

Pregnancy at work

1 . Telling an employer

If a worker is pregnant, they should tell their employer. This is so the employer can:

- assess any health and safety risks
- support the worker through their pregnancy

When to tell an employer

A pregnant worker does not need to tell their employer as soon as they know they're pregnant. But in some cases they must tell their employer by a certain time. This depends on whether someone is entitled to maternity leave.

If someone is entitled to maternity leave

They must tell their employer they're pregnant no later than the 15th week before the baby is due. They'll need to tell them certain information about when they're taking maternity leave.

Find out about:

- [eligibility for maternity leave](#)
- [planning maternity leave](#), including telling an employer

If a worker is not entitled to maternity leave

A worker who is not entitled to maternity leave should still tell their employer they're pregnant. This is so the employer can do a health and safety risk assessment.

A worker who is not entitled to statutory maternity leave might still be eligible for [maternity pay](#). They should talk to their employer about what they might be eligible for. Agency workers should talk to their employment agency.

How to tell an employer

When a pregnant worker tells their employer, they should do it in writing. For example in a letter or email.

If you're entitled to maternity leave, you can use our [template letter to tell your employer you're pregnant](#).

How an employer should respond

Employers should take a supportive approach if someone tells them they are pregnant.

They must do a [health and safety risk assessment](#) as soon as possible.

If someone tells their employer they are entitled to maternity leave, the [employer must respond in writing](#). For example, in a letter or email.

If a worker is not eligible for maternity leave, an employer does not have to reply in writing. However, it is good practice.

Confidentiality

Employers must keep information shared about pregnancy confidential. A worker might not have told their family and friends yet.

An employer should only tell others if the worker makes it clear they can share. For example, with other workers, clients or customers.

Checking the pregnancy and maternity policy

Workers and managers should check their organisation's pregnancy and maternity policy.

If an organisation does not have a policy, they should consider creating one. Having a policy can:

- help everyone understand their rights and responsibilities
- help to prevent pregnancy and maternity discrimination

Employers should also check other policies to make sure they do not discriminate. For example, policies around absence, recruitment or redundancy.

[Find out more about creating a pregnancy and maternity policy](#)

If a worker is worried about telling their employer

If a worker is worried about telling their employer they are pregnant, they could:

- familiarise themselves with their rights as a pregnant worker
- speak to their trade union representative, if they are a member
- check their organisation's pregnancy and maternity policy

It's against the law for an employer to treat someone unfavourably because they are pregnant. This would be [pregnancy and maternity discrimination](#).

Applying for a job

If someone who's pregnant applies for a new job, they do not have to say they're pregnant. If they do, by law employers must not treat them unfavourably because of it.

For example, an employer cannot use pregnancy as a reason for rejecting someone from a job.

Employers should never ask applicants if they're pregnant or planning to have children.

If an employer thinks someone is pregnant

It's best to take a supportive and sensitive approach if an employer thinks a worker is pregnant.

The worker may have a good reason for not telling their employer straight away. For example, it may be very early in the pregnancy, or they may not have told family or friends yet.

If it's affecting someone's work, an employer could ask them for a private conversation. The employer should not ask them if they are pregnant but could ask if they need any support. This gives someone the chance to talk about their pregnancy if they feel comfortable.

Get more advice and support

If you have any questions, you can [contact the Acas helpline](#).

Acas also offers [free e-learning on pregnancy and maternity](#).

2. Rights during pregnancy

It's important to understand the legal rights someone has when they're pregnant.

Protection from discrimination

It's against the law to treat someone unfavourably because they are pregnant. The law is the Equality Act 2010.

All employers should take steps to make sure pregnancy discrimination does not happen at work.

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

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

Additional rights for employees

By law, anyone with the [legal status of employee](#) who is pregnant has additional rights at work. The law is the Employment Rights Act 1996.

These rights include protection from:

- detriment
- dismissal
- redundancy

Someone is not likely to be an employee if they're:

- an agency worker
- a casual worker
- on a zero-hours contract

Someone who does not have the legal status of employee does not have the same protection by law. However, they could claim pregnancy discrimination if they:

- experience detriment because of pregnancy
- are dismissed because they're pregnant

Protection from detriment

An employer must not cause an employee 'detriment' because they are pregnant.

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:

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

Protection from unfair dismissal

Employees are protected against unfair dismissal related to pregnancy. This includes if they have not told their employer but the employer suspects they are.

If an employer dismisses an employee while they're pregnant, they must give the reasons in writing.

Pregnancy is never a valid reason to dismiss someone. If an employee is dismissed because they are pregnant it is 'automatically unfair'.

