger age profile and higher educational qualifications of women in employment. Family structures account for 10% of the gap in men's and women's earnings, but marriage rather than children was found to have the larger impact (2009, p20). The consequences of childbirth and childcare on pay are also likely to be captured in the effects of working part-time, since many women enter part-time work only after they have had children. Women working part-time are found to earn considerably less than part-time men, even though they have higher qualifications and more employment experience. When these and other characteristics are taken into account, there is a 10% gender pay gap among part-time workers. Moreover, part-timers are also found to earn significantly less than similarly qualified full-time workers, and women's greater concentration in part-time work contributes to the gender pay gap (*ibid*, p20).

Similar results emerged from earlier Irish studies. Using data on earnings for 1997³⁸, Barrett *et al* (2000) found the unadjusted gap in men's and women's earnings was 20% and that years out of the labour market accounted for

38 The data come from the Living in Ireland Survey.

18% of that gap, 53% was due to other attributes, and 29% could not be explained by differences in men's and women's characteristics. Subsequent analysis of earnings data from the 2000 Living in Ireland Survey, using the same variables, found that the extent of the gap accounted for by time out of the labour market increased between 1997 and 2000, but there was a sharp drop in the portion of the wage gap explained by other factors (principally educational levels and years worked) (Callan & Russell, 2003). These results suggest that the length of time that Irish women spend out of the labour market following childbirth has serious implications for their earnings in the longer term. For example, the wage equations from Barrett *et al* (2000) suggest that, for women, each year of work experience adds 6% to log wages while each year out reduces earnings by 1.4%. These studies do not have information on when these breaks were taken; these penalties apply across the whole age range of women. A key research question that has received little attention in Ireland is whether the penalty for time out of the labour market weakens over time or if it persists in the longer term as women become set on lower-earning career paths.

International studies have provided further evidence on both the cost of time out for childbearing in countries with different employment protection and welfare systems and on a variation in costs depending on the timing of the break.

Wetzels and Tijdens (2002) analysed a sample of 15,508 Dutch women of whom approximately 24% had interrupted their careers for a period of longer than one year due to motherhood; this group are termed re-entrants.³⁹ Holding age, job tenure and a number of occupational and sectoral characteristics constant, being a re-entrant has a large negative effect on women's wages, as does each extra year that a career break lasts (Wetzels & Tijdens, 2002, p185).

A number of studies on the motherhood wage penalty have been carried out in Germany, which has one of the longest periods of job protected leave for mothers in the EU.⁴⁰ Combined with relatively low provision of childcare places, there is a strong incentive for German mothers to spend a longer period outside the labour market providing full-time care.

Beblo, Bender and Wolf (2009) use propensity score matching techniques to compare the wages of German mothers who interrupt employment for the birth of their first child and then return to work full-time to the same establishment to two other groups of women with matched characteristics. First, non-mothers with similar personal characteristics who remain in the same employment *in the same establishment*. Second, a wider group of non-mothers with comparable characteristics *in all establishments*. The size of the motherhood pay penalty compared to the first group was 19% for a break of one year. The penalty rose to over 30% for an interruption of three years. The penalty is even higher when the group are compared to mothers across all establishments (26% for one year). The penalty includes a small wage reduction on return and a failure to share the wage growth experienced by the non-mothers.

In another study using a different methodology and different data⁴¹, Buligescu *et al* estimate that there is a 10% to 14% pay penalty for German mothers after a one year break plus an additional 4% penalty for the loss of one year's experience. Women taking the maximum leave period were found to experience a substantially higher pay penalty (the penalty increases by 4-6%). An additional contribution of this paper is that the size of the penalty is tracked for up to five years after return. They find that for women who take a one year break, the pay penalty virtually disappears two to three years after return, but persists for those who take leave of 4 years or more.

Beblo and Wolf (2002, p209) argue that the cost of time out of the labour market varies with the timing of breaks. Using panel data for Germany, they find that an earlier interruption causes a smaller wage cut than a later one. However, this is partly due to the model specification since the depreciation rate (derived from the observed wage rates) is applied to all years prior to the break, and thus the greater the accumulated experience, the greater the wage cut. Ziefle (2004) also found that wage penalties for motherhood increase over women's careers in Germany. These results run contrary to the expectation that women who delay childbirth will have had a greater opportunity

39 The sample was not a nationally representative random sample. The survey was distributed through the three largest women's magazines, trade-union newsletters and the internet. The analysis was confined to women working 12 or more hours per week.

