

Factsheet: Enhanced dismissal protections for pregnant women and new mothers

What changes has the Act made to the law?

The Employment Rights Act gives the Secretary of State the power to make regulations about the dismissal of women during and after both pregnancy and Maternity Leave.

Regulations made under the Act will set out the detail of the enhanced dismissal protections policy, including: the circumstances in which it will be fair to dismiss a pregnant woman or new mother; the length of the period of this enhanced protection after the employee has returned to work; and any procedural elements, such as notice and evidence requirements.

The Act also provides powers to extend the protections to a wider set of parents returning from other family related leaves, for example Adoption Leave, in regulations.

How is this different from the previous legislation?

There are 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.

Pregnant women and new mothers also already 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 give those employees priority for being offered 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. Individuals can also be dismissed because of conduct; capability; a statutory prohibition on their employment; or some other substantial reason which justifies dismissal. The new enhanced dismissal protections may cover some or all of these reasons.

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

When will these changes come into force?

Measure	Expected Commencement
Enhanced dismissal protections for pregnant women and new mothers	2027

What further detail will be consulted on and when?

The consultation on enhanced dismissal protections for pregnant women and new mothers measure was launched in **October 2025**.

The consultation seeks views on how the enhanced dismissal protections should work in practice, including the 'specific circumstances' in which the dismissal of pregnant women and new mothers should still be allowed; when the protections should start and end; whether other new parents should be covered by the protections; policy measures to support implementation and impact; and how to mitigate against any unintended consequences.

You can submit your response here: [Make Work Pay: enhanced dismissal protections for pregnant women and new mothers - GOV.UK](#). This consultation will close after 12 weeks on 15 January 2026.

Key Stats

An Equality and Human Rights Commission (EHRC) report from 2016 indicated that one in nine (11%) of recent mothers interviewed felt forced to leave their job. These figures suggest up to 54,000 mothers may leave their jobs each year. Specifically, 9% cited poor treatment as the reason, 1% were made compulsorily redundant when others in their workplace were not and a further 1% experienced another type of dismissal.¹

If scaled up to the general population, according to government's impact assessment, this means approximately 4,100 women annually could benefit from the new protections against dismissal.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 is critical because the issues are complex, and we use it to test the likelihood of any unintended consequences.
- We are doing 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 publish the consultation response?

- The consultation launched on 23 October and will remain open for 12 weeks, closing on 15 January 2026 – providing stakeholders with an opportunity to share their views.

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](#)

- The feedback received will then be thoroughly reviewed and used to assist with policy design decisions, after which a formal response to the consultation will be published.