An employee can make a claim for automatically unfair dismissal regardless of how long they've worked for their employer.

[Find out more about unfair dismissal](#)

Redundancy protection

Pregnant employees have 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. If the person is pregnant or on maternity leave, it could also be pregnancy and maternity discrimination.

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

Maternity leave and pay

After giving birth, someone might be entitled to maternity leave and pay.

Find out about:

- [entitlement for maternity leave](#)
- [maternity pay](#)

Raising a problem

If someone has a problem at work related to their pregnancy, 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

A formal complaint might not resolve the problem. In these cases, someone might be able to make a claim to an employment tribunal.

The type of claim someone can make depends on their employment status.

Someone with the [legal status of employee](#) can make an employment tribunal claim for:

- detriment
- unfair dismissal
- discrimination

Someone who does not have the legal status of employee can only make a claim for 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](#)

3. Health and safety during pregnancy

It is important to look after a pregnant worker's health during pregnancy. Pregnant workers have additional risks compared to other workers.

Employers and workers should:

- review risks
- talk about health and safety
- remove and reduce risks where possible

Assessing risks

By law, employers must assess the health and safety risks in their organisation.

This includes considering specific risks for workers of a childbearing age. This means those who:

- could become pregnant
- are pregnant
- are new mothers

Specific risks could include:

- work-related stress
- lifting and carrying heavy objects
- sitting or standing for long periods of time
- exposure to toxic chemicals and radioactive materials

Individual risk assessments

Employers must carry out an individual risk assessment when a worker tells them in writing that:

- they're pregnant

- they've given birth within the last 6 months
- they're breastfeeding

Employers should review the risk assessment regularly.

[Find out about risk assessments for pregnant workers and new mothers from the Health and Safety Executive](#)

Talking about health and safety

Once an employer knows someone is pregnant, they should talk with them regularly about health and safety.

During these discussions they should talk about:

- possible risks that might happen at different stages of pregnancy
- medical advice the worker has received
- the type of work they do

Removing and reducing risks

An employer must take steps to remove and reduce risks once they have identified them.

Sometimes the risks cannot be reduced or removed. In these cases, the employer must temporarily change the person's working conditions or hours if it is possible.

Offering suitable alternative work

For some jobs, it might not be possible to change someone's working conditions or hours. In these cases, employers must offer anyone with the [legal status of employee](#) suitable alternative work if it is available.

This work must be both:

- at the same rate of pay
- on terms that do not treat the employee any less favourably

Employers should consider offering suitable alternative work for someone who does not have the legal status of employee.

Example of agreeing other suitable work

Jean has a factory packing job that involves lifting heavy crates of food.

Jean tells their manager they're pregnant. It might not be safe to do heavy lifting while pregnant. So Jean is offered a temporary alternative job until they go on maternity leave. This job was found to be safe when the business did its health and safety risk assessment.

This job does involve packing but not heavy lifting. Jean's pay will remain the same. But the job is at a location 30 minutes further away from Jean's home.

Jean lets their manager know that this would mean extra travel time and costs. The terms of the alternative work are not as favourable. This means the organisation could be breaking the law.

After a discussion with HR, Jean's manager tells them that they will be paid for the extra travel. Jean's manager also agrees to treat the extra travel time as part of Jean's working time. This way Jean's working day will not be any longer.

As Jean's overall terms will now be as favourable as for Jean's usual job, they are likely to be within the law. Jean accepts this temporary job.

If someone does not want to do other suitable work

If someone does not want to do the other suitable work they've been offered, their employer should:

- explore with them why they do not want it
- work with them to find something else suitable

For example, someone might object because of health and safety reasons. The employer could find appropriate work by involving a health and safety representative, if there is one in the organisation.

If an employee refuses suitable alternative work without a valid reason, the employer could suspend them without pay.

When someone might need to be suspended on full pay

Sometimes the risks cannot be removed or reduced, and an employer cannot offer suitable alternative work.

In this case, an employer must suspend someone if they have the [legal status of employee](#). By law, the employee should still get full pay.

The suspension must last until either:

- their maternity leave begins
- it's safe for them to start work again

The employer must also give the employee:

- the outcome of the risk assessment
- the reason why the risks could not be removed

Employers should consider suspending someone with the [legal status of worker](#) on full pay.

If someone is an agency worker

An agency worker will usually tell the employment agency and the hiring organisation that they are pregnant.

The hiring organisation must carry out a risk assessment when an agency worker tells them in writing that they are pregnant. The risk assessment will check that the job is still safe for them to do. If it is not, the hiring organisation must remove or reduce the risk.

