



Profane Pregnant Bodies Versus Sacred Organizational Systems: Exploring Pregnancy Discrimination at Work (R2)

Caroline Gatrell¹ · Jamie J. Ladge^{2,3} · Gary N. Powell⁴

Received: 13 July 2022 / Accepted: 13 August 2023
© The Author(s) 2023

Abstract

This paper explores how pregnancy discrimination at work is perceived by both employers and pregnant employees. Using a public, qualitative dataset collected by the UK Equality and Human Rights Commission that offers perspectives from both employers and pregnant employees, we explore the unfair and unethical treatment of pregnant employees at work. Our findings show how pregnant workers are expected to conform with workplace systems that are treated as sacred. We suggest that employer valorization of the mythical figure of ‘ideal worker’ disadvantages pregnant workers. We observe how, even if this contravenes maternity protection laws, some employers self-justify discrimination against pregnant employees who they perceive to have transgressed ‘appropriate’ workplace behaviors as ethical and reasonable. To illuminate and conceptualize the notion of transgression, our analysis has led us to the ideas of philosopher Georges Bataille, specifically his reflections on how individuals who ‘transgress’ social norms are treated as taboo, as well as his metaphorical descriptions of people and practices as either sacred or profane. We theorize that pregnant workers who are treated as profane should be reclassified as sacred, opening up this idea for debate so as to disrupt long-standing patterns of discrimination.

Keywords Pregnancy · Employment · Fair treatment · Discrimination · Sacred · Profane

Introduction

‘The remarkable thing about ... taboo, is that it is fully seen in transgression’ Georges Bataille (1986 [1957]: p. 10).

‘If [an applicant] told me she was pregnant I wouldn’t say anything to her face, but I wouldn’t recruit her” Employer, EHRC interview.

For decades, organizations have been urged not to ‘discriminate, either directly or indirectly, against pregnant employees’ (Andiappan et al., 1990: p. 146). Pregnancy discrimination is not only unethical because such behavior is unfair to pregnant workers, but also because it contravenes maternity laws that have been enacted to protect women from workplace discrimination relating to ‘anticipated family commitments’ (Andiappan et al., 1990; Lane & Piercy, 2003: p. 314). Andiappan et al., (1990: p. 149) observe how employers that discriminate against pregnant workers pay a price not only regarding the ‘compensatory and punitive damages’ that can result from such discriminatory behaviors, but also because such unethical and unfair treatment of pregnant workers compromises the ability ‘of the firm to attract and maintain qualified female personnel.’

Yet over 30 years since Andiappan et al. (1990) made the case in this journal for a more ethical business approach toward maternity protection, pregnancy discrimination remains still rife (Bates, 2019). Indeed, in studies on pregnancy and employment, evidence consistently purports that, due to their ‘troubling talent for making other bodies’ (Haraway, 1991: p. 253, cited in Tyler, 2000: p. 298; see also Grandey et al., 2020; Hackney et al., 2020), pregnant

✉ Caroline Gatrell
c.gatrell@liverpool.ac.uk

Jamie J. Ladge
j.ladge@northeastern.edu

Gary N. Powell
gary.powell@uconn.edu

¹ University of Liverpool Management School, Liverpool L69 7ZH, UK

² D’Amore-McKim School of Business, Northeastern University, Boston, MA 02115-5000, USA

³ University of Exeter Business School, Exeter, UK

⁴ University of Connecticut School of Business, 2100 Hillside Road, Unit 1041, Storrs, CT 06269-1041, USA

employees remain subject to unfair treatment by employers (e.g., c; EHRC, 2016a, 2023). Further, adverse treatment toward pregnant women is a global problem (Rouse et al., 2021; Stumbitz & Jaga, 2020). Pregnancy discrimination is considered ‘rampant inside America’s biggest companies’ (Kitroeff & Silver-Greenberg, 2018), with the US Equal Employment Opportunity Commission reporting 50,000 pregnancy discrimination claims over a 10-year period (Hackney et al., 2020); the US courier firm UPS, for instance, received widespread criticism for its refusal to accommodate pregnant truck driver Peggy Young despite the existence of an adjustment policy for its employees (Kitroeff & Silver-Greenberg, 2018). In the United Kingdom, such observations are borne out within a study on pregnancy disadvantage conducted by the Equality and Human Rights Commission (2016a, b, c, d; EHRC, 2015) that identifies how three out of four pregnant workers experience negative treatment at work, with one in nine losing their jobs. Pregnant worker Laura Gruzdaite, for instance, was awarded £28,000 in damages having been ‘treated negatively’ and accused of ‘skipping work’ when she attended prenatal appointments (as is her entitlement under UK law, BBC, 2019; Stumbitz et al., 2018).

Given the continued discrimination against pregnant workers in developed nations (Andiappan et al., 1990; Hackney et al., 2020; Ladge et al., 2012; Stumbitz et al., 2018), we sought to understand what lies behind the unfair treatment of pregnant workers by employers, through examining both employer and employee perspectives. In doing so, we answer calls for research that observes how pregnancy disrupts patriarchal workplace systems by ‘peer(ing) inside’ employee and employer perspectives (Rouse et al., 2021). We extend existing qualitative work that emphasizes how differing perspectives and gendered conflicts play out between pregnant workers and their superiors (Buzzanell & Liu, 2007; Rouse et al., 2021) through examining both employee and employer perceptions and experiences, regarding pregnancy and work. In this endeavor, we respond to Greenwood and Freeman’s (2018) call to locate our research in the context of our own ethical approach. We align with the EHRC (2016a, b, c, d, 2023) view that maternity protection laws impose a clearly defined ethical requirement on employers to treat pregnant employees fairly (Acas, 2023). In keeping with EHRC (2023; see also Andiappan et al., 1990; Gatrell et al., 2017), we identify as unethical any form of pregnancy discrimination (typified by unfair, hostile behaviors ‘without rational basis,’ Campbell, 1991: p. 153).

Specifically, our study examines the following research questions: *From the viewpoints of both employees and employers: (1) How is pregnancy perceived? (2) How do employers justify pregnancy discrimination, even if this contravenes maternity protection laws? Additionally, we seek to understand: (3) What attitudinal changes toward pregnancy*

would improve the workplace situations of pregnant employees? Drawing upon a qualitative public dataset collected by the UK’s EHRC (UK Data Service, 2016), we explore the perspectives of both pregnant workers and employers (60 mothers and 49 employers) regarding pregnancy and employment. We identify how, due to fears that pregnancy might disrupt organizational systems, some employers risk legal challenges and reputational damage by contravening maternity protections, treating pregnant workers unethically, and ‘punish(ing) them for their reproductive capability rather than making inclusive arrangements’ (Andiappan et al., 1990: p. 146).

We contribute to theory regarding business ethics in relation to pregnancy and work in the following ways. Through examining both employee and employer perspectives on pregnancy and work, we offer an additional dimension to research on the treatment of pregnant workers, the majority of which considers pregnant employees’ (but not employers’) experiences (for important exceptions, see Buzzanell & Liu, 2007; Rouse et al., 2021). Our exploration of both employer and employee views allows us to shed light on the perspective of each in relation to pregnancy, maternity protections and employment, especially regarding what is ethical in relation to discriminatory treatments. More specifically, our findings show how employers revere, as sacred, workplace systems and procedures (Peyton & Gatrell, 2013). We observe how employers respect or contravene maternity protection laws based on personal perceptions regarding the effect of pregnancy on workplace systems. We further show how, in cases where pregnant employees cannot or do not conform with workplace systems, some employers self-justify pregnancy discrimination as ethical and reasonable. By inference, employers compare pregnant employees unfavorably against the mythical figure of the ‘ideal worker,’ who complies with workplace rituals and procedures due to supposedly robust health and freedom from care responsibilities (Padavic et al., 2020; Rouse et al., 2021; Williams et al., 2013).

In keeping with observations by Greenwood and Freeman (2017: p. 1) that we should work across disciplines ‘to create new narratives and improve current ideas that can make the institution of business a greater servant of humanity,’ we draw upon the work of French philosopher Georges Bataille to assist in exploring how minority populations are identified as transgressive and ‘taboo.’ We suggest that pregnant employees are haunted by the specter of the ‘ideal worker.’ We contend that pregnant workers who disrupt venerated workplace systems (e.g., by exhibiting ill health at work) are unfairly and unethically positioned by some employers as profane, such employers self-justifying their actions as reasonable. Finally, we explore what could improve the workplace situations of pregnant workers through proposing an idea for a creative and profound change in employer

approach and attitude, whereby pregnancy would be treated as sacred, while the unethical and unfair treatment of pregnant employees would be treated as profane.

Theoretical Understandings of Pregnancy and Work

A rich array of studies exists regarding pregnancy, maternity protections and the unfair treatment of pregnant workers (for recent reviews, see Arena et al., 2023; Grandey et al., 2020). Yet, given the continued extent of unethical and discriminatory treatment of pregnant workers, even within economies such as the UK that purport to offer robust maternity protections (Rouse, 2021; Stumbitz et al., 2018), further research on pregnancy and employment is needed (Ladge & Greenberg, 2019). Such research remains a vehicle through which the voices of pregnant workers can be heard, especially given organizational tendencies to silence maternal voices at work (Gatrell, 2005, 2011a; Rouse et al., 2021).

