

Research Briefing

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# Protection from Redundancy (Pregnancy and Family Leave) Bill 2022-23: Progress of the Bill



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## Summary

The [Protection from Redundancy \(Pregnancy and Family Leave\) Bill 2022-23](#) is a Private Member's Bill, Bill 15 of the 2022-23 session, introduced on 15 June 2022 by Labour MP Dan Jarvis who came second in the [Private Members' Bill ballot for the 2022-23 session](#).

The Bill had its first reading on 15 June 2022 and passed second reading on 21 October 2022. The Bill completed its committee stage on 2 November 2022 without amendment. In both cases MPs from all sides of the House spoke in favour of the Bill and no opposition was raised, meaning the stages were passed without division. It is listed for remaining stages on 3 February 2023.

## Background

Currently, under Regulation 10 of the Maternity and Paternity Leave Regulations 1999, a woman on maternity leave whose job is being made redundant, "is entitled to be offered (before the end of her employment under her existing contract) alternative employment" with her employer or an associated employer, in any suitable vacancy available that offers work appropriate for her and terms not substantially worse than her previous job.

Other regulations extend similar protections to those on adoption leave and shared parental leave.

Since 2015, the Equality and Human Rights Commission (EHRC), Women and Equalities Committee and campaign groups such as Pregnant Then Screwed have conducted investigations into the experiences of new mothers facing redundancy. [The EHRC found](#) that "around 54,000 new mothers may be forced out of their jobs in Britain each year", while [a survey of new mothers by Pregnant Then Screwed](#) found "that 30% believed they had experienced discrimination from their employer during the pandemic".

The Government pledged to bring forward measures in response to some of these findings and in January 2019 the Department for Business, Energy & Industrial Strategy launched a consultation on [Pregnancy and maternity discrimination: extending redundancy protection for women and new parents](#).

In response to the consultation, the Government pledged to extend current redundancy protections from the moment the employer was informed of the pregnancy through to six months after maternity leave has finished, as well as extending equivalent protections to those taking adoption leave or shared parental leave.

These measures were included in an outline of a proposed Employment Bill in the December 2019 Queen's Speech. However, the Employment Bill was not ultimately introduced in the 2019-21 session and did not reappear in the 2021 or 2022 Queen's Speeches.

Between 2019 and 2021 Conservative MP Maria Miller introduced three Private Member's Bills aiming to prohibit redundancy during pregnancy, maternity leave and up to six months after, other than for a limited set of reasons. None of the Bills received a second reading.

## What does the Bill do?

This Bill would give the Secretary of State the power, by regulations, to extend the Regulation 10 protections against redundancy, currently offered to women on maternity leave, to cover a longer period of time during, or after, a period of pregnancy. The Bill would also give the Secretary of State the power to make regulations to expand equivalent protections for those on adoption leave or shared parental leave to extend after those periods of leave have concluded.

More specifically, current provisions in the Employment Rights Act 1996 allow the Secretary of State to make regulations which make provision about redundancy "during" periods of maternity leave, adoption leave or shared parental leave. This Bill would amend those respective provisions to allow regulations to make provision about redundancy "during or after" such periods of leave, as well as adding a new provision to the 1996 Act allowing for regulations about redundancy "during, or after" a "protected period of pregnancy".

The Bill itself would not specify the details of any protections that such future regulations could set out.

# 1 Introduction

The [Protection from Redundancy \(Pregnancy and Family Leave\) Bill 2022-23](#), Bill 15 of the 2022-23 session, was introduced on 15 June 2022 by Labour MP Dan Jarvis as a Private Member's Bill, presented to Parliament through the ballot procedure.

The Bill extends to England, Wales and Scotland, but not Northern Ireland where employment law is devolved.

The explanatory notes for the Bill were drafted by the Department for Business, Energy and Industrial Strategy.

The Bill would take effect two months from the day it was passed. It would not provide a timeframe within which the Secretary of State must make any regulations providing for the detail of the new redundancy protections.

