



Make Work Pay: Enhanced dismissal protections for pregnant women and new mothers

Submission to the Department for Business and Trade, Kate Dearden MP and The Rt Hon Peter Kyle MP



About CIPD

The CIPD is the professional body for HR and people development. The not-for-profit organisation champions better work and working lives and has been setting the benchmark for excellence in people and organisation development for more than 100 years.

It has 160,000 members across all sectors and sizes of organisation and provides thought leadership through independent research on the world of work and offers professional training and accreditation for those working in HR and learning and development.

Public policy at the CIPD draws on our extensive research and thought leadership, practical advice and guidance, along with the experience and expertise of our diverse membership, to inform and shape debate, government policy and legislation for the benefit of employees and employers. It also seeks to promote and improve best practice in people management and development and to represent the interests of our members.

Methodology

At the end of 2025, we held regional roundtables in both Manchester and Birmingham. This included around seventy CIPD members, where we raised some of the key questions from the consultation with them.

Key points

- Before introducing further legislation in this area, we think it would be helpful for the government to do a full review of the 2023/24 extended redundancy protections for pregnant women and new mothers. This review should include perspectives from both pregnant/ new mothers and employers to gauge the impact of the change from both an employee and employer perspective, and whether any further changes are required.
- We also think that before looking to widen the law and bring in tighter restrictions the government should look at issues of enforcement and the current backlog and lack of resource in the employment tribunals system.
- Beyond establishing a Fair Work Agency, the government must take further steps to improve labour market enforcement and support employer compliance. Improving enforcement will require a comprehensive strategy that includes the work of the Health and Safety Executive and the Equality and Human Rights Commission. Additional funding will be required for more labour market inspectors and measures to improve the employment tribunal system.
- Acas has an important role to play in its ability to advise and support employers - particularly SMES - to comply with new regulation and ensure the system overall can play a much stronger role in raising employment standards. The CIPD has previously called for Acas' budget to be doubled to £120m a year to help achieve this [aim](#).
- As it is almost 10 years since the comprehensive 2016, Department for Business, Innovation and Skills (BIS) and Equality and Human Rights Commission (EHRC) research focusing on the experiences and perceptions of pregnancy-related issues in the workplace we think it would be very timely to repeat this research to properly inform any new legislation and provisions being proposed to strengthen pregnancy and maternity support and dismissal protections.
- Out of the two options proposed in this consultation, we think it would be better to replace the current 'range of reasonable responses' test for fairness with a new stricter standard that employers must meet, alongside proving a fair reason rather than narrowing the scope of the existing five fair reasons, and/or removing some of them altogether.
- Narrowing the scope or removing some of the existing five fair reasons could lead to confusion for employers and might be more likely to lead to unintended consequences such as employers becoming hesitant to hire women of child-bearing age if the protections are perceived as overly restrictive.
- There was a lot of uncertainty among HR practitioners involved in focus group discussions over how either of these two options would work, with both being seen as complex and difficult to apply in practice. If this is the view of qualified HR practitioners, it is likely that owner managers in small firms with no HR support would find applying the proposed new tests challenging to understand and to comply with in practice. There should be a further consultation to develop/agree policy in this area if there is a determination to push ahead with additional protections.



- However, our members are of the view that the existing protections for pregnant women and new mothers are strong enough and that if further change is required this should be focused on effective enforcement of these protections. There is the danger that further legislation and tighter restrictions in this area could also lead to negative unintended consequences for those that the provision is trying to protect.
- When looking at any new legislation in this area, the government should ensure that they consider the implications of other proposed Employment Rights Bill changes in a joined-up way, including the areas of unfair dismissal, flexible working and parental leave. They should also consult thoroughly on the detail of any proposed change.
- Overall, the government should look to emphasise in any communications with employers on pregnancy and maternity discrimination the business benefits of supporting new mothers and working families and the reputational and legal risks of not doing so effectively.

Our response

Question 7: In your view, how common are concerns or complaints related to unfair dismissal or treatment during pregnancy?

- A. Very common.
- B. Common.**
- C. Occasional.
- D. Rare.
- E. Non-existent.
- F. Don't know.

