

# **DISCRIMINATION CLAIMS WHEN YOU ARE TREATED UNFAVOURABLY FOR BEING PREGNANT OR FOR TAKING MATERNITY LEAVE**



This factsheet explains the types of discrimination claims that may be available to you if you are treated unfavourably for reasons related to being pregnant or taking maternity leave.

## **FACT:**

**Protection from discrimination is available from day one in your job.**

### 1. Possible grounds for discrimination:

There are several grounds for discrimination, but those most relevant to you are likely to be:

- **Pregnancy and maternity discrimination:**

➔ If your employer treats you unfavourably because you are pregnant, or because you have a pregnancy-related illness, you may be able to claim pregnancy discrimination.

➔ If you are an employee, you are protected from pregnancy discrimination throughout your pregnancy until you return to work from maternity leave.

➔ If you are not an employee, but you are instead a worker, you are protected from pregnancy discrimination for two weeks from the date your baby is born.

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## TIP:

In most cases, your employer will need to be aware of the pregnancy for this type of claim to succeed. We recommend you tell your line manager and anybody else who should be aware (e.g. HR) in writing, so you have a clear record of who you told and when.

- Sex discrimination:

→ If you are treated unfavourably after the protected period for pregnancy/maternity discrimination, you may be able to claim sex discrimination.

→ This is where you are treated differently because you are a woman.

## 2. Possible discrimination claims that may be relevant:

<b>Name of claim</b>	<b>This is where...</b>	<b>An example of this is...</b>
<b>Direct discrimination</b>	You are treated badly because of your pregnancy or maternity leave, or because you are a woman	You are dismissed because you are pregnant OR You are given fewer shifts because you have been on maternity leave OR You are not given a job because the recruiter thinks you might have a baby and disrupt their business
<b>Indirect discrimination</b>	Your employer applies a rule or policy to everyone - but women, and you individually, are disadvantaged by the rule, and your employer can't justify the rule or policy	Your employer will not allow managers to work part-time and cannot show that there is a pressing business need for this rule to be in place and/or they cannot achieve the same result with a different (less disadvantageous) approach.
<b>Harassment</b>	You are treated in a way that violates your dignity, or creates a hostile, degrading, humiliating or offensive environment.	Your manager gives you the 'cold shoulder' once they discover you are pregnant.
<b>Victimisation</b>	You are treated badly because you have made a complaint about discrimination or have supported someone else in their discrimination complaint.	You are demoted because you complained that you had not been given a pay rise due to having been on maternity leave.

## **TIP:**

**If you think you have been discriminated against, you should seek legal advice as soon as possible. If you wait until after your maternity leave to raise issues that arose during your pregnancy, it may then be too late to bring your complaint to the Employment Tribunal (generally, you need to bring a claim within three months less one day of the act you are complaining of).**

**Produced for Pregnant Then Screwed by law students at the  
University of Chester**



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