

Redundancy protection for pregnancy and new parents

Pregnant employees and some new parents have special protection in a redundancy situation.

By law (Employment Rights Act 1996), the employer must offer them a suitable alternative vacancy, if there is one.

The law applies to anyone with the [legal status of employee](#) who is either:

- pregnant
- taking maternity leave
- taking adoption leave
- taking shared parental leave
- taking neonatal care leave

The law does not apply to other types of leave, for example paternity leave.

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

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

The redundancy protected period

The 'redundancy protected period' is the length of time an employee has redundancy protection. The protection starts when an employee's role is selected for redundancy. This means it's not possible for them to return to this role.

The length of the protected period depends on either:

- the type of leave an employee is taking
- when an employee tells their employer they are pregnant

Pregnancy and maternity leave

From 6 April 2024 the redundancy protected period for pregnant employees or those taking maternity leave was extended. Before this they were only protected while on maternity leave.

Employees have the extended protection if they:

- notify their employer of their pregnancy or start maternity leave after 6 April 2024
- were already on maternity leave on 6 April 2024

The redundancy protected period during pregnancy and maternity:

- starts when an employee tells their employer that they are pregnant

- ends 18 months from the exact date the baby is born

If an employee does not tell their employer the exact date, the protected period ends 18 months from the expected week of childbirth.

Example of the redundancy protected period in pregnancy

Ali's baby is born in October 2024. In January 2026 Ali is selected for redundancy. This is less than 18 months since the baby was born. Ali is still in the redundancy protected period. So if there are any suitable alternative vacancies, the employer must offer them to Ali as a priority.

If there's a stillbirth or miscarriage

The redundancy protected period starts when an employee tells their employer that they are pregnant.

If an employee has a miscarriage within the first 24 weeks of pregnancy, the redundancy protected period ends 2 weeks from the end of the pregnancy.

If a child is stillborn after 24 weeks of pregnancy, the redundancy protected period ends 18 months from the date of the birth.

Adoption leave

From 6 April 2024 the redundancy protected period for someone taking adoption leave was extended. Before this they were only protected while on adoption leave.

The redundancy protected period starts on the day someone's adoption leave begins.

It ends 18 months from either:

- the date the adoption placement starts
- the date the child enters England, Scotland or Wales, if it's an overseas adoption

Shared parental leave

From 6 April 2024 the redundancy protected period for someone taking shared parental leave was extended. Before this they were only protected while on shared parental leave.

The redundancy protected period starts on the day a period of shared parental leave begins.

If an employee takes less than 6 weeks shared parental leave, the protected period ends on the last day of the block of leave.

If an employee takes 6 weeks or more of continuous shared parental leave, the protected period ends 18 months from:

- the date of the child's birth
- the expected week – if they do not tell their employer the exact date of birth
- the date the adoption placement starts
- the date the child enters England, Scotland or Wales if it's an overseas adoption

If an employee takes discontinuous leave, the redundancy protected period finishes at the end of each period of shared parental leave.

An employee who has already taken adoption or maternity leave will have the redundancy protected period for that specific type of leave.

Neonatal care leave

Employees taking neonatal care leave also have additional protection in a redundancy situation.

The redundancy protected period starts on the day a period of neonatal care leave begins.

If an employee takes less than 6 weeks' neonatal care leave, the protected period ends on the last day of leave.

If an employee takes 6 or more continuous weeks of neonatal leave, they will have additional protection from redundancy.

This redundancy protected period ends 18 months from:

- the date of the child's birth for birth parents and intended parents in a surrogacy
- the date the adoption placement starts
- the date the child enters England, Scotland or Wales if it's an overseas adoption

An employee who has already taken adoption or maternity leave will have the redundancy protected period for that specific type of leave.

When the protected period ends early

The redundancy protected period ends when the employment ends.

Example of when the protected period ends early

An employee is on maternity leave. They would usually have a protected period of 18 months.

But the employee's role is made redundant after 15 months. As there's no suitable alternative role, their employment ends. They would not have the further 3 months' protection.

When reducing existing roles

When an employer is reducing roles an employee with redundancy protection will have to go through the same selection process as other employees. This applies where the number of existing roles is reduced and no new roles are created.

The reduced number of roles filled during selection are not suitable alternative vacancies. The roles already exist and are not vacant.

If reducing existing roles leads to new ones being created, these could be suitable alternative vacancies. For example, if 2 roles are combined.

Example of how protection applies when reducing existing roles

An employer needs to reduce administration roles from 20 to 10. There is a fair selection process that includes a pregnant employee. The remaining 10 jobs are filled but the pregnant employee is not selected as they did not meet the employer's selection criteria.

The employer gives the employee their redundancy notice, explaining they will offer a suitable alternative, if it becomes available.

Suitable alternative employment

If there are any suitable alternative vacancies, an employer must offer them to employees who have this redundancy protection.

Anyone who has this redundancy protection has priority over other employees. This applies even if other employees are also suitable.

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](#).

There might not be enough suitable vacancies for everyone who has this redundancy protection. The employer will have to decide who is most suitable for the roles they have. This might include considering an employee's:

- skills
- job knowledge
- experience

The employer should explain in writing what criteria they will use to make their decision and why. This could be in a letter or email.

If an employee is not offered a suitable vacancy, their employer should meet with them to discuss the decision.

[Find out more about suitable alternative vacancies](#)

Contact the Acas helpline

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