It is hard to find data that assesses how common concerns or complaints are specifically related to unfair dismissal during pregnancy. However, there is evidence that suggests it is common for women who were pregnant, on maternity leave, or returning from maternity leave to report a negative experience at work.

According to a recent State of the Nation report (2025) by Pregnant then Screwed and Women in Data, based on a nationally representative sample of 5,870 parents:

- 12.3% of women were dismissed, constructively dismissed, or made redundant while pregnant, on maternity leave, or within a year of returning.
- 49.5% of women who were pregnant, on maternity leave, or returning from maternity leave reported a negative experience at work.
- 20.6% of those who had a negative experience left their employer.
- 35.9% of women felt sidelined or demoted due to pregnancy or maternity leave.
- Despite these statistics, only 2% of affected women pursue claims through an employment tribunal.

In 2016, the Department for Business, Innovation and Skills (BIS) and the Equality and Human Rights Commission (EHRC) conducted extensive research to investigate the prevalence and nature of pregnancy and maternity discrimination in the workplace. This research involved interviews with 3,034 employers and 3,254 mothers, focusing on their experiences and perceptions of pregnancy-related issues in the workplace.



The majority of employers at the time reported that it was in their interests to support pregnant women and those on maternity leave and they agreed that statutory rights relating to pregnancy and maternity were reasonable and easy to implement. However, the research found that:

- Around one in nine mothers (11%) reported that they were either dismissed; made compulsorily redundant, where others in their workplace were not; or treated so poorly they felt they had to leave their job.
- One in five mothers said they had experienced harassment or negative comments related to pregnancy or flexible working from their employer and / or colleagues.
- 10% of mothers said their employer discouraged them from attending antenatal appointments.

As it is now almost 10 years since this research was conducted, we think it would be very timely to repeat this research to properly inform any new legislation and provisions being proposed to strengthen pregnancy and maternity support and dismissal protections.

[Arena, D.F. and others' \(2023\)](#) systemic review of maternity bias in the workplace covering samples from the United States, the United Kingdom, Canada and Australia, yields evidence of several manifestations of maternity bias that working mothers navigate throughout multiple stages of their careers. The review reveals a broad range of perspectives into the biases that women endure because of their (prospective or actual) motherhood, how those biases might be managed, and in some cases, how those biases might be overcome.

Qualitative research from the [University of Bath \(Kowalewska, 2025\)](#) exploring manager attitudes to maternity leave found that while some employers focused on fairness, empathy, and inclusion, more than half held views or admitted to acting in ways that could disadvantage mothers' careers, from subtle bias to overt discrimination. These attitudes were shaped not just by financial concerns but also by ideas about what makes the 'ideal worker' and broader discomfort with shifting norms towards greater work-family balance. Another study on maternity leave found that while some employers focused on fairness, empathy, and inclusion, more than half held views or admitted to acting in ways that could disadvantage mothers' careers, from subtle bias to overt discrimination. These attitudes were shaped not just by financial concerns but also by ideas about what makes the 'ideal worker' and broader discomfort with shifting norms towards greater work-family balance.

Question 8: In your view, how common are concerns or complaints related to unfair dismissal or treatment during new motherhood (i.e. on Maternity Leave or when recently returned to work)?

- A. Very common.
- B. Common.**
- C. Occasional.
- D. Rare.
- E. Non-existent.
- F. Don't know.

Again, it is hard to find data that assesses how common complaints related to unfair dismissal or treatment during new motherhood are. As described above, there is evidence that suggests it is common for women who were pregnant, on maternity leave, or returning from maternity leave to report a negative experience at work.



According to a recent State of the Nation report (2025) by Pregnant then Screwed and Women in Data, based on a nationally representative sample of 5,870 parents:

- 12.3% of women were dismissed, constructively dismissed, or made redundant while pregnant, on maternity leave, or within a year of returning.
- 49.5% of women who were pregnant, on maternity leave, or returning from maternity leave reported a negative experience at work.
- 20.6% of those who had a negative experience left their employer.
- 35.9% of women felt sidelined or demoted due to pregnancy or maternity leave.
- Despite these findings, only 2% of affected women pursue claims through an employment tribunal.

