
STATUTORY INSTRUMENTS

2023 No. 1425

The Equality Act 2010 (Amendment) Regulations 2023

Pregnancy, maternity and breastfeeding

2.—(1) The Equality Act 2010(1) is amended in accordance with paragraphs (2) to (10).

(2) In section 13 (direct discrimination)—

- (a) in subsection (6)(b), for “or childbirth” substitute “, childbirth or maternity”;
- (b) omit subsection (7).

(3) Section 18 (pregnancy and maternity discrimination: work cases) is amended in accordance with paragraphs (4) to (10).

(4) In subsection (2)—

- (a) in the opening words, after “in” (in the first place it occurs) insert “or after”;
- (b) in paragraph (b), for “as a result of it” substitute “in that protected period as a result of the pregnancy”.

(5) In subsection (3), after “leave” insert “or on equivalent compulsory maternity leave”.

(6) In subsection (4), after “leave” insert “or a right to equivalent maternity leave”.

(7) Omit subsection (5).

(8) In subsection (6)—

(a) after paragraph (a) insert—

“(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) in paragraph (b), for “that right” substitute “a right as described in paragraph (a) or (aa)”.

(9) After subsection (6), insert—

“(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.”.

(10) In subsection (7)(a), after “in” (in the first place it occurs) insert “or after”.

Status: This is the original version (as it was originally made).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

(11) The amendments made by paragraphs (4) to (10) apply in relation to treatment occurring on or after 1st January 2024, but for that purpose it does not matter whether the protected period concerned ends before that date or on or after it.