The explanatory notes suggest that the financial implications of the Bill would include a "small Exchequer cost resulting from additional Statutory Maternity Pay estimated to be £17.1m", mostly offset by "the benefit of not having to pay Maternity Allowance [of] £15.1m." A money resolution was therefore required, which was approved on 31 October 2022. The notes also suggest that the one off cost to business of adjusting to the new legislation will be £30.4 million, followed by an annual cost in contributions to Statutory Maternity Pay of £0.9 million.<sup>1</sup>

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<sup>1</sup> [Protection from Redundancy \(Pregnancy and Family Leave\) Bill 2022-23, Explanatory Notes](#), Para 24-26

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## 2 Background

### 2.1 Current legal protections

Currently, under Regulation 10 of the Maternity and Paternity Leave Regulations 1999, a woman on maternity leave whose job is being made redundant, “is entitled to be offered (before the end of her employment under her existing contract) alternative employment” with her employer or an associated employer, in any suitable vacancy available that offers work appropriate for her and terms not substantially worse than her previous job.

Regulation 23 of the Paternity and Adoption Leave Regulations 2002 and Regulation 39 of the Shared Parental Leave Regulations 2014 currently provide the same protections to those on adoption leave or shared parental leave respectively.

Regulation 10 of the Maternity and Paternity Leave Regulations 1999 is made under powers granted by section 74(1) of the Employment Rights Act 1996, which empowers the Secretary of State to make regulations which “make provision about redundancy during an ordinary or additional maternity leave period.” Equivalent sections of the 1996 Act allow for the regulations which grant such protections “during” periods of adoption leave and shared parental leave.

### 2.2 Research and campaigns

#### **EHRC**

In 2015 the Equality and Human Rights Commission published research which estimated that “around 54,000 new mothers may be forced out of their jobs in Britain each year”. This was based on 11% of 3,200 women surveyed by the EHRC reporting “having been dismissed, made compulsorily redundant where others in their workplace were not, or treated so poorly they felt they had to leave their jobs”.<sup>2</sup>

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<sup>2</sup> [“Pregnancy and maternity discrimination forces thousands of new mothers out of their jobs”](#), Equality and Human Rights Commission, 24 July 2015

## Women and Equalities Committee

In 2016, the Women and Equalities Committee conducted an inquiry into pregnancy and maternity discrimination. The inquiry found that “pregnant women and mothers report more discrimination and poor treatment at work now than they did a decade ago... the Government must make changes in laws and protections... to prevent discriminatory redundancies.” The inquiry included in its recommendations that protections from redundancy be extended:

We are persuaded that additional protection from redundancy for new and expectant mothers is required. The Government should implement a system similar to that used in Germany under which such women can be made redundant only in specified circumstances. This protection should apply throughout pregnancy and maternity leave and for six months afterwards. The Government should implement this change within the next two years.<sup>3</sup>

In 2017, in their response to the Committee, the Government indicated that the current situation outlined by the EHRC research was “clearly unacceptable” and that they would “consider further and bring forward proposals to ensure that the protections in place for those who are pregnant or returning from maternity leave are sufficient.” However, the Government did not commit to adopting the committee’s recommended German-style system of restricting reasons for redundancy, in place of the current UK approach based around prioritising the offer of alternative vacancies in cases of redundancy.<sup>4</sup>

## Pregnant Then Screwed

In July 2020 campaign group Pregnant Then Screwed surveyed 19,950 women and found that “11.2% of women on maternity leave have been made redundant or expect to be made redundant”, of whom “60.7% believe their maternity leave was a factor in the decision”.<sup>5</sup>

In April 2021 another survey of 16,000 women found that “30% of mothers have experienced discrimination from an employer.” In January 2022 a survey of 6,906 pregnant women and new mothers found that 8.4% reported discrimination at work had caused them stress during or after their pregnancy, and 3.2% had suffered stress as a result of job loss.<sup>6</sup>

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<sup>3</sup> [Pregnancy and maternity discrimination, Women and Equalities Committee inquiry](#), 4 August 2016, Para. 70

<sup>4</sup> [Government response to the House of Commons Women and Equalities Committee report on pregnancy and maternity discrimination](#), Department for Business, Energy and Industrial Strategy, January 2017

<sup>5</sup> [“Press Releases – 46% of COVID-19 redundant mothers blame lack of childcare”](#), Pregnant Then Screwed, 23 July 2020 [accessed 24 August 2022]

<sup>6</sup> [“Pregnant Then Screwed launch mental health support line to tackle the mental health impacts of discrimination at work”](#), Pregnant Then Screwed, 4 August 2022 [accessed 24 August 2022]