40 Parents can take an additional 36 months of parental leave on top of the 14 week statutory maternity period. Two-thirds of the leave is paid (means-tested) and there is a right to return to a similar status job with the previous employer.

41 Using the GSEOP panel data for the period 1994 through 2005.

to progress in their careers and are thus in a better position to resist occupational downgrading and declines in earnings – for example, because they have built up better leave entitlements and because their accumulated human capital makes it more difficult for employers to replace them. This counter-intuitive result may partly arise because Beblo and Wolf's analysis is confined to women with high qualifications; they find that, surprisingly, there are no significant wage returns for experience among their low-skilled group of women (*ibid*, p. 203). In contrast, Taniguchi (1999) found that, in the US, the wage effects of childbearing were greatest for women who gave birth relatively early (age 20-27), in a period that was seen to be a crucial stage for career building. The effect was weaker for both teenage mothers and those giving birth later.

Also in the US, Waldfogel (1997b) reports that the pay gap between mothers and non-mothers was around 10% to 15% in the late 1990s. Waldfogel highlights that this gap widened over time, and that a strong pay penalty for women having children persists even after one controls for differences in education, overall work experience, and full and part-time work experience. Therefore, the penalty cannot simply be attributed to difference in the length of time out of the labour market. Nor is it due to unobserved differences between the two groups, which was tested using a fixed-effects model. Waldfogel argues that part of the answer lies in the lack of job-protected maternity leave in the US. Women who were provided with maternity cover and used it to return to their previous employer had wages about as high as those who never had children at all. Additional support for institutional explanations comes from research which shows that there is no significant pay gap between mothers and other women in Sweden (Albrecht *et al*, 1999) or Denmark (Rosholm & Smith, 1996) which both have extensive maternity and childcare supports (see Banks and Russell, 2011; Gornick & Meyers, 2003).

Evidence for the UK provides a more mixed account of the role of policy. Despite the introduction of equal-opportunity and family-friendly policies, Joshi *et al* (1999) found the same unadjusted 'family gap' in wages between mothers and non-mothers in 1978 and 1991. In both years human-capital characteristics, including experience, accounted for around 70% of the gap and there was no significant direct motherhood penalty when characteristics were controlled for within part-timers and full-timers. However, the penalties associated with lost work experience increased over the period. Joshi *et al* also conclude that the concentration of mothers in lower-paying part-time jobs became more prominent in explaining the family gap over time (*ibid*, 1999, p549) and that there was an increasing penalty for part-time work. However, extensions to maternity-leave provision were attributed to the absence of any pay difference between mothers who returned to work within one year of the birth and childless women.

The research outlined in section 4.2 above highlighted the role of part-time working in women's occupational downgrading, a similar process may also contribute to the motherhood pay penalty. The effects of working part-time on earnings depend on the employment regime of the country in question. This applies both to the current wages of those working part-time (Bardasi & Gornick, 2000) and also to the longer-term wage effects of periods of part-time work on subsequent earnings. In the US, Corcoran and Duncan (1979) found that periods of part-time work reduced female earnings and explained a significant proportion of the gender pay gap. In Britain, Connolly and Gregory (2009) found that women who switched from full to part-time work experienced a marked drop in hourly earnings (32%), which was associated with occupational downgrading.⁴² This immediate drop was followed by a permanently lower earnings trajectory, which means that without a return to full-time work, earnings losses continue to grow. However, Beblo and Wolf (2002) found no wage depreciation for part-time work experience in the Netherlands. This is in the context where part-time work is extremely common for both Dutch men and women, where there is a statutory entitlement to work part-time, and part-time workers enjoy strong employment protection.

Very little research has been conducted to assess the extent to which the wage penalties attached to time out of the labour market are justified in terms of depreciation in skills. Albrecht *et al* (1999) find differential effects for various forms of labour-market interruption in Sweden, with larger depreciation for time spent in childcare than for other forms of economic inactivity and unemployment. They conclude that the wage penalty cannot be attributed to the depreciation in human capital. Further comparative research would shed some light on this topic since there is little *a priori* reason to expect women's skills to depreciate quicker in one country than in another (holding factors such as education constant).