To offer background and context to this study: in the UK where the study was conducted, maternity protections are better than in many other regimes (Gatrell, 2013; Rouse et al., 2021). By law, employers must not discriminate against workers due to pregnancy, any pregnancy-related illness, or entitlement to maternity leave. Employees are not required to disclose pregnancy to employers until 15 weeks before their due date and they are not required to disclose pregnancy during the hiring process. All employees are entitled to take up to 52 weeks maternity leave, and maternity pay varies depending on company policy—but all pregnant workers who have worked for their employer for 26 weeks or more will receive a statutory minimum amount, set by the government of the day. This remains the case irrespective of how many maternity leaves are taken. Pregnant workers in the UK are also entitled to time-off (including travel time) for pregnancy-related appointments (medical; antenatal and parenting clinics/classes and well-being sessions). Employers must not treat pregnant workers unfavorably and they must monitor risks at work, taking action to protect the health and safety of pregnant workers. These protections are universal and non-negotiable—they apply equally to all women and are easily accessible on government websites (Acas, 2023).

Revered Organizational Systems and the Myth of the Ideal Worker

Employers often privilege traditional, masculine power structures which valorize the established workplace systems and procedures that symbolize workplace productivity (Acker, 2003; Höpfl, 2000; Rhodes & Pullen, 2018; Rouse et al., 2021). Such systems are valued by employers

because they represent familiar and inflexible models of ‘rational planning’ and production that are ‘blind to biological, emotional and care rhythms’ (Rouse et al., 2021: p. 710). Traditional ‘patriarchal governance regimes’ at work exert a powerful influence on business life, upholding the corporate power structures that underpin market-led, productivity-based economies (Rouse et al., 2021: p. 710; Rhodes & Pullen, 2018; see also Peyton & Gatrell, 2013; Tyler, 2000; Witz, 2000). Such workplace systems (as well as the rituals and procedures that support them) are venerated by employers because organizational routines facilitate the setting and prioritizing of workplace discipline (Peyton & Gatrell, 2013). Workplace rituals (e.g., long work hours and protocols) consolidate and reinforce familiar practices, making it easy to identify and reward worker behaviors that align with such systems, as well as punishing those which do not (Peyton & Gatrell, 2013). Workplace systems are glorified, treated as metaphorically sacrosanct, and protected by employers (Peyton & Gatrell, 2013; Rhodes & Pullen, 2018). Such systems are both gendered and unyielding (Padavic et al., 2020), preserving masculine privilege and remaining durable even during societal crises such as the COVID-19 pandemic (Ashman et al., 2022).

Deeply intertwined with employer glorification of corporate systems and structures is the mythical figure of the ‘ideal worker’ (Byron & Roscigno, 2014; Peyton & Gatrell, 2013; Reid, 2015). Employers at all levels delight in the romanticized image of a fully work-oriented employee whose ‘immutable’ body exhibits consistent well-being (Witz, 2000). The vision of a healthy worker who is unencumbered by family responsibilities, totally ‘committed’ to organizational systems and structures and whose priority is the ‘advance[ment] of organizational goals’ (Bierema, 2016: p. 120) appeals strongly to employers; ideal workers are seen as perfectly placed to uphold the sacrosanct workplace systems that underpin productivity (Höpfl, 2000; Höpfl & Hornby Atkinson, 2000).

Ideal worker images are typically associated with men, masculinity and traditional models of male breadwinning (Gatrell, 2005; Greenhaus & Powell, 2017; Humberd et al., 2015; Rouse et al., 2021). We acknowledge, here, how patriarchal myths regarding ideal employees disadvantage not only women but also employed men. Fathers who prioritize childcare over employment struggle with stigmatization (Humberd et al., 2015) and patriarchal visions of superhealthy ‘ideal’ workers cause difficulties for men whose bodies do not easily align with cultural assumptions about good health (e.g., men with disabilities: Connell, 2020).

Mutable Pregnant Bodies

Among women, employer expectations that workers should measure up to mythical ideal worker images are burdensome

among many, yet are especially problematic for pregnant employees, who struggle to ‘fit in’ with pervasive, ‘prevailing masculine’ cultures (Haynes, 2012: p. 4; see also Acker, 2003; Haynes, 2006, 2008; Höpfl, 2000; Höpfl & Hornby Atkinson, 2000; Makarem et al., 2019; Padavic et al., 2020; Williams et al., 2013). It is contended, within socio-cultural explorations of pregnancy and employment, that pregnant workers are disadvantaged especially due to (what is perceived to be) their potentially mutable health status (Gatrell, 2013; Tyler, 2000; Witz, 2000). Such observations accord with arguments made by feminist philosopher Margaret Shildrick (1997), who contends that pregnant women are stigmatized due to social antipathy toward the mutable nature of what she terms the ‘leaky’ pregnant body: a body that is unfairly treated as frail, unreliable, and threatening because it deviates visibly from the ‘ideal worker’ image (Gatrell, 2013; Witz, 2000). According to Shildrick (1997; see also Gatrell, 2017; Höpfl & Hornby Atkinson, 2000; Tyler, 2000), the notion that patriarchal societies define pregnant women’s bodies as ‘leaky’ illuminates what lies behind organizational marginalization of expectant women. The ‘leaky body’ concept may be understood in both a material and a metaphorical sense. Materially, at work, the ‘leaky’ bodies of pregnant women are treated by employers as a threat to procedure and productivity due to the propensity, during pregnancy, for actual maternal ‘liquids’ to be produced. Such liquids herald the possibility that workplace systems might be interrupted. For example, morning sickness might invoke workplace absence, and tears may be perceived as uncontrolled emotion that disrupts working processes (van Amsterdam, 2014; Warren & Brewis, 2004). Fluids that are associated with new maternity (e.g., amniotic fluid and breastmilk; Gatrell, 2013) as well as the changing shape of the maternal body may be perceived as symbolic of female mutability, as the growing baby increasingly constrains mobility (Grandey et al., 2020; Longhurst, 2001; Shildrick, 1997). Metaphorically, pregnancy may be associated among employers with hormonal changes and (often unsubstantiated) assumptions that pregnant worker behaviors will be volatile, leading to unpredictable behaviors at work (Gatrell, 2011b; Warren & Brewis, 2004).

Employers’ fears regarding the potential for physiological and psychological ‘leaky’ manifestations of pregnancy to occur at work can lead to hostile employer responses due to concerns that the mutable nature of pregnancy will disrupt the stability of workplace systems; i.e., there is no place for pregnancy at work if it interferes with procedures and productivity (Fotaki, 2013; Rouse et al., 2021; Tyler, 2000; Warren & Brewis, 2004). As a result, in order to retain their employment status, expectant employees find themselves obliged to play down pregnancy by ‘hiding the fecund body and its symptoms’ (Rouse et al., 2021: p. 710). Pregnant workers are thus afraid of exhibiting tiredness or ill health

(Warren & Brewis, 2004). They seek to conceal pregnancy through working when they are sick (Gatrell, 2011a; Greenberg et al., 2009; van Amsterdam, 2014) and by demonstrating ‘supra-performance’ (Gatrell, 2011b; see also Henekam, 2016; Ladge et al., 2012; Ladge & Greenberg, 2019; Trump-Steele et al., 2016). Some pregnant women ‘opt out’ before they are ‘pushed out’ of jobs where they had been previously esteemed (Paustian-Underdahl et al., 2019: p. 985; Kossek et al., 2017; Ladge et al., 2018; Little et al., 2015).

The above outline of research on pregnancy and work demonstrates the growing array of rich scholarship in this area. Yet while extant literatures do explore, both conceptually and in practice, the experiences of employed pregnant women, questions remain unanswered regarding relationships among and between pregnant workers, their employers, and workplace systems. Specifically, while we know that pregnant women may be marginalized at work, less is known about what is in the mind of pregnant employees, and employers, when employers contravene maternity protections. How do employers self-justify their decisions to treat pregnant workers differently from what is mandated within maternity protection laws, and how do pregnant workers experience such treatment? We seek here to understand what tensions arise due to employer fears that the mutability of pregnancy might disrupt workplace systems and structures, meaning that pregnant workers may be treated as transgressive and taboo (Gatrell et al., 2017).

Transgression and Taboo

The tensions between the rigidity of workplace systems (that are perceived by employers as sacrosanct) and the potential mutability of pregnancy (that might lead to disruption of, or deviation from, workplace systems) suggested to us that the work of Georges Bataille (1985 [1933], 1986 [1957], 1993 [1934]) would be particularly helpful as a theoretical lens. Notably, while we outline here Bataille’s work for point of reference, we explored his ideas on transgression, taboo, and marginalization only after we had begun to analyze our data, his observations supporting our investigations of the relationships between pregnant workers, employers, and workplace systems. The writing of Bataille regarding taboo, transgression, and how certain minorities come to be marginalized and mistreated enabled us to shed light on the conflicts between employer perceptions regarding what they consider to be fair and ethical treatment of pregnant workers, versus what is outlined in maternity protection laws.

Precedents for drawing upon Bataille’s ideas in the context of taboo, transgression, and marginalization exist already within contemporary social science. For example, Tyler (2013), writing from a sociological perspective, uses Bataille’s ideas to illuminate the human propensity to

marginalize and mistreat minority groups, and Brewis and Warren (2001) draw upon Bataille's reflections on death to illuminate contemporary intensification of pregnancy self-care. However, this is the first occasion in which Bataille's writings have been applied to understand specifically the relationships between pregnant workers and their employment. In utilizing Bataille's work, we do not attempt to critique his far-reaching philosophical legacies; for such critiques see Tyler (2013) and Botting and Wilson (1998). Rather, we draw from Bataille's interpretations of taboo and transgression to understand how, despite maternity protection laws and policy, some employers self-justify as ethical the treatment of pregnant employees as transgressive and taboo.