## 2.3

## 2019 consultation

In January 2019 the Department for Business, Energy & Industrial Strategy launched a consultation on [Pregnancy and maternity discrimination: extending redundancy protection for women and new parents](#).<sup>7</sup> The consultation ran from 25 January to 5 April 2019. The majority of responses on the proposals to extend redundancy protection agreed:

- that 6 months would be an adequate period of “return to work” for redundancy protection purposes
- that protection should be extended to parents who have taken adoption leave and shared parental leave<sup>8</sup>

The Government responded to the consultation on 22 July 2019. The response included a series of commitments to increase redundancy protections in this area, including to:

- ensure the redundancy protection period applies from the point the employee informs the employer that she is pregnant, whether orally or in writing;
- extend the redundancy protection period for six months once a new mother has returned to work. We expect that this period will start immediately once maternity leave is finished;
- extend redundancy protection into a period of return to work for those taking adoption leave following the same approach as the extended protection being provided for those returning from maternity leave – it will be for six months;
- extend redundancy protection into a period of return to work for those taking shared parental leave, taking account of the following key principles and issues:
  - the key objective of this policy is to help protect pregnant women and new mothers from discrimination;
  - the practical and legal differences between shared parental leave and maternity leave mean that it will require a different approach;
  - the period of extended protection should be proportionate to the amount of leave and the threat of discrimination;
  - a mother should be no worse off if she curtails her maternity leave and then takes period of Shared Parental Leave;
  - the solution should not create any disincentives to take Shared Parental Leave;<sup>9</sup>

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<sup>7</sup> [Pregnancy and maternity discrimination: extending redundancy protection for women and new parents](#), Department of Business, Energy & Industrial Strategy, 25 January 2019

<sup>8</sup> As above

<sup>9</sup> [Pregnancy and maternity discrimination: Extending redundancy protection for women and new parents: Government response](#), Department for Business, Energy & Industrial Strategy, July 2019, p6

## 2.4 Employment Bill

The [Queen's Speech in December 2019](#) included an Employment Bill which included, among other measures, “Extending redundancy protections to prevent pregnancy and maternity discrimination.”<sup>10</sup> The Employment Bill was not ultimately introduced in the 2019-21 session and did not reappear in the 2021 or 2022 Queen's Speeches.<sup>1112</sup>

To date the Government has not introduced any legislation to implement this commitment. In oral evidence before the BEIS Select Committee on 13 December 2022, Business Secretary Grant Shapps suggested that, given a series of Private Members' Bills including this one, there was no longer any need for a Government Employment Bill, saying:

We have had five separate Bills, which the Department has helped sponsor through Back Benches. I do not think we have an Employment Bill on the cards per se.<sup>13</sup>

## 2.5 Pregnancy and Maternity (Redundancy Protection) Bills

In June 2021, Conservative MP Maria Miller introduced a Private Member's Bill, the [Pregnancy and Maternity \(Redundancy Protection\) Bill 2021-22](#), which sought to “prohibit redundancy during pregnancy and maternity leave and for six months after the end of the pregnancy or leave, except in specified circumstances; and for connected purposes.” The Bill did not receive a second reading and fell at the end of the 2021-22 session.

This was the most recent of three attempts by Maria Miller MP to introduce a Bill on this issue; the other Private Members' Bills being the [Pregnancy and Maternity \(Redundancy Protection\) Bill 2017-19](#), introduced in May 2019 and the [Pregnancy and Maternity \(Redundancy Protection\) Bill 2019-21](#), introduced in July 2020, both introduced under the Ten Minute Rule and neither of which received a second reading.

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<sup>10</sup> Prime Minister's Office, [The Queen's Speech 2019: Background briefing notes](#), 19 December 2019

<sup>11</sup> HM Government, [Queen's Speech 2021](#), 11 May 2021

<sup>12</sup> HM Government, [Queen's Speech 2022](#), 10 May 2022

<sup>13</sup> BEIS Select Committee, [Oral evidence: The work of the Business, Energy and Industrial Strategy Department, HC 529](#), 13 December 2022, Q145

## 2.6

## Westminster Hall debate April 2021

On 28 April 2021 there was a Westminster Hall debate on [Redundancy Protection: Women and New Parents](#), sponsored by SNP MP Kirsten Oswald.

