

New mothers and redundancy: new laws needed?

In the know

The charity Maternity Action has published a report calling for more action by the government to protect new mothers when faced with redundancy. It is time, says the charity, that the government kept to their previous promises to take action to reduce the number of women facing discrimination after having a baby.

Charity carries out review

- The charity Maternity Action has carried out a review into the redundancy treatment of new mothers and have published a report calling for more action by the government;
- The report finds one in 20 women are made redundant during their pregnancy, maternity leave or on their return to work; equivalent to 6% of all pregnant women and new mothers
- Maternity Action believe these redundancies are due to unfair and discriminatory factors;
- The report also points to research carried out by the Equality and Human Rights Commission in 2016 which found that 11% of mothers lost their job every year because of maternity discrimination.

Government commitment

- Following a 2016 report by the Women and Equalities Select Committee, the government made a commitment in January 2017 to review the existing redundancy protections in place for pregnant women and new mothers but this has not yet happened.

Recommendations for change

- Maternity Action are calling for effective legal protection against unfair redundancy to be provided for women during pregnancy and new motherhood;
- The report advocates for the introduction of the German-model which prohibits organisations from making pregnant women and new mothers redundant unless specific circumstances apply, such as the complete closure of the business. This protection applies during the women's pregnancy, the

maternity leave period and for a further six-month period after they return to work.

- An alternative option, the report suggests, is to increase the current maternity leave protections to cover the period from the employee's notification of their pregnancy to six months after their return to work. Under this protection, employers would have to offer women at risk of redundancy a suitable alternative post throughout this extended period.
- In addition, Maternity Action are calling for any increased protection to be extended to fathers and partners taking statutory leave during pregnancy and the first year of parenthood. They are also encouraging employers to review the retention rate of women who have returned to work after maternity leave, calling for the time limit to pursue a claim in connection with pregnancy and motherhood to be extended from three months to six months.

Croner Tips

- **Contrary to popular belief, women on maternity leave can be made redundant but have extra rights that employers need to consider first;**
- **In some cases, treated employees on maternity leave "too favourably" can be discriminatory towards men, so advice must always be taken.**

The content of this briefing is correct at the time of publishing.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this article