**Module 1**

**The case for Reproductive Health at Work**

### ****Lesson 3: Compliance, Legal, and Ethical Considerations (45 minutes)****

#### **Legal Landscape Overview (15 minutes)**

* **Discuss key regulations in the UK and Europe:**
  + **UK:**
    - The **Equality Act 2010** (protection against pregnancy and maternity discrimination, sex discrimination).

**Pregnancy and Maternity Discrimination:**

* **Mitie Ltd:** In a landmark case, Ms. N Hinds was awarded £350,000 after experiencing pregnancy discrimination. Her employer excluded her from meetings, unjustly criticized her performance, and failed to support her requests for reasonable adjustments during her pregnancy. The tribunal found that Mitie Ltd's actions led to constructive dismissal and discrimination.

[wirehouse-es.com](https://wirehouse-es.com/discrimination/landmark-case-mitie-and-the-350000-pregnancy-discrimination-ruling-ms-n-hinds-v-mitie-ltd/?utm_source=chatgpt.com)

* **Event Medical Group:** Lesley Coia won over £6,000 in compensation after her male boss persistently inquired about her pregnancy status, constituting sex-based discrimination. The tribunal rejected the employer's defense and highlighted the inappropriate nature of the questioning.

[thescottishsun.co.uk](https://www.thescottishsun.co.uk/news/13718140/woman-wins-sex-discrimination-pregnant-male-colleague/?utm_source=chatgpt.com)

* + - The **Employment Rights Act 1996** (statutory rights for maternity leave, paternity leave, shared parental leave)
    - The **Health and Safety at Work Act 1974** (employer responsibilities regarding workplace adjustments for reproductive health conditions).
    - The **Flexible Working Regulations 2014** (right to request flexible working arrangements for health-related needs).

04/03/2025

Several UK companies have faced significant reputational and financial repercussions due to non-compliance with reproductive health-related workplace laws:

**2. Failure to Accommodate Reproductive Health Conditions:**

* **Properties on the Market:** An employee suffering from endometriosis, which left her bedridden, was unfairly dismissed after her employer unilaterally withdrew a previously agreed-upon work-from-home arrangement. The employment tribunal awarded her £31,707.34, emphasizing the necessity for employers to accommodate health conditions like endometriosis.

[thehrdirector.com](https://www.thehrdirector.com/legal-updates/legal-updates-2024/employee-left-bedridden-endometriosis-wins-unfair-dismissal-claim-following-unilateral-withdrawal-work-home-agreement/?utm_source=chatgpt.com)

* **Undisclosed Financial Institution:** A banker with endometriosis won a reasonable adjustments claim after her employer failed to accommodate her condition, leading to her redundancy during sick leave. The tribunal's decision underscored the importance of providing necessary adjustments for employees with health conditions.

[personneltoday.com](https://www.personneltoday.com/hr/endometriosis-claim/?utm_source=chatgpt.com)

* + **EU:**
    - The **EU Work-Life Balance Directive** (minimum rights for parental leave, tll me abu, and carers’ leave).
    - The **Pregnant Workers Directive (92/85/EEC)** (maternity leave and workplace protections for pregnant employees).
    - The **Equal Treatment Directive (2006/54/EC)** (prohibition of discrimination based on sex, including pregnancy and maternity).
    - National laws in member states implementing these directives (e.g., Germany’s **Mutterschutzgesetz**, France’s **Code du Travail** maternity and parental leave provisions).
* **Recent Legal Cases and Repercussions:**
  + Discuss examples where companies have faced reputational and financial damage due to non-compliance with reproductive health-related workplace laws.
  + Highlight how failing to accommodate employees with conditions like endometriosis or fertility treatment needs has led to tribunal cases and financial penalties.

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[personneltoday.com](https://www.personneltoday.com/hr/endometriosis-claim/?utm_source=chatgpt.com)

**3. Discrimination Related to Fertility Treatments:**

* **Care Needs Ltd:** Mrs. Benton was dismissed after undergoing IVF treatment and suffering a miscarriage. She claimed that her dismissal was due to her IVF treatment rather than a genuine redundancy situation. The employment tribunal found that she had been harassed and victimized by her employer because of her IVF treatment, leading to a successful claim against the company.

[redmans.co.uk](https://redmans.co.uk/insights/benton-v-care-needs-ltd-employer-harassed-and-victimised-employee-because-of-ivf-treatment/?utm_source=chatgpt.com)

These cases highlight the critical importance for employers to comply with reproductive health-related workplace laws. Failure to do so can result in substantial financial penalties and damage to a company's reputation.

Recent Developments in Reproductive Health Workplace Rights

* **Statistic Highlight:**
  + Organizations that fail to implement comprehensive reproductive health policies may face up to a **10% increase in turnover-related costs** due to legal disputes, absenteeism, and reputational harm.

#### **Ethical Considerations (10 minutes)**

* The need for **fairness, privacy, and equal access** to reproductive health benefits.
* How an ethical approach strengthens **company culture and employee retention** while reducing risk.
* The **business case** for proactive reproductive health policies: improved employee satisfaction, reduced absenteeism, and enhanced employer brand.

#### **Interactive Case Study (15 minutes)**

* **Scenario:** A mid-sized UK company faces an employment tribunal claim after failing to support an employee undergoing fertility treatment.
* **Small Group Discussion:**
  + What could have been done differently to mitigate risks?
  + How could proactive policies have prevented legal action?
* **Conclusion:** Brief Q&A on implementing legally sound, ethical reproductive health policies.

**Break (10 minutes)**