Kirsten Oswald, in opening the debate, highlighted the EHRC and Pregnant Then Screwed research discussed above and noted that the Taylor Review into modern working practices had found that “at least one in 10 employers, and possibly as many as one in five, are not willing to support pregnant women and new mothers”, with at least a third of employers interviewed endorsing the views that “During recruitment, women should have to disclose whether they are pregnant” and that “Women should work for an organisation for at least a year before deciding to have children”.<sup>14</sup>

She criticised the lack of Government action in bringing forward an Employment Bill and expressed SNP support for Maria Miller’s Pregnancy and Maternity (Redundancy Protection) Bill.

Responding for the Government, then Labour Markets Minister Paul Scully acknowledged a need for reform, saying:

I will not hide from the fact that there is a real issue here. The research that we jointly funded with EHRC has been cited and makes for uncomfortable reading.<sup>15</sup>

Minister Scully reiterated Government commitments from their response to the 2019 consultation, to extend redundancy protection periods from the point the employee informs the employer that she is pregnant, to six months after a new mother has returned to work, as well as extending protections for those returning from adoption leave and shared parental leave. He added that “We have been clear that we will introduce these measures as soon as parliamentary time allows.”<sup>16</sup>

Commenting on the SNP support for Maria Miller’s Private Member’s Bill, which would have banned redundancy of new mothers outright in many cases, Minister Scully said that the Government preferred to expand the current general approach rather than take this alternative direction:

It is not the objective that we disagree on but the means of achieving it, and even then we share a lot of common ground. The key difference is that the Government’s preferred approach retains and extends the current position of giving the pregnant woman or new parent preferential treatment so that, in effect, they are first in the queue for suitable remaining jobs in a redundancy situation. Others suggest removing the current framework and replacing it with a comprehensive redundancy band with some very limited exceptions so that, in effect, that a pregnant woman or new mother could only be made

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<sup>14</sup> HC Deb, [28 April 2021, c131WH-132WH](#)

<sup>15</sup> HC Deb 28 April 2021, c136WH

<sup>16</sup> HC Deb 28 April 2021, c138WH

redundant when a business is closing down. The Government have not yet been convinced by that argument.

At its simplest, taking that approach could require employers to continue to employ people even when there is no work for them to do if the business continued to exist. That burden would fall particularly heavily on small businesses. That is why we continue to believe that extending the existing framework remains the right approach.<sup>17</sup>

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<sup>17</sup> HC Deb 28 April 2021, c137WH

## 3 The Bill

### 3.1 Clause 1: Redundancy during a protected period of pregnancy

**Clause 1** would insert new clause 49D into the Employment Rights Act 1996. This new clause would allow the Secretary of State, via regulations, to introduce rules about how redundancies are to be handled during, or after, a “protected period of pregnancy”, a period to be calculated in accordance with future regulations made by the Secretary of State.

These new regulations could require employers to offer alternative employment in cases of redundancy, with failure to do so being considered unfair dismissal. This would mirror protections currently granted to people on maternity leave by Regulation 10 of the Maternity and Paternity Leave Regulations 1999, extending these protections to those who are pregnant or were recently pregnant even if not on maternity leave.

**Clause 1** would also make further amendments to the 1996 Act to ensure any such protections applied to those in Crown employment, the armed forces, members of House of Lords or House of Commons staff and certain groups of mariners.

Regulations made by statutory instrument under this clause would be subject to the affirmative procedure.

### 3.2 Clause 2: Maternity, adoption and shared parental leave: redundancy

**Clause 2** would make amendments to sections 74, 75C and 75J of the Employment Rights Act 1996.

Section 74 of the 1996 Act currently allows regulations to be made about redundancy “during” maternity leave – the power used to make Regulation 10 of the Maternity and Paternity Leave Regulations 1999. The amendment would allow regulations to be made about redundancy “during, or after” maternity leave.

Section 75C of the 1996 Act currently allows regulations to be made about redundancy “during” adoption leave – the power used to make Regulation 23

of the Paternity and Adoption Leave Regulations 2002. The amendment would allow regulations to be made about redundancy “during, or after” adoption leave.

