



General Assembly

Distr.: General
8 June 2016

Original: English

Human Rights Council

Thirty-second session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written submission by the Great Britain: Equality and Human Rights Commission^{*}

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Great Britain: Equality and Human Rights Commission^{**}, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

^{*} National human rights institution with “A”-status accreditation from the Global Alliance of National Institutions for the Promotion and Protection of Human Rights.

^{**} Reproduced in the annex as received, in the language of submission only.

GE.16-09358(E)



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Annex

[English only]

Submission by the Great Britain: Equality and Human Rights Commission

Statement on the protection of human rights of women to access effective justice following pregnancy or maternity discrimination

Mr President,

This is a statement on behalf of the Equality and Human Rights Commission¹.

Research has revealed worrying levels of workplace pregnancy and maternity discrimination in Great Britain. Three in four mothers reported a negative or possibly discriminatory experience during pregnancy, maternity leave, or on return to work. And one in nine reported that they were either dismissed; made compulsorily redundant, where others in their workplace were not; or treated so poorly they felt they had to leave their job. However, less than one percent reported pursuing a claim to an employment tribunal².

Evidence suggests that the introduction of employment tribunal fees in Great Britain, alongside reforms to legal aid in England and Wales, may have had the effect of unduly restricting women's access to justice³⁴⁵⁶.

We call on the UK Government to mitigate any indirectly discriminatory effect these changes have had on women's access to justice, and to recognise the multiple barriers that pregnant women and new mothers face in seeking legal redress following workplace discrimination⁷.

We therefore recommend that the UK Government considers increasing the time limit from three to six months for bringing an Employment Tribunal claim involving pregnancy and maternity discrimination.

Thank you Mr President.

¹ 'A' status National Human Rights Institution for Great Britain

² Source: HM Government and Equality and Human Rights Commission, 2016, "Pregnancy and Maternity-Related Discrimination and Disadvantage: Summary of key findings"

³ Trott.L 2012, Are tribunal and EAT (Employment Appeal Tribunal) fees a price worth paying? IDS Employment Law Brief, volume 947, April

⁴ Ministry of Justice, 2015 "Tribunals and Gender Recognition Statistics Quarterly: April to June 2015"

⁵ Ministry of Justice and Legal Aid Agency, 2015, Legal Aid Statistics: July to September 2015 – Civil representation, certificates granted.

⁶ Ministry of Justice and Legal Aid Agency, 2015, Legal Aid Statistics: July to September 2015 – Legal help matters and Controlled Legal Representation started.

⁷ Source: HM Government and Equality and Human Rights Commission, 2016, "Pregnancy and Maternity-Related Discrimination and Disadvantage: Summary of key findings"