



Pregnancy discrimination provisions of the Equality Bill

This briefing raises a concern about the pregnancy discrimination provisions of the Equality Bill. While the Bill was intended to make Britain more equal, the Bill provides significantly weaker protection against pregnancy discrimination in the workplace than the current law. This will impact on gender equality in the workplace.

Currently, it is unlawful to treat a woman less favourably for reasons related to her pregnancy or maternity leave. Pregnancy discrimination is direct discrimination and employers cannot claim that their actions are justified for reasons such as cost or inconvenience.

The Equality Bill waters down this protection by making reference to treatment which is 'less favourable *than is reasonable*'. There is no similar provision for any other ground of discrimination in the Equality Bill or in other comparable legislation.

The effect of the Equality Bill will be to enable employers to defend claims of pregnancy discrimination by reference to costs, inconvenience and other factors. As a result, the protection against pregnancy discrimination is weaker than for any other ground of discrimination.

The Government Equality Office stated that the new provisions were to address the lack of a male comparator and provide an objective measure while maintaining current levels of protection against pregnancy discrimination. Advice from legal experts is that the Equality Bill provisions will significantly reduce protection and are inconsistent with European Law.

We are proposing that the Equality Bill be amended by replacing the test of 'less favourable treatment' with 'unfavourable treatment' and deleting clause 16(7). This will address the Government Equality Office concerns, ensure compliance with European law, and maintain the current levels of protection against pregnancy discrimination. This amendment is supported by the TUC and under discussion within the Equality and Human Rights Commission

Pregnancy discrimination in the workplace remains widespread and there is no justification for reducing the level of protection. In 2005, the Equal Opportunity Commission found that 30 000 women each year were losing their job as a result of pregnancy discrimination. Organisations providing legal advice and information have found increasing levels of unfair selection of pregnant women and new mothers for redundancy during the recession. For information on the Alliance Against Pregnancy Discrimination in the workplace see the Maternity Action website.

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