According to Bataille (1986 [1957]), people and/or embodied behaviors come to be identified as 'transgressive' when they violate commonly understood and accepted social boundaries. Bataille's theorization of what it means to be transgressive is focused on the body and the defining experiences of humanity such as procreation, birth and death, that are characterized by notions of 'excess.' Bataille sees visceral and personal experiences such as birth as posing a threat to the order of the workplace and to production because such experiences may potentially unravel revered systems that are comfortable, and highly valued in society (Pawlett, 2018). Using the examples of sexual behaviors, and of classed and racialized bodies, Bataille (1985 [1933]) explains how conforming with normalized practices does not reveal where social boundaries lie (see Tyler, 2013). Only when people are perceived to have violated socially accepted norms do the boundaries between what is labeled 'appropriate' and what is labeled as 'transgressive' become clear (Surkis, 1996; Tyler, 2000, 2013). Minority groups become most visible when their bodies, or embodied behaviors, disrupt traditional understandings of 'appropriate' behaviors (Foucault (1998 [1963])). At such points, those who are characterized as taboo are labeled 'transgressive' and may be punished, subjected to marginalization, and cast out from mainstream activities (Bataille (1985 [1933]); Tyler, 2013).

In line with Bataille's arguments, we suggest below that employees who can align with workplace systems may be valued and welcomed at work. However, those who transgress workplace systems (in this case, pregnant workers) may be rejected, treated unfairly, and ultimately dismissed (Tyler, 2013). Bataille (1986 [1957]: p. 38) expounds, 'If we observe the taboo, if we submit to it, we are no longer conscious of it. But in the act of violating it, we feel the anguish of mind without which the taboo could not exist.'

To describe the relationships between those practices that are deemed by dominant groups as sacrosanct (i.e., the sacred order of organizational systems) versus those behaviors or characteristics which may threaten to disrupt such systems, Bataille introduces the metaphor of 'sacred and

profane.' Below, drawing upon Bataille's ideas, we suggest how established workplace systems are revered by employers as sacred, while employees whose embodied behaviors are seen to transgress such systems may be labeled profane. Our study illuminates how pregnant employees may be labeled transgressive and profane if they are viewed by employers as unable to conform with 'sacred' workplace systems. We suggest that pregnant employees are doubly disadvantaged by the specter of the mythical ideal worker, who is perceived to conform with privileged organizational systems, and with whom pregnant employees can never compete.

Method

We adopted core principles of qualitative methods to analyze our interview data from both employee and employer perspectives, which we did thematically and iteratively, drawing on the work of Georges Bataille to inform our findings. Below, we explain our research context, procedure, design, and analytic approach.

Research Context

We drew from data that were collected in association with a major study undertaken by the UK's Equality and Human Rights Commission (EHRC) in 2015–2016 that explored pregnancy and maternity discrimination. The UK provides an interesting location for study because its maternity protections are considered generous compared with other nations, yet levels of pregnancy discrimination remain persistently high (2016a, b, c, d; EHRC, 2015; Stumbitz et al., 2018). The EHRC dataset on pregnancy discrimination includes quantitative and qualitative data, both from mothers regarding their experiences during pregnancy and from employers¹ concerning their views about pregnancy and paid work. Specifically, the EHRC study consisted of an initial quantitative survey of 3254 mothers and 3034 employers, followed by qualitative interviews of 60 mothers and 49 employers (conducted in keeping with the EHRC ethical standards) who completed the initial survey. All raw data have been made available to scholars via a public archive (UK Data Service, 2016). The quantitative data were analyzed in detail by the EHRC and published in the form of three reports (2016a; c; EHRC, 2015). According to the quantitative findings, many pregnant employees experienced unfair treatment: eleven percent were fired or 'let go' during their pregnancy, or were treated so poorly they resigned from their jobs. While the

¹ We use the term *employer* to refer to an employer representative such as a manager or human resources professional or business owner who provided quantitative and qualitative data in the EHRC study.

quantitative data have been analyzed in detail, the qualitative data remain under-explored, creating an opportunity to conduct in-depth analysis and develop theoretical insights to inform future research and practice to address the concerns expressed in the following EHRC statement: ‘*We simply cannot ignore the scale of the disadvantages that working women face...*’ (EHRC, 2016b).

Consequently, we undertook an intensive analysis of the EHRC qualitative interviews. Questions regarding mothers’ and employers’ experiences of pregnancy at work are available in the EHRC reports and in the ‘raw’ transcripts. The first author was on the advisory board during this major project with the opportunity to contribute ideas to the research design, conducting of the research and analysis; however, final decisions were those of the EHRC research team. Participants were assured that their responses were confidential and their participation in the follow up interviews was voluntary. It is acknowledged that qualitative interviews such as these are subjective and we do not attempt to generalize from this data, rather to reflect and to theorize (Mason, 2017).

Research Procedure and Design

Following a telephone survey of a sample of 3034 employers who provided quantitative data, a sample of 49 employers were re-contacted for the qualitative interviews and invited to discuss their experiences of managing pregnant employees. Employers were chosen on the basis of everyday responsibilities for managing staff in order to gain understandings of ‘what actually happens on the ground’ (EHRC, 2015: p. 135). The sample was structured by employer size with organizations ranging from small (5–49 employees) to large (over 250 employees). Face-to-face interviews with employers were arranged at a time and location suitable for each participant. The industry sector of the sample of employers is reported in Table 1.

A sample of 3254 mothers provided quantitative data in telephone surveys. Following these surveys, a sample of 60 mothers agreed to be re-contacted for the qualitative interviews. The qualitative sample was structured to include a range of ages, skills, salary levels and experience. All interviews were held at a location convenient to the mother and took about 1 h. Mothers in the sample were at a range of income levels from the lowest earners (14 were paid less than £10,000 per annum) to higher earners who were paid over £60,000. Among the group, eight identified as ethnic minorities. The occupations of mothers included in the qualitative sample are reported in Table 2. For purposes of anonymity, mothers’ names are pseudonyms and the gender of employers is not stated.

The interview protocol for each set of interviews was designed to allow both employers and mothers to expand on their attitudes and beliefs and experiences. Notably, we were

Table 1 Employers Interviewed by Industry Sector

Sector	Number of interviews
Manufacturing	4
Utilities	2
Construction	2
Trade	4
Transport and communications	5
Hotels and restaurants	4
Finance	3
Real estate and business	6
Public administration	3
Education	3
Health and social work	7
Arts, culture and leisure	6
Total	49

Table 2 Mothers interviewed by occupation

Occupation	Number of interviews
Administrative and secretarial occupations	13
Associate professional and technical occupations	7
Caring, leisure and other service occupations	12
Elementary (or low skilled) occupations	5
Managers, directors and senior officials	4
Professional occupations	9
Sales and customer services occupations	8
Skilled trades occupations	2
Total	60

not seeking to measure or quantify pregnancy discrimination, since such analysis had been already conducted by the EHRC (2016a). Rather, our aim was to elucidate understandings of how employers and pregnant workers are treated by employers in a manner contravening legislation.

Analytic Approach

The analytical approach adopted in this study is both inductive and iterative in nature (Fotaki, 2013). The notion of iterative data analysis involves moving back and forth between the data and existing theoretical and empirical research to reveal different patterns that lead to the development of new understandings and perspectives. An iterative approach allowed us to concurrently embrace both data and theory and assisted us in exploring our research questions.

The data were uploaded onto a qualitative software platform (NVivo) and analyzed using a three-step process. We also read through the transcripts manually to be close to the