⁴² This study follows on from Connolly & Gregory (2008) described above and analyses the same dataset the NESPD. They restrict the analysis to women with at least three years in work starting from their first year working full-time, and to women aged 16 to 43 years.

4.4 Conclusion

In this chapter we have examined evidence on the cost of time out of the labour market around the time of childbearing on women's subsequent occupational position and earnings. It is clear from the research across a range of countries that a quicker return and, especially, resumption of employment with the previous employer are very important factors in avoiding deterioration in working conditions. Coverage by maternity/parental-leave legislation is crucial in this respect. Women who did not qualify for job-protected leave, either because they failed to meet eligibility requirements or because universal policies were not in place, were more likely to experience long breaks in employment and were thus vulnerable to downward occupational mobility on their return to work and also to lower earnings. The evidence of occupational downgrading is strongest in studies of women who have spent a long period out of the labour market and among women who moved employer. The review of return decisions in Chapter 3 highlighted that it is women with higher educational and labour-market resources who are likely to return more quickly to employment. This has led a number of commentators to suggest that experiences around childbirth lead to a polarisation of women in the labour market (McRae, 1993; Macran *et al*, 1996). Research in Britain suggests that transitions from full-time to part-time work that involved employer moves were particularly detrimental to occupational status and earnings. The initial descriptive statistics outlined in chapter 1 highlight that many women in Ireland take up part-time work when they have children. If the reduction in hours that mothers desire can be facilitated without moving employers then women are much less likely to experience these negative outcomes.

The figures from statistical analyses of pay gaps both between men and women and between mothers and non-mothers suggest that significant penalties are attached to having accumulated less work experience and to having spent time out of the labour market. Previous research by Russell *et al* (2002) suggests that a number of supports are needed for women who take longer periods of leave to care for children if they are to avoid serious declines in job status. These supports include access to retraining and skills refresher courses on an equal footing with other job seekers; the provision of more flexible training options; employer strategies for successful reintegration, such as mentoring, and improved access to information (Russell *et al*, 2002).

The importance of maintaining the link with the previous employer for post-birth outcomes underlines the importance of ensuring that pregnant women are given access to the rights they are entitled to under law. The description of discriminatory behaviour outlined in Chapter 2 often points to a denial of these rights, which may have long-term career consequences for women.

Conclusion

This review has drawn together a wide range of national and international literature that has examined women's experiences at work during pregnancy and their subsequent return to employment. Pregnancy is a pivotal point in the intersection between family and work, and women's experience during and after pregnancy has important implications not only for their current well-being (psychological, physical and financial) but also for their longer-term labour-market prospects. Research on pregnancy and employment also provides insights into the mechanisms behind deep-seated gender inequalities in the labour market. Comparison of women's experiences across countries also highlights the important role of policy (both family policies and employment regulations) in mediating the effects of childbirth and childcare on women's employment.

Studies of formal pregnancy-related discrimination cases taken through the courts or tribunals, together with surveys of women's experience during and immediately following pregnancy, results from surveys of employers, and experimental evidence all stack up to a convincing body of evidence of unfair treatment of a significant minority of women in the workplace during or after their pregnancy. This treatment covers a wide range of situations including dismissal, losing out on promotion, missing out on pay increases, alterations in other conditions, unsuitable work/workloads, and unpleasant comments.

While the experiences cut across a wide variety of occupations, sectors and types of women, the research presented here does suggest that certain groups of women are more vulnerable to this type of discrimination. Groups with higher risks include:

- Women who have been in their job for less than a year
- Those employed in the private sector
- Women working in small firms
- Those working in organisations without flexible working arrangements

Higher-educated and higher-earning women are more likely to report pregnancy-related discrimination in the surveys, but the statistical analyses of outcomes show that this group are better protected from deterioration in earnings on their return to work and from occupational downgrading.