Further, the 2016 BIS/ EHRC research found that the majority of employers at the time reported that it was in their interests to support pregnant women and those on maternity leave and they agreed that statutory rights relating to pregnancy and maternity were reasonable and easy to implement. However, the research found that:

- Around one in nine mothers (11%) reported that they were either dismissed; made compulsorily redundant, where others in their workplace were not; or treated so poorly they felt they had to leave their job.
- One in five mothers said they had experienced harassment or negative comments related to pregnancy or flexible working from their employer and/or colleagues.
- 10% of mothers said their employer discouraged them from attending antenatal appointments.

[The United States, the United Kingdom, Canada and Australia](#) yields evidence of several manifestations of maternity bias that working mothers navigate throughout multiple stages of their careers. The review reveals a broad range of perspectives into the biases that women endure because of their (prospective or actual) motherhood, how those biases might be managed, and in some cases, how those biases might be overcome. review reveals a broad range of perspectives into the biases that women endure because of their (prospective or actual) motherhood, how those biases might be managed, and in some cases, how those biases might be overcome.

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Question 9: In general, when do you think pregnant women and new mothers are at most risk of unfair treatment? (Please select all that apply)

- A. During pregnancy.
- B. During Maternity Leave.
- C. Soon after they have returned to work (e.g. within six months of returning).
- D. Sometime after they have returned to work (e.g. after six months of returning).
- E. Other.
- F. Don't know.



It is hard to pinpoint when pregnant women and new mothers are at most risk of unfair treatment, however it is likely that there will be some risk across all of the stages above (options A-D) including during pregnancy, during maternity leave, soon after they have returned to work and sometime after they have returned to work, as evidenced by some of the data above (Q7 and 8).

Question 10: In general, when do you think pregnant women and new mothers are at most risk of dismissal? (Please select all that apply)

- A. During pregnancy.
- B. During Maternity Leave.
- C. Soon after they have returned to work (e.g. within six months of returning).
- D. Sometime after they have returned to work (e.g. after six months of returning).
- E. Other.
- F. Don't know.

It is hard to pinpoint when pregnant women and new mothers are at most risk of dismissal, however it is likely that there will be some risk across all of the stages above (options A-D) including during pregnancy, during maternity leave, soon after they have returned to work and sometime after they have returned to work as evidenced by some of the data above (Q7 and 8).

Question 11: What impact have the 2023/24 extended redundancy protections for pregnant women and new mothers had on how pregnant women and new mothers are treated in the workplace?

- A. Positive.
- B. Negative.
- C. Negligible.
- D. Don't know.

Qualitative feedback from our HR member roundtables suggests that the 2023/24 extended protections for pregnant women and new mothers have had a positive impact on how pregnant women and new mothers are treated in the workplace and the change in legislation has also encouraged organisations and managers to take this issue seriously.

One concern raised though is that other potentially vulnerable employees could be put at increased risk of redundancy - those with children beyond the 6-month protected period or those with broader caring responsibilities (such as caring for ageing parents). Another person fed back that there had also been tension within their organisation during a recent restructure because perceived lower performers were retained whilst others lost their jobs.

Question 12: What kind of test should be used to decide whether a pregnant woman or new mother was fairly dismissed during the protected period?

- A. Replace the current 'range of reasonable responses' test for fairness with a new stricter standard that employers must meet, alongside proving a fair reason.
- B. Narrow the scope of the existing five fair reasons, and/or remove some of them altogether.
- C. Other: the existing protections for pregnant women and new mothers is strong enough and that if further change is required this should be focused on effective enforcement of these protections.
- D. Don't know.



Before introducing further legislation in this area, we think it would be helpful for the government to do a full review of the 2023/24 extended redundancy protections for pregnant women and new mothers. This review should include perspectives from both pregnant/ new mothers and employers to gauge the impact of the change from both an employee and employer perspective, and whether any further changes are required. As respondents from our HR Member roundtables suggest:

“The key is ensuring that employers who are not aware of the existing rights should be, rather than adding new legislation.”

“The focus should be on enforcing the legislation that we already have.”

We think that before looking to widen the law and bring in tighter restrictions the government should look at issues of **enforcement** and the current backlog and lack of resource in the employment tribunals system. As the earlier data from Pregnant then Screwed and Women in Data (2025) shows that despite around half of women who were pregnant, on maternity leave, or returning from maternity leave reporting a negative experience at work - only 2% of affected women pursue claims through an employment tribunal.

