

*Status: Point in time view as at 08/01/2018.*

*Changes to legislation: Equality Act 2010, Paragraph 17 is up to date with all changes known to be in force on or before 20 May 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)*

## SCHEDULES

### SCHEDULE 9

#### WORK: EXCEPTIONS

#### PART 3

#### OTHER EXCEPTIONS

##### *Non-contractual payments to women on maternity leave*

- 17 (1) A person does not contravene section 39(1)(b) or (2), so far as relating to pregnancy and maternity, by depriving a woman who is on maternity leave of any benefit from the terms of her employment relating to pay.
- (2) The reference in sub-paragraph (1) to benefit from the terms of a woman's employment relating to pay does not include a reference to—
- (a) maternity-related pay (including maternity-related pay that is increase-related),
  - (b) pay (including increase-related pay) in respect of times when she is not on maternity leave, or
  - (c) pay by way of bonus in respect of times when she is on compulsory maternity leave.
- (3) For the purposes of sub-paragraph (2), pay is increase-related in so far as it is to be calculated by reference to increases in pay that the woman would have received had she not been on maternity leave.
- (4) A reference to terms of her employment is a reference to terms of her employment that are not in her contract of employment, her contract of apprenticeship or her contract to do work personally.
- (5) “Pay” means benefits—
- (a) that consist of the payment of money to an employee by way of wages or salary, and
  - (b) that are not benefits whose provision is regulated by the contract referred to in sub-paragraph (4).
- (6) “Maternity-related pay” means pay to which a woman is entitled—
- (a) as a result of being pregnant, or
  - (b) in respect of times when she is on maternity leave.

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