

## Maternity protections

Anyone taking maternity leave is protected by law against:

- discrimination
- detriment
- unfair dismissal
- unfair redundancy

The laws are the Equality Act 2010 and the Employment Rights Act 1996.

### Protection from discrimination

It's against the law to treat someone unfavourably because of pregnancy or maternity.

All employers should take steps to make sure maternity discrimination does not happen at work. For example, an organisation should consider [creating a pregnancy and maternity policy](#).

If someone has experienced discrimination at work, they can make a complaint to their employer.

[Find out more about pregnancy and maternity discrimination](#)

### Protection from detriment

An employer must not cause someone 'detriment' for taking, or planning to take, maternity leave.

Detriment means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

Examples of detriment could be:

- they experience [bullying](#)
- they experience [harassment](#)
- their employer turns down their training requests without good reason
- they are overlooked for promotions or development opportunities
- their employer reduces their hours without good reason

### Protection from unfair dismissal

Employees are protected against unfair dismissal related to maternity. This includes anyone planning on taking maternity leave.

Planning to take or being on maternity leave is never a valid reason to dismiss someone. If an employee is dismissed because they are on maternity leave it is 'automatically unfair'.

An employee can make a claim for automatically unfair dismissal regardless of how long they've worked for their employer. If an employer dismisses an employee who is on maternity leave, they must give them the reasons in writing.

[Find out more about unfair dismissal](#)

## Redundancy protection

An employee who is taking maternity leave has special protection in a redundancy situation.

By law, employers must offer them a suitable alternative vacancy, if there is one.

If an employer does not follow the law, it might be automatically unfair dismissal. It could also be pregnancy and maternity discrimination.

[Find out more about redundancy protection for pregnancy and new parents](#)

## Raising a problem

If someone has a problem at work related to maternity, they can raise it informally first. They can do this by [talking with their employer](#).

If they've already tried to resolve things informally, they can [raise a grievance](#). This is where someone makes a formal complaint to their employer.

## Making a claim to an employment tribunal

Someone might not be able to resolve the problem. In these cases, they might be able to make a claim to an employment tribunal.

They could make a claim for:

- detriment
- unfair dismissal
- discrimination

There are strict time limits for making a claim to an employment tribunal.

[Find out more about making a claim to an employment tribunal](#)