Beyond establishing a Fair Work Agency, the government must take further steps to improve labour market enforcement and support employer compliance. Improving enforcement will require a comprehensive strategy that includes the work of the Health and Safety Executive and the Equality and Human Rights Commission. Additional funding will be required for more labour market inspectors and measures to improve the employment tribunal system. CIPD has also called for Acas’ budget to be doubled to £120m a year to support its ability to advise and support employers - particularly SMES - to comply with new regulation and ensure the system overall can play a much stronger role in raising employment standards.

Out of the two options provided in this consultation, we think it would be better to replace the current ‘range of reasonable responses’ test for fairness with a new stricter standard that employers must meet, alongside proving a fair reason rather than narrowing the scope of the existing five fair reasons, and/or removing some of them altogether.

Narrowing the scope or removing some of the existing five fair reasons could lead to confusion for employers and might be more likely to lead to unintended consequences such as employers becoming hesitant to hire women of child-bearing age if the protections are perceived as overly restrictive.

There was a lot of uncertainty among HR practitioners involved in focus group discussions over how either of these two options would work, with both being seen as complex and difficult to apply in practice. If this is the view of qualified HR practitioners, it is likely that owner managers in small firms with no HR support would find applying the proposed new tests challenging to understand and to comply with in practice. There should be a further consultation to develop/agree policy in this area if there is a determination to push ahead with additional protections.

However, our members are of the view that the existing protections for pregnant women and new mothers is strong enough and that if further change is required this should be focused on effective enforcement of these protections. There is the danger that further



legislation and tighter restrictions in this area could also lead to negative unintended consequences for those that the provision is trying to protect.

Question 13: If 'A' to question 12, what should that new test be? (Please select all that apply)

- A. Continuing the employment of the pregnant woman or new mother would have a significantly detrimental effect on the business.
- B. Continuing the employment of the pregnant woman or new mother poses a health and safety risk to customers, staff, or the public.
- C. Continuing the employment of the pregnant woman or new mother has a serious negative impact on the wellbeing of others.
- D. Other: our members are of the view that the existing protections for pregnant women and new mothers is strong enough and that if further change is required this should be focused on effective communication and enforcement of these protections.**
- E. Don't know.

As outlined above, our members are of the view that the existing protections for pregnant women and new mothers are strong enough and that if further change is required this should be focused on effective communication and enforcement of these protections. There is the danger that further legislation and tighter restrictions in this area could lead to negative unintended consequences for those that the provision is trying to protect.

Question 14: Thinking about the fictional examples above - and any personal or professional experience you may have - when do you think it should be possible to dismiss a pregnant woman or new mother on grounds of conduct? (Please select all that apply)

- A. Employers should be able to dismiss them fairly for any kind of misconduct; the rules shouldn't be narrowed.**
- B. They should be dismissed if they have committed an act of gross misconduct (e.g. theft, violence).
- C. They should be dismissed if their continued employment poses a health and safety risk to customers, staff, or the public.
- D. They should be dismissed if their continued employment has a serious negative impact on the wellbeing of others.
- E. They should be dismissed if their continued employment causes significant harm to the business.
- F. Other - please specify.
- G. Don't know.

Our response is option A - we do not believe the rules should be narrowed. Our members are of the view that the existing protections for pregnant women and new mothers are strong enough and that if further change is required this should be focused on effective communication and enforcement of these protections.

Question 15: Thinking about the fictional examples above - and any personal or professional experience you may have - when do you think it should be possible to dismiss a pregnant woman or new mother fairly on grounds of capability? (Please select all that apply)

- A. Employers should be able to dismiss them fairly for any kind of capability issue; the rules shouldn't be narrowed**
- B. Employers should still be able to dismiss fairly on capability grounds, but only if there's no suitable alternative role available, or one was offered and turned



down.

C. Dismissal should be allowed if continuing employment would seriously harm the business.

D. Dismissal should be allowed if their continued employment poses a health and safety risk to customers, staff, or the public.

