

A group of diverse people, including men and women of various ethnicities, are smiling and eating together at a table. The scene is set in a bright, modern dining area with large windows in the background. The overall atmosphere is warm and inclusive.

Supporting same sex parents at work

A guide for Managers

The make-up of families in the UK has changed significantly over the past few decades. While married and civil partnership couples remain the most common type, they only account for around two thirds of all families. This means a third have a different structure, be that lone parent, blended families, multi-generational or same sex.

In 2019, there were 212,000 same sex families in the UK[1]. This number is growing rapidly, up 40% since 2015. Since same sex marriages were legalised in England, Wales and Scotland in 2014, now roughly one in 35 marriages are between those of the same sex[2].

Why is providing support for same sex parents important?

More and more of these families are exploring how they can have children. This could be through adoption, surrogacy or fertility treatment. All these routes can be challenging for anyone embarking on them, with potentially many disappointments and difficulties along the way. Employers are increasingly realising the strain this can cause on employees and a growing number are introducing policies to provide support effectively through fertility policies.

While for heterosexual couples, having a baby this way tends to prompt sympathetic and supportive responses, for same sex couples they can be subjected to a host of inappropriate questions. Who is the real father/mother? What does your child call you? How will you make sure your child has male/female role models? Recent research in Australia found 32% of LGBTQ+ parents had been asked questions about their situation that they deem inappropriate or insensitive[1].

Many of these questions stem from people being curious or uninformed about same sex parents. While the numbers are growing, they are still relatively low and a situation that particularly older employees may not have come across before. Employers have a vital role to play in helping to overcome the bias that same sex parents face and make them feel included and accepted in the workplace.

What are employers required to do by law?

Parental rights remain the same, whatever someone's sexual orientation. Under UK law everyone is entitled to maternity leave, paternity leave, adoption leave, shared parental leave and time off for dependents. Employers should ensure all their policies covering family leave are up to date and are totally inclusive, with wording to indicate any parent, no matter their situation will be supported and treated equally.

Maternity leave

All birth mothers, no matter what their situation is, are entitled to maternity leave. The same eligibility requirements exist for everyone.

Parental Leave

One member of a same sex couple, including a female partner, may take paternity leave and pay. This is up to two weeks' leave following the birth of a child. Only full weeks can be taken and if two weeks are taken, they must be in a single block. This leave must be taken within 56 days of the birth.

Adoption leave

For same sex couples that are adopting, the couple can decide which one will take adoption leave (up to 26 weeks' ordinary adoption leave, followed immediately by 26 weeks' additional adoption leave) and which one will take paternity leave as long as they meet the necessary qualifying conditions under law.

Shared parental leave

Shared parental leave can be taken by same sex partners as long as they are employees and are using the leave to care for a child.

Time off for dependents

Every employee is entitled to time off to deal with an emergency involving a dependent, for example if a child falls ill and requires medical attention.

If you don't have one already, consider introducing a fertility policy, which covers anyone choosing this option to have a child, clearly setting out the support you offer.

Employers must consider an employee's wishes in relation to the disclosure of their sexual orientation. An employee has the right to keep this information confidential if they prefer, so employers must treat the situation sensitively. Any "outing" that occurred around a request for family leave may amount to discrimination or harassment under the Equality Act 2010.

General advice for supporting same sex employees with children

Juggling work and parenting is a difficult challenge for anyone. While there will be common themes that many experience, such as dealing with illness, getting children to sleep or settling them in to nursery or school, everyone's journey will be different, no matter if they are heterosexual or same sex parents. Flexibility must be built into any support that an employer provides so that each employee is treated as an individual and they can get the help and support most appropriate to them, whatever challenge they are going through.

A common concern for same sex parents is that their child will be teased or bullied because of their family situation. They don't want their children to be seen as different in some way. The truth is that the root cause of bullying is often being different to the norm, so this concern may be genuine. Organisations like the National Bullying Helpline have experience of dealing with just this situation, so can provide invaluable advice and guidance.

Line managers have a vital role to play in helping same sex parents feel included. Here are a few tips on how they can do that:

- Be informed – keep up to date with all your employer’s family related policies so you know what every employee is entitled to.
- Be discrete – starting a family is a very personal journey so let the employee lead the conversation and only disclose the details they are comfortable with, keeping these confidential.
- Be available – make sure your employee knows that they can come to you if they need support or want to share their experience.
- Be proactive – ask your employee if there is anything that you can do to help or make the process easier for them.
- Be supportive – find out what wellbeing support is available either through your employer or third parties that may be useful.

Additional Resources

The following sites provide useful support and information for same sex parents:

<https://www.fflag.org.uk/portfolio-item/lgbtplus-parenting/>

<https://www.familylives.org.uk/advice/your-family/parenting/parenting-in-same-sex-relationships>

<https://www.stonewall.org.uk/parenting-rights>

<https://www.coparents.co.uk/blog/lesbian-gay-parenting/>

<https://newfamilysocial.org.uk/>

[1]

<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2019>

[2] <https://www.standard.co.uk/news/uk/office-for-national-statistics-england-wales-london-b949995.htm>

[1] <https://gracepapers.com.au/think-twice-before-asking-same-sex-parents-these-11-questions/>