Section 75J of the 1996 Act currently allows regulations to be made about redundancy “during” shared parental leave – the power used to make Regulation 39 of the Shared Parental Leave Regulations 2014. The amendment would allow regulations to be made about redundancy “during, or after” shared parental leave.

Regulations made under the amended sections of the 1996 Act would continue to be made using the affirmative procedure, as is currently the case.

### 3.3

## Clause 3: Extent, commencement and short title

**Clause 3** sets out that the Bill would come into force two months from the day it was passed.

The Bill would extend to England, Wales and Scotland but not to Northern Ireland where employment law is devolved.

If passed the Bill would be known as the Protection from Redundancy (Pregnancy and Family Leave) Act 2022.

## 4 Parliamentary progress

First reading of the [Protection from Redundancy \(Pregnancy and Family Leave\) Bill](#) was on 15 June 2022. The long title of the Bill is:

A Bill to make provision about protection from redundancy during or after pregnancy or after periods of maternity, adoption or shared parental leave.

The Bill passed second reading on 21 October 2022 and completed its committee stage on 2 November 2022 without amendment. It is listed for remaining stages on 3 February 2023.

### 4.1 Second reading debate

The Bill received its second reading on Friday 21 October 2022. It was passed without division and all members who spoke, from both sides of the House, were supportive of the principles of the Bill. The Bill's sponsor, Dan Jarvis, explained the purpose of the Bill as being to increase security in the workplace for pregnant women and new parents, saying:

The current safeguards afforded under the Equality Act 2010 and the Maternity and Parental Leave etc. Regulations 1999—the MAPLE regulations—are not being applied correctly, and are sometimes not being observed at all. As it stands under the law, a woman on maternity leave is entitled to be offered a suitable alternative vacancy if her role is at risk, but a lack of clarity coupled with poor compliance means that new mums are often first rather than last to be shown the door. The sheer scale of the problem makes the case for reform irrefutable.<sup>18</sup>

Dan Jarvis also addressed those who wanted to go further and adopt “an outright ban on redundancies, as we have seen implemented in Germany”. He noted that such a ban would also be his preference, but that the UK Government had decided not to support such measures and that the current Bill represented “a reasonable and sensible compromise”, a view which was accepted by others speaking in the debate.<sup>19</sup>

A few Labour MPs expressed disappointment that these measures had to wait to come through a Private Members' Bill rather than Government legislation. Shadow Minister for Employment Rights Imran Hussain also raised a number of other concerns, including the need for the Government to raise awareness of the law among employers, the qualifying period needed to be eligible for

<sup>18</sup> [HC Deb, 21 October 2022](#) c948

<sup>19</sup> [HC Deb, 21 October 2022](#) c950

the additional protections and the need for the Secretary of State to make regulations to bring the new protections into effect, without anything in the Bill “compelling him to introduce these regulations by a certain date”.<sup>20</sup>

Responding for the Government, then Enterprise and Markets Minister Dean Russell confirmed that the Government would support the Bill, saying:

In conclusion, these measures will provide invaluable support and protection for parents during what should be an exciting and joyous time—pregnancy and the start of their child’s life—as they juggle work and caring responsibilities. The extension of MAPLE to pregnancy in a period of return to work is backed by evidence and analysis. The Government’s and the EHRC’s research, and the work of the Women and Equalities Committee and others, have established that there is a clear need for further work to help parents at these times. We must take steps to tackle the discrimination and poor treatment that some undoubtedly face.

The Government are pleased to support the Bill. It is wholly in line with our ongoing commitment to support workers and build a high-skilled, high-productivity, high-wage economy.<sup>21</sup>

In response to the points raised by MPs who wanted to go beyond these measures to adopt the German model, the Minister said they did not think the time was right to do so, saying:

The hon. Member for Barnsley Central and others mentioned the German model. I am conscious that there is always a question whether we can push further and faster and do more. I definitely take his comments on board, but the Government do not think that it is right to follow the German model; I will happily follow up separately with specific details about why we do not agree with going that far. However, there is merit in how the Bill takes definite strides in that direction.<sup>22</sup>

## Money resolution

A Money resolution required for the Bill was approved on 31 October 2022.<sup>23</sup>

## 4.2

## Committee stage

On 2 November 2022 the Bill was considered by a Public Bill Committee chaired by Conservative MP Philip Hollobone. See the Annex to this paper for the full membership. No amendments were tabled.

