

Celebrate Global Day of Parents 2018

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1 June 2018 marks **Global Day of Parents** – a day declared by the UN General Assembly in 2012 which aims to honour parents and their commitment to nurturing and raising children throughout the world.

In my field as an employment lawyer acting for individuals, I have often had to explain to clients that being a parent is not itself a “protected characteristic” to claim

discrimination. As such, whilst many employees may feel that their parenting responsibilities puts them at a disadvantage in the workplace (being side-lined for promotions, or viewed as being uncommitted and uninterested in their careers), their only course of action usually turns on establishing sex discrimination. This means that it is not always the easiest case to put forward, and for men, it can be tortuous.

So what is the UK doing to help and protect families in an employment law context? What (if anything) is likely to change?

- The introduction of Shared Parental Leave allows both men and women to tag out of a woman's right to maternity leave and share the childcare responsibilities for the first 50 weeks (either separately or concurrently) after the mother has taken the compulsory period of 2 weeks' maternity leave. Whilst I know a few friends who have taken up this right (usually at the end of maternity leave when baby becomes more fun), shared parental leave take-up may be as low as 2%. Until uptake increases, stereotypical childcare perceptions of women bringing up the family are unlikely to change in the workplace.
- Since 30 June 2014, all employees with at least 26 weeks' of continuous service can make a flexible working request. This is a useful tool for working parents who may need a flexible working arrangement in order to balance work and family life. Employers have a wide scope to reject such requests and the penalties for an employer's failure to agree to a flexible working request are limited.
- Parental leave is available to some working parents and allows for up to 13 weeks unpaid leave for each child up to the age of 18 years old (although only a maximum of 4 weeks can be taken each year).

What more could the UK do to improve family rights?

- Consider introducing “parenthood” as a protected characteristic under the Equality Act.
- Extend the time limit for submitting claims for maternity and/or pregnancy discrimination from three months to six months. Evidence shows that the current time limit has a deterrent effect on the ability of pregnant women and new mums to access justice. This is unsurprising given that the focus is on the health and welfare of the mother and new baby, and not on litigation at this time.
- Dispense with maternity and paternity leave and have one “family” leave right so that both men and women can choose who looks after the baby.
- An alternative to a general “family leave” is to increase the duration and pay of paternity leave so that the options for childcare are more evenly distributed between parents (not just women). The present maximum of two weeks’ paternity leave is inadequate.
- A small step that everyone can do today is to recognise the importance of parents, whether biological, non-biological, grandparents, foster parents, adoptive parents, step parents or anyone else who plays a role in shaping children’s lives.

Given that the UN’s Sustainable Development Agenda aims to end poverty, promote equal economic prosperity, social development, wellbeing and protect the environment, it is clear that the importance of the ‘family’ is key to the UN’s ambitions.

Creating a more supportive atmosphere for parents and carers can only lead to a more cohesive, happier and productive workforce, and society.

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