



Protection from Redundancy (Pregnancy and Family Leave) Act 2023

2023 CHAPTER 17

An Act to make provision about protection from redundancy during or after pregnancy or after periods of maternity, adoption or shared parental leave. [24th May 2023]

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Redundancy during a protected period of pregnancy

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) After Part 5A (protection for applicants for employment etc in the health service) insert—

“PART 5B

REDUNDANCY DURING A PROTECTED PERIOD OF PREGNANCY

49D Redundancy during a protected period of pregnancy

- (1) The Secretary of State may, by regulations, make provision about redundancy during, or after, a protected period of pregnancy.
- (2) A protected period of pregnancy is a period relating to the pregnancy of an employee that is calculated in accordance with regulations made by the Secretary of State.
- (3) Provision made by virtue of subsection (1) may include—
 - (a) provision requiring an employer to offer alternative employment;

Status: This is the original version (as it was originally enacted).

- (b) provision for the consequences of failure to comply with the regulations (which may include provision for dismissal to be treated as unfair for the purposes of Part 10).
- (4) Provision made by virtue of subsection (2) may include provision for the protected period of pregnancy to begin after the end of the pregnancy.”
- (3) In section 191 (Crown employment), in subsection (2), after paragraph (b) insert—
“(ba) Part 5B,”.
- (4) In section 192 (armed forces), in subsection (2), after paragraph (ab) insert—
“(ac) Part 5B,”.
- (5) In section 194 (House of Lords staff), in subsection (2), after paragraph (c) insert—
“(ca) Part 5B,”.
- (6) In section 195 (House of Commons staff), in subsection (2), after paragraph (c) insert—
“(ca) Part 5B,”.
- (7) In section 199 (mariners)—
 - (a) in subsection (2), after “47F,” insert “Part 5B, sections”, and
 - (b) in subsection (8), after paragraph (b) insert—
“(ba) Part 5B,”.
- (8) In section 236 (orders and regulations), in subsection (3), after “49C,” insert “49D,”.

2 Maternity, adoption and shared parental leave: redundancy

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) In section 74 (maternity leave: redundancy and dismissal), in subsection (1), after “during” insert “, or after,”.
- (3) In section 75C (adoption leave: redundancy and dismissal), in subsection (1), for paragraphs (a) and (b) and the words after paragraph (b) substitute—
 - “(a) redundancy during, or after, an ordinary or additional adoption leave period, or
 - (b) dismissal (other than by reason of redundancy) during an ordinary or additional adoption leave period.”.
- (4) In section 75J (shared parental leave: redundancy and dismissal), in subsection (1), for paragraphs (a) and (b) and the words after paragraph (b) substitute—
 - “(a) redundancy during, or after, a period of leave under that section, or
 - (b) dismissal (other than by reason of redundancy) during a period of leave under that section.”.

3 Extent, commencement and short title

- (1) This Act extends to England and Wales and Scotland.
- (2) This Act comes into force at the end of the period of two months beginning with the day on which this Act is passed.

- (3) This Act may be cited as the Protection from Redundancy (Pregnancy and Family Leave) Act 2023.