If it is not possible to make changes the agency must offer suitable alternative work to some people by law. This is when an agency worker has completed their '12-week minimum qualifying period'.

If there is no suitable alternative work, the agency must suspend the agency worker on full pay. This must be for the length of the original assignment.

If an agency worker refuses suitable alternative work without a valid reason, the agency does not have to pay them.

The agency should consider offering alternative work to someone who has not completed the 12-week qualifying period.

[Find out more about rights for agency workers after 12 weeks](#)

If someone is self-employed

An employer might hire someone who's pregnant and self-employed. In these cases the responsibility for their health and safety at work is shared.

The employer and the person who's self-employed should discuss what risk assessment they need. This will depend on the job they do.

Find out more about:

- [using contractors \(Health and Safety Executive\)](#)
- [advice for self employed workers \(Health and Safety Executive\)](#)

Get more advice and support

You can find out more about [protecting pregnant workers from the Health and Safety Executive](#).

Health and safety for pregnant workers can be a complicated area of the law. If an employer is unsure of their legal responsibility, they should [get legal advice](#).

4. Antenatal appointments

Antenatal appointments are pregnancy-related appointments. They are made on the advice of a doctor, nurse or midwife.

They could include:

- medical appointments, for example, pregnancy health checks scans
- antenatal courses or parentcraft classes
- classes for pregnancy-related health, fitness or relaxation, for example pregnancy yoga
- sessions for mental health and wellbeing

Whether time off for appointments is paid

Whether someone has a legal right to paid time off for antenatal care depends on their employment status.

Employees

Anyone who has the [legal status of employee](#) is entitled to reasonable time off for antenatal appointments. The time off is with full pay.

By law, an employer cannot:

- unreasonably refuse an employee time off during working hours for these appointments
- expect an employee to make up the time later

An employee has this right from their first day of starting a job.

Agency workers

An agency worker can get paid time off for antenatal appointments if they have completed their 12-week qualifying period.

[Find out about the rights for agency workers after 12 weeks](#)

Casual workers and zero-hour workers

An employer should consider offering paid time off for appointments to:

- casual workers
- zero-hours workers

There's no legal requirement to do this but it's good practice.

Taking time off

Someone booking an antenatal appointment should give as much notice as possible.

An employer might agree to someone adjusting their work day to help them attend appointments. For example, allowing someone to work from home if it'll take too long to get back to work after the appointment.

How much time is allowed

The law does not say how much time can be taken off, only that it must be a 'reasonable' amount.

Usually, someone needs:

- up to 10 antenatal appointments if it's their first baby
- around 7 antenatal appointments if they've had a baby before

A reasonable amount of time off for appointments includes:

- the length of the appointment or class
- travel to and from the appointment or class

Every pregnancy is different. Employers should be flexible and understanding if someone needs more appointments. For example, if they have pre-existing health conditions.

An employer can ask someone to provide an appointment card or other evidence. They can only ask for proof of appointments after the first appointment.

Time off for partners

Someone's partner might have the right to time off work to go to 2 antenatal appointments with them. This time off is usually unpaid and is for a maximum of 6.5 hours for each appointment.

[Find out about eligibility for going with a partner to pregnancy appointments](#)

IVF appointments

There's no legal right for time off work for IVF treatment. But employers should treat a worker's IVF appointments the same as any other medical appointment.

It's a good idea for an employer to be open to any requests someone has for:

- working flexibly
- paid time off, unpaid time off or holiday

[Find out more about IVF and work](#)

If someone does not want to tell their employer they're pregnant

A worker might not be ready to tell their employer they're pregnant. They can choose to take the time as they would another medical appointment. For example, to go to the doctor.

If an employer does not know it's pregnancy-related, they'll treat that time the same as any other medical appointment. This means employees might not get paid for it or have to make up the time later, depending on their contract.

Resolving problems with time off for appointments

Both employees and agency workers can raise problems informally if they:

- are unreasonably refused time off for antenatal appointments
- are allowed time off but are not paid when attending antenatal appointments

They can do this by [talking with their employer](#).

An agency worker can also raise it with their employment agency.

If that does not resolve the issue they can [raise a grievance](#). This is where they make a formal complaint to their employer.

Making a claim to an employment tribunal

A formal complaint might not resolve the problem. In these cases, someone might be able to make a claim to an employment tribunal.

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

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

Contact the Acas helpline

If you have any questions about time off for antenatal appointments, you can [contact the Acas helpline](#).