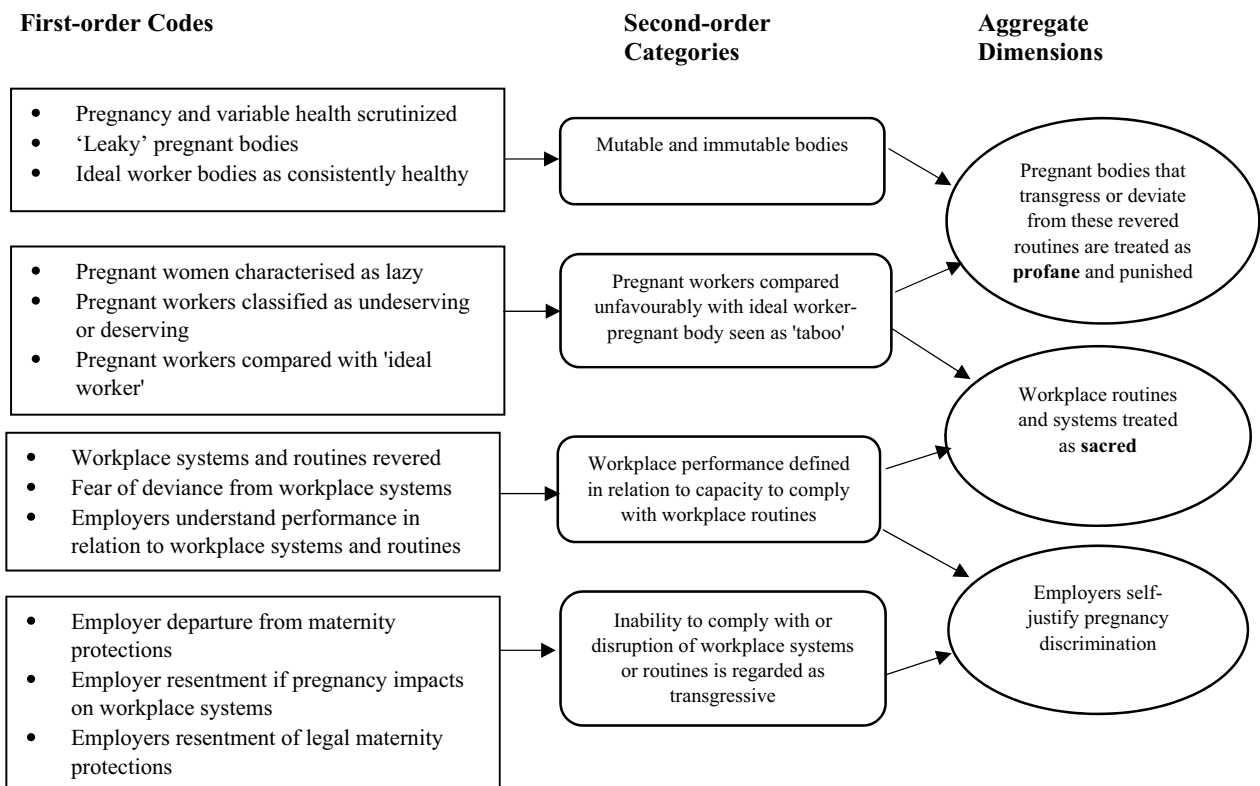


Fig. 1 Thematic analysis: first-, second-, and third-order themes

data. Adapting analytic procedures outlined by Corley and Gioia (2004) and following Edwards et al. (2023) and Gatrell (2019; see also Zulfiqar & Prasad, 2021), we began the coding process by scanning the interviews and identifying common themes, while making cross-comparisons between the employer and employee data and then organizing the themes into first-order codes. The Gioia method of analysis assisted us in identifying key themes and appreciating these in greater depth. Our coding diagram in Fig. 1 illustrates the data structure that was developed from the first- and second-order concepts, outlining the main themes relating to our study that emerged as overarching key narratives.

Our thematic analysis revealed connections and tensions between the mutability of the pregnant body and the enduring stability of organizational systems. Drawing from our codes based on employee and employer perspectives, we explored reported perceptions among and between employers and pregnant employees regarding understandings of how pregnancy and employment relate both to maternity protection laws, and to workplace routines and systems. Drawing from our themes relating to the mutable nature of health in pregnancy versus the supposedly immutable character of the 'ideal worker' body, we identified commonalities in understanding among and between pregnant workers and employers regarding how pregnant workers and their bodies are classified at work. Overarching narratives that emerged

from our thematic analysis show how, first, workplace systems are treated by employers as sacrosanct and, second, how deviance from (or disruption of) such routines leads to the classification of employees by employers as transgressive and 'taboo.'

Our observation that pregnant employees were characterized by employers as transgressive prompted us to return to the literatures to explain this phenomenon. As noted, ideas of transgression and taboo directed us to the work of Bataille, whose ideas on these topics contributed to our understanding of how employers self-justify, as ethical and reasonable, their breaching of maternity protections and provided a metaphor for illuminating how employers self-justify discriminatory treatment of pregnant workers. In accordance with observations by Peyton and Gatrell (2013), our analysis showed how workplace systems were treated by employers as sacrosanct. Pregnant employees who (intentionally or otherwise) were perceived to disrupt such sacrosanct systems might, by comparison, be classified by employers as transgressive and effectively profane. Tensions between employer reverence for workplace systems, contrasted with the treatment of pregnant workers as profane, led us to Bataille's ideas regarding marginalization and exclusion (Bataille, 1985 [1933]; 1993 [1934]). In particular, we turned to Bataille's use of the metaphor of the 'sacred' and the 'profane' to illuminate how employers

self-justify, as ethical and reasonable, discrimination against pregnant employees.

Below, we use the metaphor of ‘sacred and profane’ to explore the relationships between those habits and practices which are cherished by dominant groups as important (i.e., the sacred order of organizational routines; Foucault, 1977), and behaviors or traits associated with leaky, apparently ungovernable bodies that may threaten to disrupt such sacred customs, and are as a result treated as transgressive: taboo and profane. Bataille’s metaphor is useful because it enables us to illuminate how, having categorized some pregnant workers as metaphorically profane, employers appear then to feel justified in by-passing maternity protections and in applying their own sets of rules and standards regarding the treatment of pregnant workers.

Bataille’s interpretation of the metaphor of ‘sacred’ and ‘profane’ thus enables us to explain how some employers come to self-justify as reasonable and ethical their contravention of maternity protection laws (Hackney et al., 2020). The sacred and profane metaphor also facilitates the consideration of future agendas regarding the treatment of pregnant workers because it could represent a fundamental and creative attitudinal change in a situation where incremental change has made limited progress in preventing pregnancy discrimination.

Findings

Our findings are organized around several core themes that emerged from the data and that reflect both employee and employer perspectives. The qualitative interviews from the EHRC study show how established organizational systems were treated as sacred by employers. Pregnant employees who disrupted or deviated from the boundaries of such systems were treated by some employers as profane and punished accordingly. Employers who contravened (or desired to contravene) maternity protections, self-justified as fair and reasonable their viewpoints, despite having a good understanding of UK maternity protection entitlements.

We consider how far the vision of the ‘ideal worker,’ unencumbered by family responsibilities and supporting workplace systems through long hours working, exerted a powerful influence on employer perceptions of what, as one employer stated, “is reasonable to expect” from employees. The specter of the ideal worker cast a long shadow over pregnant employees who could not compete with the supposed accomplishments of this mythical figure.

Employee Perspectives: Transgression of Workplace Systems

Pregnant women reported feeling unwelcome and out of place at work if they could not conform with workplace

systems. This was the case regardless of whether they were in low-skilled or more professional roles. Pregnant workers described how employers conveyed discomfort around their pregnancies, which were in twenty-three instances treated as taboo, and effectively profane, in relation both to the physical symptoms of pregnancy (that visibly separated out women from the figure of ideal worker) and the related disruption to sacrosanct organizational systems that invoked employer antagonism (Bataille, 1993 [1934]; Tyler, 2013). In a particularly acute example, two women recounted hostile reactions whereby employers recommended termination as a course of action. Employee Mia reported being advised: “*I think you should abort it.*” Similarly, Cath observed how her employer “*turned around to me and said: “oh, you do know there’s nothing wrong with having an abortion.”*” Such employer responses contravene government mandates that pregnant workers must not be treated unfavorably, and their health and safety prioritized (Acas, 2023).

Pregnant employees reported unfair treatment in seventeen instances, when the physical symptoms of pregnancy combined to be both visible and disruptive of organizational systems. In line with prior research underlining the differences between the mutability of pregnancy and the immutable ideal worker body, pregnancy ‘leakage’ (e.g., vomiting and the growing pregnant shape) was categorized as taboo, especially if this disrupted office systems. Michelle’s description (below) of working the check-out line in a retail job, while suffering morning sickness, invoked an unpleasant response from her supervisor who (it is implied) was aware of her pregnancy and yet shouted at her, thumping on the lavatory door to complain at her absence from the shop floor:

I ran off to [throw up]. I couldn’t exactly stand at a till serving someone being ill...So then [they] came and started banging on the toilet door. [My supervisor] was shouting at me to ‘Get back out!’...I was quite upset at that point because I wasn’t very well and she was shouting at me though the toilet door while I was pregnant.

Two women reported themselves similarly as subject to opprobrium when they made multiple visits to the lavatory to ‘pee,’ the need for which occurs more frequently during pregnancy (Longhurst, 2001). In keeping with Bataille’s (1993 [1934]) observations regarding the classification as transgressive of those who violate the norms of ‘appropriate’ behaviors, Lisa describes how she was marginalized and (supposedly with humor) ridiculed (Tyler, 2013) and threatened with expulsion from the office into the lavatory.

[My employer] did ask if I wanted my desk put in the toilet because I was in there so much, which was another thing which was not funny. It makes you think you shouldn’t go [to the toilet] so much, but

you can't help it! It made me feel uncomfortable... there is no truer word than spoken in jest...I felt really uncomfortable.

Similarly, Nancy recounted how she was “mocked.... because my feet were swollen, so I couldn't use my legs easily... jokingly. But sometimes, it is difficult to know who is really joking.”

The above examples highlight how, in contrast to the mythical vision of the immutable ‘ideal worker’ body that aligns with organizational systems through uninterrupted presence and enduring good health (Höpfel & Hornby Atkinson, 2000), and in contravention of maternity protections, the mutable pregnant body is disadvantaged (see Gatrell, 2011a, 2011b, 2013; Shildrick, 1997). In response to women’s ‘transgression’ of workplace systems, they experienced incivility. Two pregnant workers recounted in detail how their swollen pregnant bodies were derided at work. Joan suggested that her changing pregnant body offended her employers to the point where they sought, in Bataillon terms to cast her out from her workplace: “as I got bigger and more tired ... they were trying to switch me to a role that wasn't available, so they can get rid of me.” A second pregnant worker was compared to a fictional Alien as her growing body departed increasingly from the romanticized image of ideal worker who inhabits, supposedly, a neat, immutable body. Ria recalled how: “I got a lot of the “don't you look big” comments ...my boss.... told me: “you look like Jabba the Hutt from Star Wars” ... because I was heavily pregnant.” Pregnant employees thus experienced employer hostility at the point where their mutable bodies made visible their differences from ideal worker standards and this led to women’s being singled out as disruptive and taboo on account of their ‘leaky’ bodies and the prospect that workplace procedures might be interrupted (Shildrick, 1997; Tyler, 2000).

In practice, should pregnant workers disrupt familiar workplace systems, for example by taking sick-leave, they might be punished. Two pregnant workers reported fears that they could be accused of “skiving off” or “making things difficult” if they became ill and/or attended the medical appointments to which they were entitled under UK maternity protections (Acas, 2023). In common with findings by Gatrell (2011b), women like Paula, who required sick-leave, were pressured to attend work anyway and continue performing their jobs in the manner of ideal workers whose mythically immutable bodies would not disrupt workplace systems through absence. Paula described, “I had high levels of sickness. I found it very difficult to get to and stay in work because I was sick so often. Despite being medicated, [which] didn't do much [to help] ... when I was trying to find a solution to it, they

were not very supportive and not very helpful. Their attitude was basically: ‘tough [you must] come in....’