Discrimination during pregnancy has tangible outcomes for many of the women involved. Many of the situations described result in direct financial loss for them, in addition to the emotional stress that is likely to come with such experiences. The medical literature also illustrates the negative effects of poor working conditions on pregnancy outcomes. Shift work, lifting, standing for long periods and a heavy physical workload have all been found to be associated with pre-term delivery and babies that are small for gestational age. Physically demanding

work and prolonged standing was significantly associated with hypertension or pre-eclampsia (see Chapter 2). In addition to the immediate effects of discrimination, women who experience poor treatment during pregnancy are less likely to return to employment following childbirth, which has further long-term consequences for their economic position.

Workplace experiences may also be particularly important for women experiencing crisis pregnancy. A supportive environment and flexible working arrangements are crucial for those who are parenting alone and those who may have additional demands which arise for personal, family or health reasons. The work environment may also influence whether or not a pregnancy is perceived as a crisis. Discrimination against women during pregnancy – and particularly pregnancy-related job loss – can precipitate a crisis for the woman involved. In contrast, where organisational culture and practices are family-friendly, women may be less likely to view pregnancy as a crisis that affects their job or career plans.

The way in which women are reintegrated into employment following any interruption for childcare is important for gender equality in the labour market and for equality on the grounds of family status. The duration of time spent out of the labour market around childbirth is shown, through a wide range of studies, to influence women's probability of experiencing downward occupational mobility and pay penalties. However, the deterioration in conditions experienced by women is moderated by institutional factors such as access to employment protection afforded by maternity and parental-leave legislation. These arrangements differ markedly across societies, and in countries such as Australia and the US are far from universal. Even in Ireland and the UK, there are women who are not guaranteed the right to return to their previous employment, such as those on fixed-term contracts that have ended. The literature suggests that women in more privileged positions prior to childbirth, for example those with higher educational qualifications or in higher occupational classes, are more likely to return to employment within a relatively short period of giving birth ('within one year' being a common measure used in the studies). This means that their employment relationship is preserved and the risk of deterioration in occupation or pay levels is minimised. These results have led some authors, particularly those in the UK, to suggest that childbirth has a polarising effect on women from different class backgrounds.

The positive impact of family-friendly policies on women's probability of returning to their previous employment is also highlighted in the research. Employers with flexible work arrangements were found to treat their employees better during their pregnancies; women in these workplaces were less likely to report unfavourable treatment. These results suggest that these policies are another avenue through which levels of pregnancy-related discrimination in the workplace might be reduced. Moreover the international evidence suggests that availability of part-time employment opportunities with the current employer, or a statutory entitlement to work part-time after childbirth (as is the case in the Netherlands) can significantly reduce the likelihood of downward occupational mobility and/or the pay penalty involved in reducing working hours.

The review has highlighted a number of significant gaps in Irish research. While to date, there has been no national survey of women's experiences of employment during pregnancy, this gap will be filled by *Pregnancy at Work: A National Survey*, commissioned by the Crisis Pregnancy Programme and the Equality Authority as part of this research project. This will provide invaluable information on women's treatment during pregnancy, their access to maternity and parental leave, and their working conditions (including wages) before and after pregnancy.

Research on the effects of childbirth on Irish women's subsequent re-entry to employment has also been limited. Studies carried out to date have had to rely on the Living in Ireland Panel survey, but the overall number of births occurring over the period of the panel is relatively small, and thus does not allow disaggregation across different groups of women, such as comparisons of effects for low-skilled and high-skilled women. *Pregnancy at Work: A National Survey* will allow more detailed analyses of women's patterns and timings of return to work following childbirth. The data will also allow comparisons of pregnancy and post-pregnancy employment conditions to test for any short-term losses in status or salary and how this might vary across different groups of women.

A further gap identified in the literature is Irish employers' perceptions and experiences of pregnancy in the workplace, of maternity and paternity provision, of the reintegration of women into employment, and their perception of mothers (and fathers) as workers. Future research in this area could highlight problems in the implementation of legislation and regulations among employers. It could also further contribute to understanding the mechanisms behind unfair treatment and unequal outcomes in the workplace.

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HSE Crisis Pregnancy Programme

4th Floor
89 – 94 Capel Street
Dublin 1

Tel: 01 8146292
Email: info@crisispregnancy.ie
www.crisispregnancy.ie

The Equality Authority

Birchgrove House
Roscrea
Co. Tipperary

2 Clonmel Street
Dublin 2

Lo Call: 1890 245 545
Email: info@equality.ie
www.equality.ie

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