E. Dismissal should be allowed if their continued employment has a serious negative impact on the wellbeing of others.

F. Dismissal should be allowed if the employer can clearly show the employee won't be able to do the job after the protected period ends.

G. Other - please specify.

H. Capability should not be a fair reason for dismissal during the protected period.

I. Don't know.

Our response is option A - we do not believe the rules should be narrowed. Our members are of the view that the existing protections for pregnant women and new mothers are strong enough and that if further change is required this should be focused on effective communication and enforcement of these protections.

Question 16: Thinking about the fictional examples above - and any personal or professional experience you may have - when do you think it should be possible to dismiss a pregnant woman or new mother fairly on grounds of redundancy during the protected period? (Please select all that apply)

A. Employers should be able to dismiss them fairly for any kind of redundancy, as long as they've been offered a suitable alternative vacancy if there is one; the rules shouldn't be narrowed.

B. An employer should still be able to dismiss on redundancy grounds, where there is no suitable alternative vacancy, and where terminating her employment would mitigate any financial difficulties that were affecting - or were likely to affect in the immediate future - the employer's ability to continue the business (or to perform its statutory functions, if it is a public sector employer with statutory duties).

C. Employers should still be able to dismiss on redundancy grounds where the business/organisation ceases to exist and the employee has been offered any suitable alternative vacancy available with the employer, or an associated employer.

D. Other - please specify.

E. Don't know.

Our response is option A - we do not believe the rules should be narrowed. Our members are of the view that the existing protections for pregnant women and new mothers are strong enough and that if further change is required this should be focused on effective communication and enforcement of these protections.

Question 17: Thinking about the explanation above - and any personal or professional experience you may have - when do you think it should be possible to dismiss a pregnant woman or new mother fairly on grounds of statutory prohibition during the protected period? (Please select all that apply)

A. Employers should be able to dismiss them fairly for any kind of statutory prohibition issue; the rules shouldn't be narrowed.

B. Employers should still be able to dismiss on statutory prohibition grounds, but only if there's no suitable alternative role available, or one was offered and



turned down.

C. Other - please specify.

D. Don't know.

Our response is option A - we do not believe the rules should be narrowed. Our members are of the view that the existing protections for pregnant women and new mothers are strong enough and that if further change is required this should be focused on effective communication and enforcement of these protections.

Question 18: Thinking about the explanation above - and any personal or professional experience you may have - when do you think it should be possible to dismiss a pregnant woman or new mother on grounds of SOSR during the protected period? (Please select all that apply)

A. Employers should be able to dismiss them fairly for any kind of SOSR issue; the rules shouldn't be narrowed.

B. Employers should still be able to dismiss on SOSR grounds, but only if there's no suitable alternative role available, or one was offered and turned down.

C. Dismissal should be allowed if continuing employment would seriously harm the business.

D. Dismissal should be allowed if their continued employment poses a health and safety risk to customers, staff, or the public.

E. Dismissal should be allowed if their continued employment has a serious negative impact on the wellbeing of others.

F. Other - please specify.

G. SOSR should not be a fair reason for dismissal during the protected period.

H. Don't know.

If relevant, please explain your answer

Our response is option A - we do not believe the rules should be narrowed. Our members are of the view that the existing protections for pregnant women and new mothers are strong enough and that if further change is required this should be focused on effective communication and enforcement of these protections.

Question 19: When should employees be entitled to the enhanced dismissal protections?

A. When the employment relationship begins (when they agree with an employer that they'll start work for them, e.g. when a contract is signed).

B. From the day they start work.

C. After an initial period of employment of between 3-9 months, aligned with a typical probation period.

D. Other - please specify.

If new dismissal protections were to be brought in, we believe entitlement should be after an initial period of employment of between 3-9 months, aligned with a typical probation period.

Question 20: At what point should the enhanced dismissal protections start for pregnant women?

A. When the employee becomes pregnant.

B. When the employee becomes aware that she is pregnant.

C. When an employee informs her employer that she is pregnant.

D. Other - please specify.

If relevant, please explain your answer.



If new dismissal protections were to be brought in, it is worth noting that the existing enhanced redundancy protections start when the employee tells her employer she is pregnant. The most consistent and straightforward approach for both employees and employers would therefore be for the enhanced dismissal protections to also start when an employee informs her employer that she is pregnant.

