

Pregnancy and Maternity (Redundancy Protection) Bill

First Reading, Wednesday 8 July 2020

Introduction

1. The Equality and Human Rights Commission has been given powers by the UK Parliament to advise the UK Government on the equality and human rights implications of laws and proposed laws, and to publish information or provide advice, including to Parliament, on any matter related to equality, diversity and human rights.

Summary

2. The Pregnancy and Maternity (Redundancy Protection) Bill aims to simplify current redundancy protections for pregnant women and women on maternity leave. It would make it automatically unfair for an employer to dismiss a woman by reason of redundancy if the dismissal occurs during pregnancy, maternity leave or the six month period after the end of the pregnancy or maternity leave, unless the employer's business is closing down in the place where the woman worked or the work she is employed to do is ceasing and she has not been offered suitable alternative employment. Similar protections would also be available for women who experience a stillbirth or miscarriage.
3. We welcome the re-introduction of the Pregnancy and Maternity (Redundancy Protection) Bill, and support its aim of increasing protections for new and expectant mothers. The Equality Act 2010 is clear that treating women unfavourably because of their pregnancy or maternity leave is unlawful, but discrimination is still happening in practice.
4. In the meantime, we urge the Government to engage in the debate about how best to eliminate unlawful pregnancy and maternity discrimination so that pregnant women and new mothers are able to continue in employment, contributing their skills and experience to Britain's economic recovery in light of coronavirus. We also urge the Government to progress the pregnancy and maternity taskforce commitment set out in the Gender Equality at Every Stage strategy, published in July 2019.¹

¹ UK Government (2019) [Gender Equality at Every Stage: a roadmap for change](#)

Background

5. Pregnant women and new mothers already face extensive disadvantage in the workplace, which will likely be worsened as a result of the coronavirus pandemic and any following recession. Our analysis of the previous recession showed that women with childcare responsibilities were at a greater disadvantage than either men or other women in continuous employment, due to restricted internal labour markets and employer perceptions of unreliability and inflexibility.²
6. Our 2015 pregnancy and maternity research found that around one in 20 mothers were made redundant at some point during pregnancy, maternity leave, or on return from maternity leave.³ We recommended back then that the Government extend pregnancy and maternity redundancy protections by a further six months to offer protection to new and expecting mothers. These protections should apply from as soon as an employer is aware, either verbally or through written notification, that an employee is pregnant. We were pleased that the Women and Equalities Select Committee agreed with this recommendation in the report of its inquiry on Pregnancy and Maternity discrimination in the workplace.⁴
7. As a result of the increased financial difficulty and uncertainty employers face throughout the coronavirus pandemic, pregnant women and those on maternity leave are at an even greater risk of being unfairly discriminated against, and forced into redundancy. This has been highlighted by recent TUC analysis which found that since the start of the pandemic, one in four pregnant women and new mums had experienced unfair treatment or discrimination at work including being singled out for redundancy or furlough.⁵

² T. Hogarth et al, EHRC (2009) [The Equality Impacts of the Current Recession](#).

³ EHRC (2015) [Pregnancy and maternity-related discrimination and disadvantage: Experiences of Employers](#).

⁴ Women & Equalities Select Committee Report (2016) [Pregnancy and maternity discrimination in the workplace](#).

⁵ TUC (2020) [Pregnant and precarious: new and expectant mums' experiences during Covid-19](#) Note the TUC's sample is self-selected, so may not be fully representative of the population.

8. We were pleased to see the Government confirm in July 2019 that legal protections against redundancy would be extended by six months for new mothers returning to work.⁶ However we are disappointed the Government has yet to implement these legal protections after accepting the case for legal reform. We believe women need better legal protection to ensure they are not unfairly made redundant when they are on maternity leave or have recently returned to work.
9. This should be accompanied with wider measures to address gender inequality in the workplace such as the introduction of flexible working as a default, day one right; mandatory time-bound, target driven action plans to supplement gender pay reporting; and actions to address problems with the availability and affordability of childcare to ensure there is adequately funded, flexible and high quality childcare for all families.
10. These would be positive steps towards ensuring workplaces are the best they can be for pregnant women and new parents. Legal changes must also be matched with action to ensure employers are aware of and are meeting their legal obligations.

Further information

The Equality and Human Rights Commission is a statutory body established under the Equality Act 2006. Find out more about our work on the [Equality and Human Rights Commission website](#).

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⁶ UK Government (2020) Consultation outcome: [Pregnancy and maternity discrimination: extending redundancy protection for women and new parents](#)