



# Equality Act 2010

## 2010 CHAPTER 15

### PART 2

#### EQUALITY: KEY CONCEPTS

### CHAPTER 2

#### PROHIBITED CONDUCT

##### *Discrimination*

#### **18 Pregnancy and maternity discrimination: work cases**

- (1) This section has effect for the purposes of the application of Part 5 (work) to the protected characteristic of pregnancy and maternity.
- (2) A person (A) discriminates against a woman if, in [<sup>F1</sup>or after] the protected period in relation to a pregnancy of hers, A treats her unfavourably —
  - (a) because of the pregnancy, or
  - (b) because of illness suffered by her [<sup>F2</sup>in that protected period as a result of the pregnancy].
- (3) A person (A) discriminates against a woman if A treats her unfavourably because she is on compulsory maternity leave [<sup>F3</sup>or on equivalent compulsory maternity leave].
- (4) A person (A) discriminates against a woman if A treats her unfavourably because she is exercising or seeking to exercise, or has exercised or sought to exercise, the right to ordinary or additional maternity leave [<sup>F4</sup>or a right to equivalent maternity leave].
- <sup>F5</sup>(5) .....
- (6) The protected period, in relation to a woman's pregnancy, begins when the pregnancy begins, and ends—

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*Changes to legislation: Equality Act 2010, Section 18 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) if she has the right to ordinary and additional maternity leave, at the end of the additional maternity leave period or (if earlier) when she returns to work after the pregnancy;
  - [<sup>F6</sup>(aa) if she does not have that right, but has a right to equivalent maternity leave, at the end of that leave period, or (if earlier) when she returns to work after the pregnancy;]
  - (b) if she does not have [<sup>F7</sup>a right as described in paragraph (a) or (aa)], at the end of the period of 2 weeks beginning with the end of the pregnancy.
- [<sup>F8</sup>(6A) For the purposes of this section—
- “equivalent compulsory maternity leave” means a period of leave—
    - (a) which is of a substantially similar nature (regardless of its length) to compulsory maternity leave, and
    - (b) which is provided for under a statutory or contractual scheme;
  - “equivalent maternity leave” means a period of leave—
    - (a) which is of a substantially similar nature (regardless of its length) to ordinary or additional maternity leave or both, and
    - (b) which is provided for under a statutory or contractual scheme.]
- (7) Section 13, so far as relating to sex discrimination, does not apply to treatment of a woman in so far as—
- (a) it is in [<sup>F9</sup>or after] the protected period in relation to her and is for a reason mentioned in paragraph (a) or (b) of subsection (2), or
  - (b) it is for a reason mentioned in subsection (3) or (4).

#### Textual Amendments

- F1** Words in s. 18(2) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023](#) (S.I. 2023/1425), regs. 1(2), **2(4)(a)** (with reg. 2(11))
- F2** Words in s. 18(2)(b) substituted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023](#) (S.I. 2023/1425), regs. 1(2), **2(4)(b)** (with reg. 2(11))
- F3** Words in s. 18(3) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023](#) (S.I. 2023/1425), regs. 1(2), **2(5)** (with reg. 2(11))
- F4** Words in s. 18(4) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023](#) (S.I. 2023/1425), regs. 1(2), **2(6)** (with reg. 2(11))
- F5** S. 18(5) omitted (1.1.2024) by virtue of [The Equality Act 2010 \(Amendment\) Regulations 2023](#) (S.I. 2023/1425), regs. 1(2), **2(7)** (with reg. 2(11))
- F6** S. 18(6)(aa) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023](#) (S.I. 2023/1425), regs. 1(2), **2(8)(a)** (with reg. 2(11))
- F7** Words in s. 18(6)(b) substituted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023](#) (S.I. 2023/1425), regs. 1(2), **2(8)(b)** (with reg. 2(11))
- F8** S. 18(6A) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023](#) (S.I. 2023/1425), regs. 1(2), **2(9)** (with reg. 2(11))
- F9** Words in s. 18(7)(a) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023](#) (S.I. 2023/1425), regs. 1(2), **2(10)** (with reg. 2(11))

**Changes to legislation:**

Equality Act 2010, Section 18 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)