Similarly, Marian worked through ill health, ignoring symptoms and medical advice to avoid being classified as transgressive and disruptive. Marian, having been refused permission to reduce her hours, felt “pushed into a corner to either carry on what you are doing ... or quit.”

Additionally, despite maternity protections in the UK permitting pregnant women to attend prenatal appointments during work time (Acas, 2023), permission to leave work for such reasons may be declined if this caused inconvenience to employers. Pregnant worker Tilly, for example, was allowed to go to her appointments only on condition that she relinquished her lunch breaks. She had to cancel her appointment if the timing was perceived as inconvenient. On two occasions, she was told by her employer: “No. You can't go ... because I need to go [out].”

Minor adjustments to cherished workplace systems, for the purpose of accommodating pregnancy, might be declined, and requesting such adjustments could risk women’s job security. Ellie, for example, linked her pregnancy and her need to attend medical appointments with being subsequently fired from her job. She recounted: *the minute prenatal checks started and the minute I had to go to GP appointments he said ...I would have to make up for that time... I researched that employers can't request you to earn that time back ... and I sent him that link. The following evening he said: “We need to speak to you: As your work isn't up to standard, we are letting you go.” I saw that as too much of a coincidence after I had sent that [email], because he never mentioned anything before.”*

In the same vein, the experiences of Julia exemplify how pregnant women might be driven out from their employment should they threaten workplace systems, through seeking adjustment to regular workplace practices. Julia was required to stand as part of her retail job. On her doctor’s recommendation, Julia requested a chair during the later stages of pregnancy. Her medically endorsed request was refused, meaning she was obliged to leave her job and go on maternity leave earlier than planned. “The doctor said if I could have a chair, so I could sit down, then I would be able to stay the extra month. But [employer] refused to give me the chair. I was called lazy...because I asked for a chair. But I didn't get the chair!” Julia perceived that her request to sit down instead of standing on the job meant she was seen as having transgressed workplace procedures and routines, as a result of which she became unwelcome. In comparison with the mythical work-oriented image of ‘ideal’ employee, Julia was accused of laziness when seeking reasonable adjustment to her working practices. Julia’s employers prioritized organizational routines over her medical need and although maternity protections mandate employers to protect the

health and safety of pregnant employees (Acas, 2023) she was, in keeping with Bataille's observations regarding the marginalization of minority groups, effectively 'cast out' from her job. Julia recounted, "*If [my employer] had given me a chair, I could have stayed. [And] you would think, if you want your staff to stay, then you would give them a chair. But they didn't want me there.*"

By contrast, Bonnie's story offers an example of a woman who requested no adjustment to workplace routines and who was able to maintain established working patterns. Bonnie's experience was different from Julie's, perhaps because she was 'supra-performing' over and above requirements (Gatrell, 2011b). Police officer Bonnie was employed in a unit where rotating shift patterns were the norm. She continued working the same number of hours and took responsibility for organizing not only her own shifts, but those of the entire unit, which enabled her to minimize any disruption caused by her pregnant status. She noted, "*[I learned how to] sort out the shift patterns ... so I've actually got more skills than a normal police officer would have.*" Through fitting in with organizational systems and undertaking additional duties to "sort" the shift rotations, Bonnie found her unit to be "accommodating" and she regarded herself as "really lucky". However, it is notable that in keeping with observations by Lewis and Smithson (2001) and Gatrell (2011b), Bonnie's belief that she was fortunate in her employment was mediated by her sense of obligation to make up for her pregnant status by working over and above requirements.

In accordance with Bataille's observations, the unfair treatment of pregnant employees had potential to cause, among these workers, "anguish of mind" (Bataille, 1986 [1957]: p. 38). Shena recounted, for example, how discriminatory treatment caused her to experience stress symptoms (that can invoke subsequently maternal postnatal depression and poor infant health outcomes; Hackney et al., 2020). Sheena noted: "*[the negativity] was affecting my health, I was very, very stressed, feeling quite low ... They just made life very, very difficult. At the time, I just wanted to cry all the time basically, anything would trigger me off, so very unpleasant.*"

In sum, our participants described experiences in which their employers protected workplace systems at all costs, treating such systems as sacred. By contrast, in contravention of UK maternity protection laws, pregnant workers were themselves treated by employers as profane if they disrupted organizational procedures, deviating from the mythical image of 'ideal worker' who supposedly conforms with such routines. Women who deviated from workplace systems were punished, refused reasonable adjustment and were at risk of being expelled from their workplaces.

Employer Perspectives: Punishing Transgression

Compared with the above observations from pregnant employees, employers were less likely to admit to direct workplace incivility toward pregnant women. However, a significant minority did report feeling resentful at the disruption caused by pregnancy at work. Thirty-two employers indicated good understanding of maternity protection laws. In twenty cases, employers reflected upon the disparity between maternity protections that were legally mandated, and their personal views regarding a more limited set of entitlements that they perceived ought to be afforded to pregnant workers. Around one-third disclosed how they considered it reasonable to punish (and illegally discriminate against) women who became pregnant while employed, effectively treating them as profane. One employer stated, regarding their pregnant employee's bonus:

We didn't give her as much of a bonus as we might have done [if she wasn't going on maternity leave] and that's probably illegal so she felt a bit hard done by. But having said that we have arranged a big bonus if she comes back [as] a little bribe to get her back again.

Employers were aware of UK maternity protection laws that forbid questions about family planning during recruitment. Around one-third expressed resentment that they could not insist on women disclosing pregnancy at hiring interviews (such disclosure is not required under UK law: Acas, 2023). One employer described strong feelings, indicating their view of pregnancy at work as profane and referencing termination of pregnancy: "*I think it's outrageous that you [can't ask]. You take someone on, you train them, it takes 3 months before they're useful by which time if they're already pregnant, they're going on maternity leave, and I've got all the hassle of finding somebody else. You can't order somebody to have an abortion. So you just have to live with it...*" (our emphasis).

Another claimed not to express incivility directly to pregnant workers, but shared these views in the EHRC interview, masking this with humor and joking: "*would it be appropriate to give [female workers] the pill?*"

One employer recognized that probing candidates about family planning during recruitment interviews is illegal (Acas, 2023). However, this same employer stated their personal view that women who did not disclose pregnancy should be punished for transgressing the boundaries of what they perceived as "reasonable" behavior. Citing one interviewee's decision not to reveal her pregnant status prior to hiring, this employer commented: "*She hadn't told them she was pregnant...I found that to be unacceptable. She should have advised this at the interview, or on being offered the job.*"

In respect of her undisclosed pregnancy, this employer recommended that the new hire should be punished by being denied flexible working after maternity leave suggesting she deserved an “unfriendly reaction” and lamenting, “...It doesn’t endear a person to the organization. On returning from maternity leave, she told us we had a legal responsibility to address the request [to go part-time]... her manager... should have declined that request.”

Although the law states that employers should not discriminate against pregnant workers, seven employers expressed their view that discrimination and the contravening of maternity protections was justifiable. These employers categorized pregnancy as profane and out of place at work. They did not consider such attitudes as unethical, but as reasonable: “If somebody told me they were pregnant [at a job interview] I wouldn’t say anything to her face, but I wouldn’t recruit her.”

I think there should be full disclosure before you take somebody on as an employee—And yes—I would discriminate against a pregnant applicant.

One employer indicated they would be especially cautious about employing a pregnant woman if she was single because she might (in contrast to the romanticized vision of the ‘unencumbered’ ideal worker) be burdened with family responsibilities: “A single mother with no support system would be needing a lot more support and flexibility and this would be hard for us to manage.” Another expressed a veiled threat regarding the taking of maternity leaves that disrupt organizational systems and deviate from ideal worker models of maintaining continuous employment (Rouse et al., 2021; Williams et al., 2013): “If they are wanting to take time-off it may not always be received positively in terms of their career.”

Further, and without apparent evidence for this view, one employer expressed fears that pregnant workers (departing from the image of work-oriented ideal worker) might use pregnancy as an excuse to work with minimal effort: “I wouldn’t say [pregnant women are] abusing [the system] but they can over-exaggerate how they are feeling and this generally happens on the first pregnancy, to try to get lighter [duties].”

This unevicenced assumption about supposedly work-shy pregnant women is contradictory to research suggesting that pregnant workers go above and beyond in order to keep their jobs (Gatrell, 2011b) especially if they are single mothers (Radcliffe et al., 2022). In accordance with the above reports from pregnant workers, another employer interpreted the impingement of the ‘leaky’ maternal body on workplace procedures as taboo and transgressive. In this case, the tears of a pregnant worker were ascribed to hormones and treated as profane because carefully balanced workplace systems were disturbed. This woman was treated as unwelcome

when she cried and was cast out of the office (Bataille, 1993 [1934]) by her employer who told her to “go away” at that time: “It was becoming a problem with her hormones and she was emotional and I said, “I’d rather you take an hour off ... rather than be how you are, because it’s not working for you and it’s not working for us.” One upset person can upset the whole apple cart! So I’d rather they just go away for an hour and have a word with themselves.”

Fatigue and exhaustion (which depart from the healthy ideal worker image) were constructed as an inevitable but unattractive side effect of pregnancy and maternity. One employer indicated they would not recruit pregnant workers, who might exhibit these physical symptoms on their return from maternity leave: “You have two fantastic candidates and one is about to go off? You pick the one who is not going to go off for a year and come back exhausted.”