5. Sickness and difficult pregnancies

Pregnancy affects everyone differently. Someone who is pregnant might experience:

- sickness related to their pregnancy
- physical or mental health difficulties

Workers who are pregnant should talk with their employer so the employer can support them.

Pregnancy-related sickness

If someone cannot come to work because of a pregnancy-related sickness, they should:

- report in sick in the usual way
- get their usual sick pay

Pregnancy-related sickness can include:

- morning sickness (nausea and vomiting)
- tiredness
- headache
- backache
- bleeding

It might not always be clear whether an sickness is pregnancy-related. If an employer is not sure, they can ask the worker to provide a [fit note](#). The fit note will be from a registered healthcare professional.

Pregnancy-related sickness affects people differently. A worker may need to take different amounts of sick leave depending on their pregnancy.

Recording pregnancy-related sickness

Employers should record pregnancy-related absence separately from other sickness absence. They should not count them towards any review or trigger points in the absence policy.

[Find out more about absence trigger points](#)

Starting maternity leave early due to sickness

Maternity leave starts automatically if someone is off work because of a pregnancy-related sickness. This will happen if they are off work during the 4 weeks before the week the baby is due.

Maternity leave starts the day after someone's first day off sick.

For example, Adi is pregnant and it is 2 weeks before their baby is due. Adi is sick on Monday. The sickness is related to their pregnancy. Adi's maternity leave starts on Tuesday.

Once maternity leave starts, employers must pay someone maternity pay instead of sick pay, if they are eligible.

[Find out about maternity pay](#)

Support during a difficult pregnancy

A worker who is having a difficult pregnancy which is affecting their work should talk with their employer.

An employer should be understanding towards the worker. The worker might be having physical or mental health problems due to their pregnancy.

An employer and worker might consider:

- different work start and finish times
- the option to do some work from home
- extra breaks if a worker is feeling unwell
- an occupational health assessment, for example to see if a chair can be adjusted for back pain

A worker could also get advice and support from their health and safety representative, if they have one. They could talk to their trade union representative, if they're a member.

Supporting mental health

Mental health problems are very common in pregnancy.

Antenatal depression is a form of depression that can happen during pregnancy. It is sometimes called prenatal depression.

Find out more about:

- [supporting mental health at work](#)
- [depression in pregnancy on the NHS website](#)

If there's a stillbirth or miscarriage

A worker does not have to tell their employer they've had a miscarriage. But if they feel able to tell them, the employer can offer support. This could include time off.

If someone has a stillbirth or the baby dies after 24 weeks, they should tell their employer. They may be entitled to maternity leave or pay.

You can also find help and support from the [Miscarriage Association](#).

[Find out more about time off after a stillbirth or miscarriage](#)

Raising a problem

If someone has a problem at work related to their pregnancy, 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

A formal complaint might not resolve the problem. In these cases, someone might be able to make a claim to an employment tribunal.

The type of claim someone can make depends on their employment status.

Someone with the [legal status of employee](#) can make an employment tribunal claim for:

- detriment
- unfair dismissal
- discrimination

Someone who does not have the legal status of employee can only make a claim for 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](#)

Contact the Acas helpline

If you have any questions, you can [contact the Acas helpline](#).

6. IVF treatment

IVF (in vitro fertilisation) is a type of fertility treatment to help someone get pregnant. If someone becomes pregnant through IVF, they have the same rights as other pregnant workers.

Having IVF treatment can be difficult emotionally and physically. It's a good idea for an employer to be understanding and supportive towards someone who's having this treatment. For example, they'll probably need time off for medical appointments.

There's no legal right to paid time off for IVF appointments.

An employer should:

- treat IVF appointments the same as any other medical appointment
- treat related-sickness the same as any other sickness

A full cycle of IVF takes around 3 to 6 weeks to complete. Someone might need more than one cycle to become pregnant.

Telling an employer

When a worker reaches the 'embryo transfer' stage, they have the same rights as a pregnant worker. They do not have to tell their employer at this stage, but might find it helpful as their employer could offer support.

If an employer knows a worker might be pregnant, the worker is protected against discrimination. It can take several more weeks for a pregnancy test to confirm if the pregnancy is successful.

If IVF is not successful

A worker might find out an embryo transfer was unsuccessful. In these cases, they are still protected against pregnancy discrimination. They are protected by law for 2 weeks after finding out.

Finding out IVF was unsuccessful can be upsetting. A worker may want to talk to their employer about support they need. For example, an employer might allow someone to work flexibly so they can recover.

Get more advice and support

[Read the IVF advice on the NHS website](#)