

Factsheet: Enhanced dismissal protections for pregnant women and new mothers



Department for
Business & Trade

What is the current policy/legal framework?

Pregnant women and new mothers have enhanced protections against redundancy dismissals. This covers the pregnancy period, the time spent on Maternity Leave and a return-to-work period. The protections put those employees in a priority pool for suitable and alternative roles if any are available and place them ahead of other employees who are also at risk of redundancy. However, redundancy is only one of the five potentially fair reasons for dismissal.

There are also existing protections against dismissal of a woman because of her pregnancy, or because she has taken or tried to take Maternity Leave, or claimed any benefits associated with Maternity Leave, or because of pregnancy related illness suffered during pregnancy or Maternity Leave. Such a dismissal is automatically unfair. It is also unlawful to subject her to detrimental treatment on that basis.

Despite these protections, we know that mothers still unfortunately face discrimination and less favourable treatment, and a particular risk to their job security.

Policy Intent

Through the Employment Rights Bill and then regulations to be made under it, we will add an additional layer of protection by making it unlawful to dismiss pregnant women, and mothers on Maternity Leave, or in the six months after they return to work - except in specific circumstances. This change is designed to further tackle maternity and pregnancy discrimination and to avoid women leaving the workforce.

How will it work?

The Employment Rights Bill will ensure that the requisite powers are in place for allowing the Secretary of State to make regulations about dismissals for women during and after both pregnancy and maternity leave.

The regulations will set out the detail of the enhanced dismissal protection policy, including: the circumstances in which it will be fair to dismiss a pregnant woman or new mother; the six month period of protection after the employee has returned to work; and any procedural elements, such as notice and evidence requirements. We will consult on the detail of the enhanced dismissal protections before finalising the approach.

Other powers in the Employment Rights Bill will allow for the extension of the enhanced dismissal protections to a wider set of parents returning from other types of family-related leave - for example, Adoption Leave and Shared Parental Leave - in regulations. No decisions have been made on this yet and will be explored via the consultation with stakeholders.

Key Stats

An Equality and Human Rights Commission (EHRC) report from 2016 found 11% of mothers may be forced out of their jobs in Britain each year, either by being dismissed, made compulsorily redundant or because the during pregnancy, maternity leave, and/or on return from maternity leave

were treated so poorly that they felt they had to leave. This is the equivalent to 54,000 women a year.¹

The same EHRC report found that each year around 1% of mothers were dismissed following their pregnancy. The Government's impact assessment estimates that this equates to around 4,100 mothers; this many women could benefit from the new dismissal protections annually.²

Common questions

Is there a risk that the policy will result in employers being reluctant to hire women, especially of childbearing age, in the first place?

- The regulations will need to set out the details of how the policy will work in practice, such as the circumstances in which it will be fair to dismiss a pregnant woman or new mother.
- Consultation will be critical because the issues are complex, and we will use it to test the likelihood of any unintended consequences.
- We will do this by working with parental rights groups, trade unions and Business Representative Organisations to safeguard against adverse effects - for example, employers being hesitant to employ women on the basis that the circumstances in which they can dismiss them will be more tightly constrained.

When will you consult on this change?

- We will consult on the options for delivering the enhanced dismissal protection for pregnant women and new mothers before finalising the approach.
- The consultation will be central to understanding complexity and impact. Regulations will then follow and set out the detail of the enhanced dismissal protection. We are currently working through timings for the consultation.

¹Department for Business, Innovation & Skills and Equality and Human Rights Commission (2016) [Pregnancy and Maternity-Related Discrimination and Disadvantage: Summary of key findings.](#)

² Department for Business and Trade (2024) [Impact assessment: protections against dismissal for pregnant workers.](#) using data from Department for Business, Innovation & Skills and Equality and Human Rights Commission (2016) [Pregnancy and maternity-related discrimination and disadvantage](#)