Employer views regarding the acceptability of women taking maternity leave revealed a viewpoint that maternity leaves should be limited to one (or at most two) pregnancies, although no limits exist in the UK regarding the number of times women may take maternity leaves (Acas, 2023). Four employers considered it reasonable to treat multiple pregnancies as transgressive and “too much.” One employer self-justified this attitude explaining: “If you have two children quite quickly then for three and a half years you’re pretty useless in the workplace and that’s too much. Once is fine, but going off two or three ...or four times is not fine. I think you should be allowed maternity leave once. Possibly twice in the right circumstances.” Using a religious analogy that aligns pregnancy with both laziness and the threat of damnation for coworkers, another employer defended such views through observing how multiple pregnancies put too much pressure on colleagues: “You don’t want people feeling like they have had a year of hell while [the pregnant worker] is off with their feet up.” Similarly, in a case where previous employees had taken maternity leave, one employer stated their preference not to recruit women who might become pregnant: “It was a case of “once bitten, twice shy” you know. Are we really going to offer this job to someone with a small baby?”

As Foucault (1998 [1963]) observed in his reflections on Bataille’s work, the process of delineating what may be understood as sacred, and what is considered profane in organizations, is iterative. Once the concept of sacred is firmly understood, the notion of what is profane becomes clear. When marginalized populations within a system (in this case pregnant employees at work) are categorized as taboo or ‘profane,’ ‘elements within the primary boundary become sacred by implication and the primary boundary [is thus] reinforced.’ (Midgley, 1992: p. 11; Bataille, 1985 [1933], 1993 [1934]; Foucault, 1998 [1963]). Within a workplace context, sacred organizational systems are shored up by those employees who can comfortably align with ideal

worker behaviors that do not disrupt proceedings. Inevitably, such requirements are challenging for pregnant workers and some employers appeared unconcerned that their punishment of pregnancy was unethical. Rather, they were comfortable with the idea that treating pregnant workers unfairly (and illegally) was justifiable in circumstances where productivity might be disrupted.

In sum, most employers exhibited a good understanding about the entitlements enshrined within UK maternity protection laws. Nevertheless, some employers' desire to prioritize workplace systems, combined with their personal views about what embodied behaviors were appropriate (Bataille, 1993 [1934]; Tyler, 2000) facilitated their characterizations of pregnant workers as lazy and profane; in contrast, such employers seemed to assume that non-pregnant workers would be more work-oriented. Such unsubstantiated assumptions on the part of employers are at odds with research on pregnancy and employment that indicates how pregnant workers are highly committed to their paid work, tending toward supra-performance in order to fight employer assumptions about their supposedly reduced work orientation (Gatrell, 2011b; Rouse et al., 2021).

Employer Perspectives: Maternity Protections as Conditional

Bataille interprets transgression as situated and contextual (as noted by Foucault (1998 [1963])). In keeping with this observation, while in some circumstances pregnancy at work was treated as transgressive, there were occasional and specific instances where the deserving status of one particular employee was seen to override other considerations. On these occasions, pregnancy was tolerated by employers who expressed the view that pregnancy protection policies should be conditional, depending on the individual concerned. In contravention of maternity protection laws that mandate equal treatment for all, there were instances where employers reported a desire to support individual pregnant workers as an 'exceptional' case, perhaps when a pregnant worker's condition aligned with an employer's personal experience, or when pregnant employees were considered deserving. One employer noted: "*In some circumstances each decision is almost made on the merits of the person*", and another empathized with employees suffering unstable pregnancies due to personal experience, recounting: "*personally, we tried for 4 years to have a child...*".

One employer (although they describe Jemma's pregnant body in less than flattering terms) recounts how they offered support to Josi, a pregnant worker who had experienced multiple miscarriages. In the UK, Josi would be entitled to attend medical appointments as required and without needing permission; however, this employer indicated that support for Josi was offered based on special circumstances:

"Josi was off sick a lot, lots of appointments, check-ups, lying down, she was off a lot more than Jemma who was still waddling round when massive. [But] Josi getting a healthy baby was [our] concern...she had miscarried many times, but we'd have done anything to help her. She was off a lot... but we [did not] begrudge her."

It is important to recognize that some employers, in keeping with observations by Stumbitz and Jaga (2020), sought to be kind and helpful. However, it is also relevant that employers referenced their own perceptions regarding what they judged to be fair and reasonable terms to offer to pregnant employees, irrespective of maternity protections. The apparently exceptional status of Josi ameliorated the visibility of her pregnancy and disruption of workplace routine, which could have been otherwise "*begrudged*" and classified potentially as transgressive and profane. Yet UK legal protection does not allow employers to decide what is fair treatment on a case-by-case basis; rather, it mandates the universal entitlement for *all* pregnant employees to time-off for pregnancy-related health appointments (Acas, 2023).

In keeping with observations made by pregnant employees themselves, those who were able to 'supra-perform,' working over and above requirements (Gatrell, 2011b; Rouse et al., 2021) and/or who managed pregnancy without disturbing workplace systems (Paustian-Underdahl et al., 2019) were regarded as sufficiently valuable to deserve fair treatment: "*I have one on maternity leave but she's a high performer so we're desperate for her to come back.*"

Discussion

Extending previous research through further exploring employee and employer perspectives (Rouse et al., 2021) this paper has shown how employer interpretations of what is "reasonable to expect" were based on pregnant workers' ability to align with 'sacred' workplace systems, that are associated with the vision of 'ideal worker.' Pregnant employees who disrupted such systems, deviating from employer perceptions about what is 'appropriate' (Gatrell et al., 2017; Tyler, 2000) were labeled by employers as transgressive, treated as 'profane' and punished, such punishments ranging from unkind behaviors to being fired.

Employers regarded as discretionary decisions about how to treat pregnant workers, using their powers unethically by disregarding maternity protection laws. Employers perceived pregnancy at work as "too much"—disruptive and potentially "hell" for colleagues. By inference, the specter of the mythical 'ideal worker' cast a long shadow over pregnant employees. Employers defined their own ethical standpoints on the basis of personal perceptions regarding what they considered to be "fair and reasonable" attitudes toward pregnancy at work. As Bataille observes, once minority and/or

less powerful groups (here, pregnant workers) are defined as metaphorically profane by dominant groups (here, employers) they may be marginalized and mistreated (Bataille, 1985 [1933], 1986 [1957]); Foucault, 1998 [1963]; Tyler, 2000).

In this study, employers self-justified as acceptable the application of their personal views to the treatment of pregnant workers: From employer perspectives, the classification of pregnant workers as potentially transgressive and dangerous to workplace systems superseded formalities of the ethical behaviors laid out in maternity protections, that delineate as unfair and iniquitous any departure from legal mandates (Andiappan et al., 1990; EHRC, 2016a, b, c, d): In sum, and in keeping with Bataillan observations regarding how minority populations come to be marginalized, employers utilized personal viewpoints to rationalize, as ethical, the punishment and/or expulsion of pregnant employees who threatened workplace routines.

Maternal Workers as Sacred?

Our conceptualization of how pregnancy discrimination occurs is informed by Bataille's metaphor of the sacred and the profane. We observed from analyzing the EHRC qualitative data that pregnant workers who deviated from sacred workplace systems were positioned as profane and subject to punishment as a result. We have suggested that employers fail to respect pregnancy protection laws due to their prioritization of sacred organizational systems and their personal beliefs that employer contravention of maternity protections is neither unethical nor unreasonable. Instead, pregnancy is perceived to be detrimental to business systems that glorify productivity (Gatrell, 2011a; Rhodes & Pullen, 2018); procreation is associated by employers with unpredictability, treated as a threat to the smooth running of organizations, and therefore regarded as profane.

Drawing on Bataillan notions of the sacred and the profane, we now argue for change. Referencing the ethical position of maternity protections that pregnant workers should be treated fairly and protected from harm (Acas, 2023), we challenge the prioritization among some employers of workplace systems as sacred, while pregnant workers are punished, excluded, and treated as profane (see Bataille, 1993 [1934]). We do recognize that our proposals may be regarded as radical and uncompromising and we acknowledge that this could be seen as a limitation within our research. However, we also observe how, despite decades of maternity protection laws (Rouse et al., 2021), pregnancy discrimination persists. This is in the face of passionate, long-term campaigning to mitigate unfair treatment of pregnant employees. For example, Human Rights lobbies including EHRC (2016a, b, c, d, 2023) recommend six research-based actions for change, including: government leadership, family-friendly policy, access to information,

management of health and safety, simplifying discrimination claims, and monitoring the situation of pregnant employees. Concurrently, the EHRC (2023) website shows that little has changed over the years. Pregnancy discrimination endures, indicating a need to try something different from traditional strategies such as those suggested by EHRC.

For this reason, acknowledging the challenges of affecting such changes, we propose here a novel means of shifting employer attitudes and behaviors based on Bataille's ideas. Greenwood and Freeman (2017: p. 1) emphasize the need for 'alternative thinking' if we are to improve business ethics within the workplace. They advocate the benefits of 'broadening the base' of business ethics, seeking the creation of new ideas that will shift and strengthen business ethics in both theory and practice. In this vein, Block (1992) has suggested that reorienting employer attitudes will occur not through enforcing discrimination laws but *only* through shifting thinking and attitudes. We pursue this idea below.