Question 21: When should the protection ‘window’ for new mothers entitled to maternity leave end?

- A. 18 months from the birth of the child - aligning with the 2023/24 redundancy protections.
- B. Six months from the return to work (the ‘return to work’ being the end of the Maternity Leave period).
- C. Don’t know.

If new dismissal protections were to be brought in, the most recognisable and consistent approach for employees and employers would be for the post-pregnancy ‘window’ to continue the approach in the 2023/24 enhanced redundancy protections. This would mean that every new mother would receive the same 18 months of enhanced dismissal protection, regardless of when they went back to work.

Question 22: Should women who are not entitled to Maternity Leave have protection against dismissal for two weeks after the end of their pregnancy?

- A. Yes.
- B. No - please explain your answer.
- C. Other - please explain your answer.
- D. Don’t know.

If new dismissal protections were to be brought in, the most consistent and familiar approach for employees and employers would be to align with the 2023/24 enhanced redundancy protections. This would mean that women who are not entitled to Maternity Leave would have this enhanced protection against dismissal for two weeks after the end of the pregnancy, regardless of how their pregnancy ends.

As the government is also consulting separately on a new entitlement to bereavement leave for those following a miscarriage it will also be important to consider the interaction between that leave entitlement and this new enhanced protection against dismissal.

Question 26: Do you think that parents who take long, family leave entitlements (i.e. Adoption Leave, Shared Parental Leave or Neonatal Care Leave) are vulnerable in a dismissal situation?

- A. Yes.
- B. No.
- C. Don’t know.

Yes, we think parents that take long family leave could be vulnerable in a dismissal situation.



Question 27: Do you think the enhanced dismissal protections should also cover employees taking these other types of long family leave? (Please select all that apply):

- A. Adoption Leave.
- B. Shared Parental Leave.
- C. Neonatal Care Leave.
- D. Bereaved Partner's Paternity Leave.

If enhanced dismissal protections are brought in, feedback from our HR Member roundtables supports covering the other types of long family leave listed above (A-D)- that is adoption leave, shared parental leave, neonatal care leave and bereaved partner's paternity leave.

Question 28: Thinking about your answer to question 27, should the protection against dismissal start from the first day of the leave?

- A. Yes.
- B. No.
- C. Don't know.
- D. Other - please specify.

Yes, if enhanced dismissal protections are brought in, we believe the protection from dismissal should start from the first day of leave.

Question 29: Thinking about your answer to question 28, how long should the protection against dismissal last? (Please select all that apply)

- A. For Adoption Leave, it should follow on from the approach of the enhanced redundancy protections for Adoption Leave (i.e. 18 months from the birth of the child/placement for adoption or entry into Great Britain).
- B. For Shared Parental Leave, Neonatal Care Leave and Bereaved Partner's Paternity Leave, it should follow on from the approach of the enhanced redundancy protections for Shared Parental Leave and Neonatal Care Leave (i.e. if the employee takes less than six weeks of continuous leave, the protection ends on the last day of the leave; if they take more than six weeks of continuous leave, the protection ends 18 months from the birth of the child/placement for adoption or entry into Great Britain).
- C. Other - please explain your answer

If enhanced dismissal protections are brought in, as Option A outlines, for adoption leave it should follow on from the approach of the enhanced redundancy protections for Adoption Leave and as Option B outlines, For Shared Parental Leave, Neonatal Care Leave and Bereaved Partner's Paternity Leave, it should follow on from the approach of the enhanced redundancy protections for Shared Parental Leave and Neonatal Care Leave.

Question 30: How do we ensure women, including those from minority groups, are aware of the enhanced dismissal protections for pregnant women and new mothers? (Please select all that apply)

- A. Through intermediaries / trade unions / advice organisations (e.g. Pregnant then Screwed, Maternity Action, Working Families).
- B. Clear information in onboarding and employee handbooks.
- C. Through government / regulatory / public bodies (e.g. Gov.uk, Acas, EHRC, Health & Safety Executive).
- E. Other - please specify.



We think that all of the options above (from A-C) would be helpful in raising awareness across different groups and communities of any new entitlements.

