

Rt Hon Boris Johnson MP
Prime Minister
10 Downing Street
London
SW1A 2AA

COVID-19: Rights for pregnant women

4 June 2020

Dear Prime Minister,

I am writing to you to ask you to provide clear and firm guidance regarding the rights of pregnant women to be furloughed during the COVID-19 crisis.

We wrote to you in March to raise the issue of pregnant women's rights. Whilst we welcome the clarifications that have been issued on this topic to date there are still pregnant women whose employers have incorrectly informed them that they cannot be furloughed. We believe that in order to protect pregnant women from discrimination the government must be extremely clear as to the treatment pregnant women are entitled to. The messaging to date has been confusing to many pregnant women and their employers.

It is a matter of great importance that urgent clarifications and a firm statement of the policy are provided before the furlough scheme closes to new entrants on the 10th June, otherwise many pregnant women will miss out on pay they are entitled to.

At Community we have heard from women members who are working on the front line in care homes, who have been forced onto sick pay. We've heard about employers telling women that because they are in earlier trimesters of pregnancy they are not entitled to furlough and must be paid only statutory sick pay- significantly less than the 80% of wages they would be entitled to under the furlough scheme, and much less than the 100% of pay these women would be entitled to should they have been correctly placed on maternity suspension as a result of health and safety risks that could not be mitigated.

Not only does this drastically reduce the income that these women will receive, pushing many into poverty pay, but also makes it more likely that pregnant women feel forced to return to an unsafe workplace, despite the evident risk to them and their unborn child.

We urge you to provide urgent clarification to employers that it is legitimate to furlough pregnant women at any stage of pregnancy. We also ask you to remind employers of their obligations under the Management of Health and Safety at Work Regulations 1999 to carry out risk assessment with specific regards to pregnant women. Employers must be reminded that the law requires employers to take the following action to remove any risks identified:

- Take reasonable action to remove the risks by altering working conditions or hours of work,
- Provide suitable alternative work, without loss of pay, or
- Provide suspension on full pay for as long as the risk remains.

If a woman is pregnant, but not ill, or shielding, then she should not be placed on statutory sick pay if she is not able to work safely.

We are particularly concerned that being wrongly placed on statutory sick pay will limit some pregnant women's entitlement to statutory maternity pay, pushing many new mothers into serious financial difficulties. Unfortunately, the guidance from the government has not been clear enough, and providing room for interpretation, has resulted in pregnant women being placed at risk.

It would be very helpful for the government to clarify that an employer is permitted to place an employee on furlough whilst they are on maternity suspension, making up the majority of the shortfall in wages.

We are very clear that the risk of being in the workplace for a pregnant woman is greatly enhanced by the current situation. Your own government's guidance is clear that pregnant women should be staying at home as much as possible. We urge you to issue clear directions to employers to allow pregnant women to follow that guidance.

Yours sincerely,



Roy Rickhuss CBE
General Secretary