The Bill’s sponsor, Labour MP Dan Jarvis, explained the purpose and function of the two main clauses of the Bill, saying:

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<sup>20</sup> [HC Deb, 21 October 2022](#) cc983-984

<sup>21</sup> [HC Deb, 21 October 2022](#) c989

<sup>22</sup> [HC Deb, 21 October 2022](#) c988

<sup>23</sup> [Protection from Redundancy \(Pregnancy and Family Leave\) Bill: Stages](#), bills.parliament.uk



Clause 1 allows the Secretary of State to make regulations on redundancy during the period of pregnancy. The regulations can include provisions that require the employer to offer alternative employment. They will also permit an employee to declare that they are pregnant after the pregnancy has ended. That is to allow, for example, a woman who had miscarried before telling her employer about the pregnancy access to the redundancy protection that she would otherwise have had. I therefore propose that clause 1 stand part of the Bill.

Clause 2 allows the Secretary of State to make regulations on redundancy during or after the relevant periods of leave. It does so by amending his existing powers so that he can make regulations on redundancy during or after maternity adoption and shared parental leave. Again, I propose that the clause stand part of the Bill.<sup>24</sup>

In his opening remarks Dan Jarvis also raised an issue with the Minister concerning a proposed need for parents to take at least six weeks of leave to qualify for additional redundancy protections:<sup>25</sup>

I want to raise just one issue with the Minister, which relates to the six-week qualifying period and about which I wrote to two of his predecessors. Although these measures will not be in the Bill, they are important. Currently, there is within the regulations a qualifying period, whereby a new parent must take six consecutive weeks of family leave to be entitled to the redundancy protections. I know that the threshold is in place to try to ensure that the protections are proportionate and to avoid a scenario whereby a partner who takes one week of shared parental leave is not afforded the same protection as a woman who takes 12 months of maternity leave. However, I share the concerns that that could disproportionately impact a new mother who is forced to curtail her maternity leave for whatever reason, returning to work unprotected and vulnerable.

I have been assured that a consultation is being carried out with the Pregnancy and Maternity Discrimination Advisory Board, and I am pleased that the Government are consulting stakeholders before a final decision is taken. The Minister does not need to respond today, but I ask him to give good consideration to the board's proposals. I am hopeful that when it reconvenes later in the autumn consensus will be reached, and we will be able to protect as many new mothers as possible with the legislation.<sup>26</sup>

Labour MP Imran Hussain spoke in favour of the Bill and reiterated the point about the proposed six week qualifying period, as well as urging the Government to move quickly in introducing the regulations to be made under the Bill:

As we go through the clauses of the Bill, we must remember that it extends no additional protections to working parents; the real work is to be done in the regulations mandated by the Bill. To that end, as I pressed the Government on

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<sup>24</sup> [Protection from Redundancy \(Pregnancy and Family Leave\) Bill Deb](#), 2 November 2022, c5

<sup>25</sup> This refers to a reported proposal, referred to in the [Maternity Action Parliamentary briefing](#), January 2023, which states: "Since October, it has emerged that Ministers propose to include, in the necessary Regulations, a six-week qualifying period for the protection that would be extended to new parents after their return to work from a period of leave. However, this proposal – which would set a worrying policy precedent – has not been publicly set out in writing"

<sup>26</sup> [Protection from Redundancy \(Pregnancy and Family Leave\) Bill Deb](#), 2 November 2022, c4

Second Reading, I urge the Minister to commit to those regulations being introduced as soon as possible. The urgent necessity of that is not lost on anyone here today, and I refer to the comments made by my hon. Friend the Member for Barnsley Central. I urge the Minister to guarantee that we see something by the end of the financial year at the latest.<sup>27</sup>

Responding for the Government, Minister for Enterprise, Markets and Small Business, Kevin Hollinrake, reaffirmed the Governments' support for the Bill saying it "will bring important added redundancy protections for pregnant women and new parents on their return to work".<sup>28</sup>

In response to the question raised about the speed of introducing the regulations, the Minister agreed on the need for moving as quickly as possible, but also stated the need to ensure proper consultation with stakeholders, saying:

I absolutely agree with the shadow Minister, the hon. Member for Bradford East, about implementing the measures as quickly as possible, but I want to make sure that we get them right, and we are working with the Pregnancy and Maternity Discrimination Advisory Board and consulting other stakeholders to ensure that we do.<sup>29</sup>

