
STATUTORY INSTRUMENTS

2005 No. 2467

**The Employment Equality (Sex
Discrimination) Regulations 2005**

Discrimination on the ground of pregnancy or maternity leave

4. In the 1975 Act, after section 3 (discrimination against married persons in employment field), insert—

“Discrimination on the ground of pregnancy or maternity leave

3A.—(1) In any circumstances relevant for the purposes of a provision to which this subsection applies, a person discriminates against a woman if—

- (a) at a time in a protected period, and on the ground of the woman’s pregnancy, the person treats her less favourably than he would treat her had she not become pregnant; or
- (b) on the ground that the woman is exercising or seeking to exercise, or has exercised or sought to exercise, a statutory right to maternity leave, the person treats her less favourably than he would treat her if she were neither exercising nor seeking to exercise, and had neither exercised nor sought to exercise, such a right.

(2) In any circumstances relevant for the purposes of a provision to which this subsection applies, a person discriminates against a woman if, on the ground that section 72(1) of the Employment Rights Act 1996 (compulsory maternity leave) has to be complied with in respect of the woman, he treats her less favourably than he would treat her if that provision did not have to be complied with in respect of her.

(3) For the purposes of subsection (1)—

- (a) in relation to a woman, a protected period begins each time she becomes pregnant, and the protected period associated with any particular pregnancy of hers ends in accordance with the following rules—
 - (i) if she is entitled to ordinary but not additional maternity leave in connection with the pregnancy, the protected period ends at the end of her period of ordinary maternity leave connected with the pregnancy or, if earlier, when she returns to work after the end of her pregnancy;
 - (ii) if she is entitled to ordinary and additional maternity leave in connection with the pregnancy, the protected period ends at the end of her period of additional maternity leave connected with the pregnancy or, if earlier, when she returns to work after the end of her pregnancy;
 - (iii) if she is not entitled to ordinary maternity leave in respect of the pregnancy, the protected period ends at the end of the 2 weeks beginning with the end of the pregnancy;
- (b) where a person’s treatment of a woman is on grounds of illness suffered by the woman as a consequence of a pregnancy of hers, that treatment is to be taken to be on the ground of the pregnancy;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) a “statutory right to maternity leave” means a right conferred by section 71(1) or 73(1) of the Employment Rights Act 1996 (ordinary and additional maternity leave).
- (4) In subsection (3) “ordinary maternity leave” and “additional maternity leave” shall be construed in accordance with sections 71 and 73 of the Employment Rights Act 1996.
- (5) Subsections (1) and (2) apply to—
 - (a) any provision of Part 2,
 - (b) sections 35A and 35B, and
 - (c) any other provision of Part 3, so far as it applies to vocational training.”.