Suggesting that embodied difference and mutability should be honored rather than despised, Bataille (1985 [1933]) proposes that traditional interpretations of sacred and profane should be reversed. In response to social attempts to homogenize and control diverse and human experiences such as procreation, and recognizing how humans strive for order through excluding populations that exhibit (especially embodied) difference, Bataille contends that human failure to cope with heterogeneity, and the social and organizational systems that combine to exclude minority groups, should themselves be declared *profane* (Kuo, 2015). By contrast, human difference (in our case, pregnant employees in an otherwise non-pregnant labor force) should be honored and valued. According to Bataille, rather than social organizational systems being revered, it is the embodied and the diverse; the 'profane,' and the disruption of norms and systems that should be deemed *sacred* (see also Tyler, 2013).

We do not here underestimate the complexities of challenging decades of discriminatory practices, nor the challenges of reorienting the attitudes and beliefs used to justify such practices. However, we anticipate that once the topic is opened up for debate, opportunities for shifting and questioning discriminatory attitudes will follow. The Equalities and Human Rights Commission (2023) suggest that major cross-national actions are needed to change attitudes within the UK and more broadly; governments, regulatory bodies, and voluntary sectors all have a role to play to make this happen. Achieving social change requires novel, creative and radical ideas (Block, 1992). The positioning of pregnant workers as sacred offers a new focus for government-funded institutions like EHRC, as well as for feminist organizations such as the US National Organization for Women and the UK Fawcett Society, to lobby for radical attitudinal change. The notion that pregnant employees should be treated as

sacred has implications for research that approaches understandings of how to mitigate discrimination from the perspective of attitudinal change rather than focusing attention on changes in practice. Our illumination of the unethical perspective among some employers that pregnancy discrimination may be “reasonable” offers a reference point for such research.

Such classification of pregnancy as sacred at work could avoid further marginalization of other types of embodied difference that might be also classified as transgressive and taboo in organizations. It also challenges the mythical concept of ideal worker—an unfair vision that validates employer assumptions that pregnant workers should conform with sacred organizational systems, regardless of circumstances.

While our focus is on pregnancy, new research could explore the situation of other workers who do not easily ‘fit’ understandings of appropriate organizational behaviors. These could include mothers who are breastfeeding and caring for infant children, and/or workers who for other reasons are unable to comply with customs and procedures, requiring workplace adjustments due to ill health, race or disability. Mythical visions of the ‘ideal worker’ could be contested not only in relation to pregnant workers but in the context of many other bases of difference. Perhaps it is time to reframe the ideal worker myth as itself profane since it validates unrealistic expectations and therefore fosters discrimination and unethical employer behaviors.

Conclusion

Our findings extend existing research in two important ways. First, while the experiences of pregnant women have been considered previously in organizational studies, employer rationalization of unfair treatment during pregnancy has been under-explored. By considering accounts from both pregnant workers and employers, we identify a chasm between employer views about what is ethical and fair, and what is laid down in maternity protections. We add to knowledge on pregnancy and work through demonstrating how, in contravention of legal mandates about what is fair and ethical, employers devise their own definitions regarding what is reasonable. Additionally, our study shows how employers treat workplace systems as sacred, potentially punishing workers who demonstrate their difference from ideal worker norms if they cannot conform with such systems. In response to our findings, we propose, from an ethical perspective and following Bataille, that the rigidity of such systems should be in future treated as profane, while pregnancy at work should be treated as sacred.

Declarations

Conflict of interest The authors declare that they have no conflict of interest.

Informed Consent Informed consent was obtained by EHRC who conducted the research – as noted, this is a public dataset and the data were not collected by ourselves. Further details are given in our cover letter to the Editors and in the methods section of our paper.

Research Involving Human Participants and/or Animals Yes, however, please note this is not our data but is drawn from a public dataset commissioned by the UK’s Equalities and Human Rights Commission (EHRC) (UK Data Service, 2016). Discover catalogue: Experiences of mothers and employers: Pregnancy and maternity-related discrimination and disadvantage, 2014–2015: <https://discover.ukdataservice.ac.uk/catalogue/?sn=7962andtype=Data%20catalogue>

Open Access This article is licensed under a Creative Commons Attribution 4.0 International License, which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence, and indicate if changes were made. The images or other third party material in this article are included in the article’s Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the article’s Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.

References

- Acas. (2023) *Managing your employees’ maternity leave and pay*, <https://www.acas.org.uk/managing-your-employees-maternity-leave-and-pay/discrimination-because-of-pregnancy-and-maternity>. Accessed 17 June.
- Acker, J. (2003). Hierarchies, jobs, bodies: A theory of gendered organizations. In R. J. Ely, E. G. Foley, & M. A. Scully (Eds.), *Reader in gender, work and organization* (pp. 49–61). Blackwell.
- Andiappan, P., Reavley, M., & Silver, S. (1990). Discrimination against pregnant employees: An analysis of arbitration and human rights tribunal decisions in Canada. *Journal of Business Ethics*, 9(2), 143–149.
- Arena, D. F., Jr., Volpone, S. D., & Jones, K. P. (2023). (Overcoming) maternity bias in the workplace: A systematic review. *Journal of Management*, 49(1), 52–84.
- Ashman, R., Radcliffe, L., Patterson, A., & Gatrell, C. (2022). Re-ordering motherhood and employment: Mobilizing ‘Mums Everywhere’ during Covid-19. *British Journal of Management*, 33(3), 1125–1143.
- Bataille, G. (1985 [1933]). The psychological structure of fascism. In A. Stoekls (Eds.), *Georges Bataille: Visions of excess, selected writings, 1927–1939* (pp. 137–160). University of Minnesota Press.
- Bataille, G. (1986 [1957]). *Eroticism: Death and sensuality*. City Lights Books.
- Bataille, G. (1993 [1934]). Abjection and miserable forms. In S. Lotringer (Eds.), *More and less, semiotexte*. MIT Press.
- Bates, L. (2019). Pregnant then screwed: How gagging contracts are used to silence sacked mothers.” *The Guardian*, January 22. Accessed at <https://www.theguardian.com/lifeandstyle/2019/jan/>