In response to the question raised about the proposed six week qualifying period, the Minister responded explaining why it was not the Government's intention to change that, saying:

The hon. Member for Barnsley Central referred to the issue of the six-week qualification period. We want to avoid a situation where after 12 months someone who has taken a few weeks of shared parental leave receives the same redundancy protection as a mother who has just returned from 12 months of maternity leave. That is what we are trying to get right.<sup>30</sup>

Conservative MP Bob Stewart made a brief intervention to suggest that the Government require employers to hand a piece of paper with a statement of their rights to any pregnant employees. The Minister noted this was an interesting point and that "I'm sure my officials have heard what he has said and will think about it when it comes to forming these specific regulations."<sup>31</sup>

It was proposed and agreed that all clauses stand part of the Bill, which was accordingly to be reported without amendment.<sup>32</sup>

The remaining stages are listed for Friday 3 February 2023.

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<sup>27</sup> [Protection from Redundancy \(Pregnancy and Family Leave\) Bill Deb](#), 2 November 2022, c6

<sup>28</sup> [Protection from Redundancy \(Pregnancy and Family Leave\) Bill Deb](#), 2 November 2022, c7

<sup>29</sup> [Protection from Redundancy \(Pregnancy and Family Leave\) Bill Deb](#), 2 November 2022, c7

<sup>30</sup> [Protection from Redundancy \(Pregnancy and Family Leave\) Bill Deb](#), 2 November 2022, c6

<sup>31</sup> [Protection from Redundancy \(Pregnancy and Family Leave\) Bill Deb](#), 2 November 2022, c8

<sup>32</sup> [Protection from Redundancy \(Pregnancy and Family Leave\) Bill Deb](#), 2 November 2022, c10

## 5 Commentary

### 5.1 Political commentary

In a short video statement outside Parliament after introducing the Bill, Dan Jarvis MP described his motivations for introducing the Bill and his hopes that it would prevent new mothers from losing their jobs:

Around 54,000 women a year lose their jobs because they're pregnant, while 3 in 4 working mums experience maternity discrimination. No one should be penalised for having a family, but pregnant women and new mums too often are. It's scandalous.

That's why today in Parliament I introduced my Protection from Redundancy (Pregnancy and Family Leave) Bill. My Bill would change the law and prevent employers from automatically laying off new mothers, by extending redundancy protections. It will protect women returning to work but also cover the period of pregnancy, shared parental leave and adoption leave.

We all know balancing family life is hard enough. The very last thing parents-to-be and new mums need is to be getting forced out of the door by their employer. My bill is a step towards providing working families with security and dignity in the workplace and it already has cross-party support. I hope it will soon pass into law and make a real difference.<sup>33</sup>

Shadow Secretary of State for Business, Energy and Industrial Strategy Jonathan Reynolds commented in response that “This is a good proposal from @DanJarvisMP and I look forward to the Bill being introduced.”<sup>34</sup>

It was reported in the *i* newspaper that then Secretary of State for Business, Energy and Industrial Strategy Kwasi Kwarteng “has given his initial backing to proposals to strengthen the employment rights of pregnant women and workers returning from parental leave by extending the period in which they are protected from redundancy.” The article stated that the Bill enjoys Government support, saying “A Government source told *i* Mr Kwarteng supports it in principle, following meetings between his department and Mr Jarvis.”<sup>35</sup>

<sup>33</sup> Dan Jarvis (@DanJarvisMP). (Twitter) 15 June 2022 [accessed 23 August 2022]. Available from: <https://twitter.com/DanJarvisMP/status/1537066944376995843>

<sup>34</sup> Jonathan Reynolds (@jreynoldsMP). (Twitter) 15 June 2022 [accessed 23 August 2022]. Available from: <https://twitter.com/jreynoldsMP/status/1537098471064457216>

<sup>35</sup> Arj Singh, “[Kwasi Kwarteng poised to back changing law to stop new mothers losing their jobs for having a child](#)”, *i*, inews.co.uk, 14 June 2022 [accessed 23 August 2022]

## 5.2

## Other commentary

**Fawcett Society**

Women’s rights charity The Fawcett Society stated that they support the Bill, alongside a selection of other Private Member’s Bills presented on the same day, and that the charity “will be campaigning with our members and allies to ensure [these Bills] are given the space they need to become law”. They noted that this Bill “will extend redundancy protections for new mothers so that new mums have greater protections when they return to work.”

