

## **Pregnancy, Maternity and Motherhood Rights: The cost of social reproduction.**

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Legal rights relating to the protection of pregnancy, maternity and parenthood across the EU and in the UK are generally of a reasonable standard. The European Union has not only been successful in establishing minimum legal standards across Europe, it has often triggered a more comprehensive set of domestic legal provisions. However, despite extensive legislation, pregnant women and new parents continue to experience high levels of discrimination and difficulties, because there appears to be a large gap between the letter of the law and its practice.

The recent Slater and Gordon report in the UK (BBC, 8 August 2013, <http://www.bbc.co.uk/news/education-23600465>) highlights that “more than a quarter of mothers in the UK feel discriminated against at work”. Our report to the European Commission confirms this is a prevailing problem throughout the European Union (A. Masselot, E. Caracciolo di Torella, S. Burri, Thematic Report of the European Network of Legal Experts in the Field of Gender Equality “Fighting Discrimination on the Grounds of Pregnancy, Maternity and Parenthood - The application of EU and national law in practice in 33 European countries”, Publication of the European Commission, November 2012. [http://ec.europa.eu/justice/gender-equality/files/your\\_rights/discrimination\\_pregnancy\\_maternity\\_parenthood\\_final.en.pdf](http://ec.europa.eu/justice/gender-equality/files/your_rights/discrimination_pregnancy_maternity_parenthood_final.en.pdf)).

Cultural gender stereotypes are still very much alive across Europe and women are still perceived as the main carers and therefore not primarily as workers with full employment rights. It has been suggested that pregnancy/maternity rights are too burdensome for employers and directly linked to lower employment rates among women. However, there is no clear evidence to suggest that discrimination against women is triggered by the *existence* of rights.

In addition, the financial crisis has exacerbated the problem providing employers with “reasons” to discriminate against pregnant workers, new parents and women who are seen to be potential mothers. Many European governments struggling with financial difficulties are turning a blind eye to these illegal practices.

This paper explores the tension that exists between the letter of the law and the existing gaps in practice. It raises issues of harmful gender stereotypes and questions the usefulness of the law.

### Short bio

Annick Masselot is an Associate Professor in law at the University of Canterbury (College of Business and Law). Her research interests focus upon the European Union law, comparative law, gender equality and equal treatment, social and employment law, reconciliation between work and family life, pregnancy and maternity rights. She is the author of *Reconciling Work and Family Life in EU Law and Policy*, (2010) London: Palgrave Macmillan (with E. Caracciolo di Torella).

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