- [22/the-public-would-be-shocked-if-they-knew-how-gagging-contracts-cover-up-maternity-discrimination](#).
- BBC (2019). Pregnant woman 'unfairly dismissed' rules industrial tribunal, *BBC News*, September 25. Accessed at <https://www.bbc.co.uk/news/uk-northern-ireland-49811969>.
- Bierema, L. L. (2016). Women's leadership: Troubling notions of the "ideal" (male) leader. *Advances in Developing Human Resources*, 18(2), 119–136.
- Block, W. (1992). Discrimination: An interdisciplinary analysis. *Journal of Business Ethics*, 11(4), 241–254.
- Botting, F., & Wilson, S. (1998). *Bataille: A critical reader*. Blackwell.
- Brewis, J., & Warren, S. (2001). Pregnancy as project: Organizing reproduction. *Administrative Theory & Praxis*, 23(3), 383–406.
- Buzzanell, P., & Liu, M. (2007). It's 'give and take': Maternity leave as a conflict management process. *Human Relations*, 60, 463–495.
- Byron, R. A., & Roscigno, V. J. (2014). Relational power, legitimation, and pregnancy discrimination. *Gender & Society*, 28(3), 435–462.
- Campbell, T. D. (1991). Unlawful discrimination. *Ethical dimensions of legal theory* (pp. 153–169). Brill.
- Connell, R. W. (2020). *Masculinities*. Routledge.
- Corley, K. G., & Gioia, D. A. (2004). Identity ambiguity and change in the wake of a corporate spin-off. *Administrative Science Quarterly*, 49, 173–208.
- Edwards, M., Gatrell, C., & Sedrardsedwardsutton, A. (2023). The case for parentalism at work: Balancing feminist care ethics and justice ethics through a winnicottian approach: A school case study. *Journal of Business Ethics*. <https://doi.org/10.1007/s10551-023-05352-w>
- Equality and Human Rights Commission (2015). *Pregnancy and maternity-related discrimination and disadvantage: First findings: Surveys of employers and mothers*. Available at: <https://www.equalityhumanrights.com/en/managing-pregnancy-and-maternity-workplace/pregnancy-and-maternity-discrimination-research-findings>.
- Equality and Human Rights Commission (2016a). *Pregnancy and maternity-related discrimination and disadvantage: Experiences of employers*. Available at: <https://www.equalityhumanrights.com/en/managing-pregnancy-and-maternity-workplace/pregnancy-and-maternity-discrimination-research-findings>.
- Equality and Human Rights Commission (2016b). *Forty years too long to tackle gender pay gap*. Available at : www.equalityhumanrights.com/en/our-work/news/forty-years-too-long-tackle-gender-pay-gap.
- Equality and Human Rights Commission (2016c). *Pregnancy and maternity-related discrimination and disadvantage: Experiences of mothers*. Available at: <https://www.equalityhumanrights.com/en/managing-pregnancy-and-maternity-workplace/pregnancy-and-maternity-discrimination-research-findings>.
- Equality and Human Rights Commission (2016d). *Three in four working mothers say they've experienced pregnancy and maternity discrimination*. Available at: <https://www.equalityhumanrights.com/en/our-work/news/three-four-working-mothers-say-they%E2%80%99ve-experienced-pregnancy-and-maternity>.
- Equality and Human Rights Commission (2023) *Managing Pregnancy and Maternity in the Workplace*. Available at: <https://www.equalityhumanrights.com/en/our-work/managing-pregnancy-and-maternity-workplace>.
- Fotaki, M. (2013). No woman is like a man (in academia): The masculine symbolic order and the unwanted female body. *Organization Studies*, 34, 1251–1275.
- Foucault, M. (1998 [1963]). A preface to transgression. In F. Botting & S. Wilson (Eds.), *Bataille, a critical reader* (pp. 24–40). Blackwell.
- Foucault, M. (1977). *Discipline and punish*. Penguin.
- Gatrell, C. (2005). *Hard labour: The sociology of parenthood*. Open University Press.
- Gatrell, C. (2011a). 'I'm a bad mum': Pregnant presenteeism and poor health at work. *Social Science and Medicine*, 72, 478–485.
- Gatrell, C. (2011b). Policy and the pregnant body at work: Strategies of secrecy, silence and supra-performance. *Gender, Work and Organization*, 18, 158–181.
- Gatrell, C. (2013). Maternal body work: How women managers and professionals negotiate pregnancy and new motherhood at work. *Human Relations*, 66, 621–644.
- Gatrell, C. (2019). Boundary creatures? Employed, breastfeeding mothers and 'abjection as practice.' *Organization Studies*, 40(3), 421–442.
- Gatrell, C., Cooper, C. L., & Kossek, E. E. (2017). Maternal bodies as taboo at work: New perspectives on the marginalizing of senior-level women in organizations. *Academy of Management Perspectives*, 31, 239–252.
- Grandey, A. A., Gabriel, A. S., & King, E. B. (2020). Tackling taboo topics: A review of the three Ms in working women's lives. *Journal of Management*, 46, 7–35.
- Greenberg, D., Ladge, J., & Clair, J. (2009). Negotiating pregnancy at work: Public and private conflicts. *Negotiation and Conflict Management Research*, 2, 42–56.
- Greenhaus, J. H., & Powell, G. N. (2017). *Making work and family work: From hard choices to smart choices*. Routledge.
- Greenwood, M., & Freeman, R. E. (2017). Focusing on ethics and broadening our intellectual base. *Journal of Business Ethics*, 140, 1–3.
- Greenwood, M., & Freeman, R. E. (2018). Deepening ethical analysis in business ethics. *Journal of Business Ethics*, 147, 1–4.
- Hackney, K. J., Daniels, S. R., Paustian-Underdahl, S. C., Perrewé, P. L., Mandeville, A., & Eaton, A. A. (2020). Examining the effects of perceived pregnancy discrimination on mother and baby health. *Journal of Applied Psychology*, 105, 1–10.
- Haraway, D. (1991). *Simians, cyborgs and women: The reinvention of nature*. Routledge.
- Haynes, K. (2006). Linking narrative and identity construction: Using autobiography in accounting research. *Critical Perspectives on Accounting*, 17, 399–418.
- Haynes, K. (2008). (Re)figuring accounting and maternal bodies: The gendered embodiment of accounting professionals. *Accounting, Organizations and Society*, 33, 328–348.
- Haynes, K. (2012). Body beautiful? Gender, identity and the body in professional services firms. *Gender, Work & Organization*, 19(5), 489–507.
- Hennekam, S. (2016). Identity transition during pregnancy: The importance of role models. *Human Relations*, 69, 1765–1790.
- Höpfl, H. (2000). The suffering mother and the miserable son: Organizing women and organizing women's writing. *Gender, Work and Organization*, 17, 98–105.
- Höpfl, H., & Hornby Atkinson, P. (2000). The future of women's careers. In A. Collin & R. Young (Eds.), *The future of career* (pp. 130–143). Cambridge.
- Humberd, B., Ladge, J. J., & Harrington, B. (2015). The "new" dad: Navigating fathering identity within organizational contexts. *Journal of Business and Psychology*, 30, 249–266.
- Kitroeff, N., & Silver-Greenberg, J. (2018). Pregnancy discrimination is rampant inside America's biggest companies. *New York Times*, June 16. Available at: <https://www.nytimes.com/interactive/2018/06/15/business/pregnancy-discrimination.html>.
- Kossek, E. E., Su, R., & Wu, L. (2017). "Opting out" or "pushed out"? Integrating perspectives on women's career equality for gender inclusion and interventions. *Journal of Management*, 43(1), 228–254.
- Kuo, J. (2015). Deconstructing Bataille: The sacred and the profane. *MERICI*, 1, 21–31.
- Ladge, J. J., Clair, J. A., & Greenberg, D. (2012). Cross-domain identity transition during liminal periods: Constructing multiple

- selves as professional and mother during pregnancy. *Academy of Management Journal*, 55, 1449–1471.
- Ladge, J. J., & Greenberg, D. (2019). *Maternal optimism: Forging positive paths through work and motherhood*. Oxford University Press.
- Ladge, J. J., Humberd, B. K., & Eddleston, K. A. (2018). Retaining professionally employed new mothers: The importance of maternal confidence and workplace support to their intent to stay. *Human Resource Management*, 57(4), 883–900.
- Lane, N., & Piercy, N. F. (2003). The ethics of discrimination: Organizational mindsets and female employment disadvantage. *Journal of Business Ethics*, 44, 313–325.
- Lewis, S., & Smithson, J. (2001). Sense of entitlement to support for the reconciliation of employment and family life. *Human Relations*, 54(11), 1455–1481.
- Little, L. M., Smith Major, V., Hinojosa, A. S., & Nelson, D. L. (2015). Professional image maintenance: How women navigate pregnancy in the workplace. *Academy of Management Journal*, 58, 8–37.
- Longhurst, R. (2001). *Bodies: Exploring fluid boundaries*. Routledge.
- Makarem, Y., Metcalfe, B. D., & Afiouni, F. (2019). A feminist post-structuralist critique of talent management: Toward a more gender sensitive body of knowledge. *BRQ Business Research Quarterly*, 22(3), 181–193.
- Mason, J. (2017). *Qualitative researching*. Sage.
- Midgley, G. (1992). The sacred and profane in critical systems thinking. *Systems Practice*, 5, 5–16.
- Padavic, I., Ely, R. J., & Reid, E. M. (2020). Explaining the persistence of gender inequality: The work–family narrative as a social defense against the 24/7 work culture. *Administrative Science Quarterly*, 65(1), 61–111.
- Paustian-Underdahl, S. C., Eaton, A. A., Mandeville, A., & Little, L. M. (2019). Pushed out or opting out? Integrating perspectives on gender differences in withdrawal attitudes during pregnancy. *Journal of Applied Psychology*, 104, 985–1002.
- Pawlett, W. (2018). The sacred, heterology and transparency: Between Bataille and Baudrillard. *Theory, Culture & Society*, 35(4–5), 175–191.
- Peyton, N., & Gatrell, C. (2013). *Managing clergy lives: Obedience, sacrifice, intimacy*. Bloomsbury.
- Radcliffe, L., Cassell, C., & Malik, F. (2022). Providing, performing and protecting: The importance of work identities in negotiating conflicting work–family ideals as a single mother. *British Journal of Management*, 33(2), 890–905.
- Reid, E. (2015). Embracing, passing, revealing, and the ideal worker image: How people navigate expected and experienced professional identities. *Organization Science*, 26(4), 997–1017.
- Rhodes, C., & Pullen, A. (2018). Critical business ethics: From corporate self-interest to the glorification of the sovereign Pater. *International Journal of Management Reviews*, 20(2), 483–499.
- Rouse, J., Atkinson, J., & Rowe, A. (2021). ing inside mutual adjustment: Rhythm analysis of return to work from maternity leave. *International Small Business Journal*, 39(8), 709–731.
- Shildrick, M. (1997). *Leaky bodies and boundaries: Feminism, post-modernism and (bio)ethics*. Routledge.
- Stumbitz, B., & Jaga, A. (2020). A Southern encounter: Maternal body work and low-income mothers in South Africa. *Gender, Work & Organization*, 27(6), 1485–1500.
- Stumbitz, B., Lewis, A., & Rouse, J. (2018). Maternity management in SMEs: A transdisciplinary review and research agenda. *International Journal of Management Reviews*, 20, 500–522.
- Surkis, J. (1996). No fun and games until someone loses an eye: Transgression and masculinity in Bataille and Foucault. *Diacritics*, 26, 18–30.
- Trump-Steele, R. C., Nittrouer, C. L., Hebl, M. R., & Ashburn-Nardo, L. (2016). The inevitable stigma for childbearing-aged women in the workplace five perspectives on the pregnancy-work intersection. In C. Spitzmueller & R. Matthews (Eds.), *Research perspectives on work and the transition to motherhood* (pp. 79–103). Springer.
- Tyler, I. (2000). Reframing pregnant embodiment. In S. Ahmed, J. Kilby, C. Lury, M. McNeil, & B. Skeggs (Eds.), *Transformations: Thinking through feminism* (pp. 288–301). Routledge.
- Tyler, I. (2013). *Revolt subjects: Social abjection and resistance in neoliberal Britain*. Zed Books.
- UK Data Service (2016). *Discover catalogue: Experiences of mothers and employers: Pregnancy and maternity-related discrimination and disadvantage, 2014–2015*. Available at: <https://discover.ukdataservice.ac.uk/catalogue/?sn=7962andtype=Data%20catalogue>.
- van Amsterdam, N. (2014). Othering the ‘leaky body’: An autoethnographic story about expressing breast milk in the workplace. *Culture and Organization*, 21, 269–287.
- Warren, S., & Brewis, J. (2004). Matter over mind? *Examining the Experience of Pregnancy*, *Sociology*, 38, 219–236.
- Williams, J. C., Blair-Loy, M., & Berdahl, J. L. (2013). Cultural schemas, social class, and the flexibility stigma. *Journal of Social Issues*, 69(2), 209–234.
- Witz, A. (2000). Whose body matters? Feminist sociology and the corporeal turn in sociology and feminism. *Body & Society*, 6(2), 1–24.
- Zulficar, G., & Prasad, A. (2021). Challenging social inequality in the global south: Class, privilege, and consciousness-raising through critical management education. *Academy of Management Learning and Education*, 20, 156–181. <https://doi.org/10.5465/amle.2019.0294>

Publisher's Note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.