CEO Jemima Olchawski commented that this Bill, among others, goes some way to making up for the lack of Government action on women’s rights, saying:

We were disappointed at the lack of progress on women’s rights in the Queen’s Speech, but the wide range of private member ballot bills announced today that will advance the rights of women and girls show that our collective voices are being heard – and MPs are listening.<sup>36</sup>

**Maternity Action**

In August 2022, maternity rights charity Maternity Action issued a [parliamentary briefing on the Bill](#) [PDF], which states that “Maternity Action does not support the Bill, which we fear would simply entrench a broken system that we know does not work and does not protect women.”<sup>37</sup> The charity is critical of the current approach defined by Regulation 10 of the Maternity and Paternity Leave Regulations 1999 that this Bill seeks to extend. Maternity Action argues that the protections offered by Regulation 10, giving women on maternity leave priority for appropriate vacancies in case of redundancy, “is little more than a mirage”:

with employers able to ignore or act in deliberate breach of the law, safe in the knowledge that, having just given birth or been away from the workplace for up to a year, a woman is most unlikely to bring a prohibitively expensive Employment Tribunal claim – the only means of challenging an unfair redundancy.<sup>38</sup>

Maternity Action references their previous report [Unfair Redundancies](#), which noted the difficulty of proving tribunal claims under Regulation 10.<sup>39</sup> Instead, the charity calls for more fundamental reform:

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<sup>36</sup> [“Fawcett welcomes announcements on Private Members’ Bills to advance gender equality”](#), The Fawcett Society, 15 June 2022

<sup>37</sup> [Parliamentary briefing: Protection from Redundancy \(Pregnancy & Family Leave\) Bill](#) [PDF], Maternity Action, August 2022

<sup>38</sup> As above

<sup>39</sup> [Unfair Redundancies: During pregnancy, maternity leave and return to work](#) [PDF], Maternity Action, October 2017

namely the introduction of a legal ban on making a pregnant woman or new mother redundant, other than in very limited and clearly specified circumstances, such as closure of all or part of a workplace.<sup>40</sup>

Maternity Action reference their support for previous unsuccessful Private Member's Bills, Maria Miller MP's Pregnancy and Maternity (Redundancy Protection) Bills (see above), which similarly aimed for a more general ban on redundancies for pregnant women or new mothers.

Maternity Action issued an [updated parliamentary briefing](#) [PDF] in January 2023 following the second reading and committee stages, reiterating their concerns about the Bill.<sup>41</sup>

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<sup>40</sup> [Parliamentary briefing: Protection from Redundancy \(Pregnancy & Family Leave\) Bill](#) [PDF], Maternity Action, August 2022, p2

<sup>41</sup> [Parliamentary briefing: Protection from Redundancy \(Pregnancy & Family Leave\) Bill](#) [PDF], Maternity Action, January 2023

## Annex

### Composition of Public Bill Committee, Wednesday 2 November 2022

*Chair:* Mr Philip Hollobone

† Aiken, Nickie (Cities of London and Westminster) (Con)

Anderson, Lee (*Ashfield*) (Con)

† Bailey, Shaun (*West Bromwich West*) (Con)

Baillie, Siobhan (*Stroud*) (Con)

† Barker, Paula (*Liverpool, Wavertree*) (Lab)

† Efford, Clive (*Eltham*) (Lab)

† Evans, Dr Luke (*Bosworth*) (Con)

† Farris, Laura (*Newbury*) (Con)

† Hollinrake, Kevin (Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy)

† Hunt, Jane (*Loughborough*) (Con)

† Hussain, Imran (*Bradford East*) (Lab)

† Jarvis, Dan (*Barnsley Central*) (Lab)

† Morgan, Helen (*North Shropshire*) (LD)

† Smith, Cat (Lancaster and Fleetwood) (Lab)

† Stewart, Bob (*Beckenham*) (Con)

† Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)

† Sturdy, Julian (*York Outer*) (Con)

Anne-Marie Griffiths, *Committee Clerk*

† attended the Committee

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