

## Pregnancy and maternity discrimination

### What the law says

'Pregnancy and maternity' is one of 9 'protected characteristics' covered by discrimination law (Equality Act 2010).

Pregnancy and maternity discrimination includes direct discrimination and victimisation.

Discrimination can happen in any area of work. It can result from decisions made at work or from how people behave towards each other.

It could be a regular pattern of behaviour or a one-off incident. It can happen during recruitment, at work or when people are on maternity leave.

### How the law defines pregnancy and maternity discrimination

The Equality Act 2010 says that pregnancy and maternity discrimination is unfavourable treatment that happens:

- because someone is pregnant
- because someone is on maternity leave or has the right to take maternity leave
- because of pregnancy-related illness

Someone is only protected from discrimination if their employer knows they're pregnant. Or if the employer should reasonably have known.

### The protected period

The law protects people from discrimination during the 'protected period'.

The protected period starts when someone becomes pregnant. It usually ends when one of the following happens:

- their maternity leave ends
- they return to work
- they leave their job

The date someone returns to work might not be their first working day. For example, they could take annual leave straight after maternity leave. In this situation, the protected period ends on the last day of maternity leave.

For some people, the protected period ends 2 weeks after the end of their pregnancy. For example if:

- they're not entitled to maternity leave
- their pregnancy ends within the first 24 weeks, for example they have a miscarriage

## After the protected period

Some things that happen after the protected period might still be discrimination.

This applies if the discrimination is connected to something that happened during the protected period. For example, if the discrimination is because of a pregnancy-related illness that continued or got worse.

## What the law does not cover

Pregnancy and maternity discrimination law does not include:

- [indirect discrimination](#)
- harassment
- anything that happens after the protected period – unless the discrimination relates to something that happened during the pregnancy or maternity leave

However, some things could be sex discrimination instead. This is when someone is put at a disadvantage or treated less favourably because they're a woman. For example, discrimination related to breastfeeding.

[Find out about the different types of discrimination](#)

## Who is protected by discrimination law

At work, the law protects the following people against discrimination:

- anyone who works for an employer
- contractors and self-employed people hired to personally do the work
- job applicants
- someone who used to work for the organisation who has asked for a reference

## Other pregnancy and maternity rights

A pregnant employee has special protection in a redundancy situation. The redundancy protection lasts for 18 months after the baby is born.

This means that by law, their employer must offer them a suitable alternative vacancy, if there is one.

If someone is dismissed because they're pregnant or on maternity leave, this is 'automatically unfair dismissal'. It could also be discrimination.

Find out more about:

- [redundancy protection for pregnancy and new parents](#)
- [unfair dismissal](#)

## Understanding more about discrimination

If you need more general discrimination advice, you can read [discrimination and the Equality Act 2010](#). This includes advice on employer responsibilities and on other protected characteristics.

## Get more advice and support

For advice on pregnancy and maternity rights, you can read:

- [advice for pregnancy at work](#)
- [advice for maternity leave and pay](#)

If you have any questions about pregnancy and maternity discrimination, you can [contact the Acas helpline](#).

You can also get advice on family and carer-related employment rights from [Working Families](#).