Question 31: How do we ensure employers are aware of these changes? (Please select all that apply)

- A. Through intermediaries / advice organisations (e.g. business groups).
- B. Through government / regulatory / public bodies (e.g. Gov.uk, Acas, EHRC, Health & Safety Executive).
- C. Other - please specify.

It is important to ensure that employers are aware of any legislative changes made and are given enough time to prepare for them. It will be important for the government and regulatory and public bodies to ensure they have accessible information on the legislative changes and that they work with intermediaries, advice organisations and professional bodies like the CIPD to ensure maximum reach of this information to a wide group of organisations of different sizes and sectors.

Question 32: How can we best support businesses, including smaller businesses, through this change and to avoid disputes escalating to the Employment Tribunal? (Please select all that apply)

- A. Clear guidance.
- B. Awareness raising campaign.
- C. Employer training / webinars / workshops.
- D. Templates / model policies / checklists.
- E. Free advice routes.
- F. More information about dispute resolution (e.g. Acas early conciliation).
- F. Other - please specify.

All of the suggested support above from options A-F would be welcome help for employers and SME's. We would also welcome increased funding for the work of Acas to help the support of raising employment standards. The CIPD has previously called for Acas' budget to be doubled to £120m a year to support its ability to advise and support employers - particularly SMES - to comply with new regulation and ensure the system overall can play a much stronger role in raising employment standards.

Question 33: What unintended consequences, if any, do you think could arise from the enhanced dismissal protections? (Please select all that apply)

- A. Increased discrimination - hesitancy in or avoiding hiring women of childbearing age.
- B. Negative perception of workplace fairness/culture.
- C. Employers delay dismissal decisions until after protection period lapses.
- D. Negative impact on hiring generally.
- E. Legal uncertainty - employers avoid fair dismissal due to risk.
- F. Administrative burden (e.g. additional documentation).
- G. Unsustainable or unrealistic asks on small businesses.
- G. Other - please specify.
- H. None.

There could be a number of unintended consequences ranging from options A-G above, arising from the enhanced dismissal protections. Consequently, it is crucial that any changes introduced are supported by practical guidance and a strong emphasis on the



business benefits of supporting new mothers and working families and the reputational and legal risks of not doing so effectively.

It will also be important to ensure organisations have enough time and notice to properly implement any new legislation - including procedural updates, system updates and implementing supportive training which will help prevent unintended consequences.

Question 35: What action(s) could be taken to mitigate against any unintended consequences? (Please select all that apply)

- A. Clear guidance.
- B. Training and support for employers.
- C. Other - awareness raising through clear communications.
- D. None.

If enhanced dismissal protections are brought in, clear guidance and training and support for managers will be important, as will awareness raising through clear government communications.

Question 37: What other changes should the government prioritise to tackle pregnancy and maternity discrimination?

Before introducing further legislation in this area, we think it would be helpful for the government to do a full review of the 2023/24 extended redundancy protections for pregnant women and new mothers and assess its effectiveness. This review should include perspectives from both pregnant/ new mothers and employers to gauge the impact of the change from both an employee and employer perspective, and whether any further changes are required.

We also think that before looking to widen the law and bring in tighter restrictions the government should look at issues of enforcement and the current backlog and lack of resource in the employment tribunals system.

In 2016, the Department for Business, Innovation and Skills (BIS) and the Equality and Human Rights Commission (EHRC) conducted extensive research to investigate the prevalence and nature of pregnancy and maternity discrimination in the workplace. As it is now almost 10 years since this research was conducted, we think it would be very timely to repeat this research to properly inform any new legislation and provisions being proposed to strengthen pregnancy and maternity support and dismissal protections.

It would also be helpful to explore any international practices and evidence on effective ways of tackling pregnancy and maternity discrimination.

When looking at any new legislation to enhance dismissal protections for pregnant women and new mothers, the government should ensure that they consider the implications of other proposed Employment Rights Bill changes in a joined-up way, including the areas of unfair dismissal, flexible working and parental leave.

Overall, the government should look to emphasise in any communications with employers on pregnancy and maternity discrimination the business benefits of supporting new mothers and working families and the reputational and legal risks of not doing so effectively.