

Pregnancy and maternity discrimination

If someone treats you unfairly because you're pregnant, breastfeeding or because you've recently given birth, you may have been discriminated against. The Equality Act 2010 calls this pregnancy and maternity discrimination. If you've been discriminated against, you may be able to do something about it.

Read this page to find out more about pregnancy and maternity discrimination.

Top tips

Remember if you're treated unfairly because of something to do with your pregnancy or maternity outside the specific time limits, it could still be unlawful discrimination under the Equality Act 2010

In this case you might have been directly discriminated against because of sex

What's meant by pregnancy and maternity discrimination?

The law which says you mustn't be discriminated against is called the **Equality Act 2010**. Discrimination which is against the Equality Act is unlawful. This means you can take action in the civil courts.

Pregnancy and maternity discrimination is when you're treated unfairly because you're pregnant, breastfeeding or because you've recently given birth. You must suffer a disadvantage as a result of the unfair treatment. The law says you've been treated **unfavourably**.

What's meant by unfavourable treatment?

Unfavourable treatment means that you're worse off because of the discrimination - for example, by not getting a promotion at work. Unlike direct discrimination, there's no need to compare your situation to someone else's. All you need to show is that you were treated unfavourably because of pregnancy and maternity.

Your pregnancy or maternity doesn't have to be the only reason someone treats you unfavourably, as long as it's one of the reasons. It doesn't matter that the person treating you unfavourably didn't mean to discriminate against you or that they were acting out of good intentions.

Example

A shopkeeper refuses to sell you cigarettes because you're pregnant, as she's concerned about the health risks caused by smoking in pregnancy. This is unlawful discrimination, even if the shopkeeper was acting out of good intentions.

Pregnancy and maternity discrimination outside work

Outside the workplace, it's unlawful to treat you unfavourably because:

- you're pregnant, or
- you've been pregnant in the past.

It doesn't matter when the discrimination happens as long as it's because of your present or past pregnancy.

It's also unlawful to treat you unfavourably because:

- you've given birth, or
- you're breastfeeding.

When you've given birth or are breastfeeding, you're protected against discrimination for **26 weeks** following the day you gave birth. If you're treated unfavourably after this, you could still be protected against discrimination. However, it would be sex discrimination rather than pregnancy and maternity discrimination.

Example

You're breastfeeding your 6-week-old baby on the bus. The driver tells you to stop breastfeeding or leave the bus, because another passenger has complained. This would be unlawful pregnancy and maternity discrimination, as you're within the 26 weeks' time limit. If your baby is stillborn, you're still protected against discrimination as long as you were pregnant for at least 24 weeks.

Additional protection when you're breastfeeding

If you're being treated unfavourably because you're **breastfeeding** your baby who's **over 26 weeks old**, the Equality Act says it's **direct sex discrimination**. Unlike other direct sex discrimination cases, you don't have to show that you were treated worse than someone of the opposite sex. All you need to show is that you were treated worse than if you hadn't been breastfeeding.

Example

You're breastfeeding your 9-month-old baby on the bus. The driver tells you to leave the bus. This would not be pregnancy and maternity discrimination because it's outside the 26-week time limit. But it would be direct sex discrimination if you could show that you wouldn't have been asked to leave the bus if you hadn't been breastfeeding.

Pregnancy and maternity discrimination at work

It's unlawful to discriminate against you because:

- you're pregnant, or
- of a pregnancy-related illness

The protection against discrimination lasts for a specific period of time which starts when you become pregnant. This is called the **protected period**.

If you have the right to maternity leave, the **protected period** ends when your maternity leave ends or when you return to work, if this is earlier. All employees have the right to take maternity leave.

If you don't have the right to maternity leave - for example, because you're not an employee, the **protected period** ends two weeks after your child was born. If you're treated unfavourably after this, you could still be protected against discrimination because of your **sex**.

Once you've given birth, it's also unlawful to discriminate against you for one of these reasons:

- you're on maternity leave
- you've been on maternity leave
- you've tried to take maternity leave which you're entitled to

If you're not sure if your employer has treated you unfavourably, [check if your problem at work is discrimination](#).

When is it lawful to treat you unfavourably because of pregnancy?

It's lawful for a **service provider**- for example a shop, swimming pool or gym club, to refuse to provide you with a service or treat you differently because you're pregnant if there are **health and safety reasons** for doing this.

The service provider must reasonably believe there's a risk to your health and safety if the service was provided to you. And it's only lawful if they would also treat someone with other physical conditions - for example, someone with a back condition - differently for health and safety reasons.

Example

Your local gym has a rule preventing pregnant women from using the steam sauna. This is because of health and safety concerns. This would not be unlawful discrimination, as long as they prevent people with other conditions from using the sauna where there are also health and safety concerns.

Other useful information

Equality Advisory Support Service (EASS)

If you have experienced discrimination, you can get help from the EASS discrimination helpline.

[More about the EASS helpline](#)