

**Birmingham City Council
Equality Act 2010 Fact sheet**

As indicated, protection from discrimination is time specific (i.e. from the start of the pregnancy up until 26 weeks following the birth of the child). This period is known as the "protective period". **The employment provisions of the Equality Act provide for a longer "protective" period for women who share this protected characteristic, as discussed at the end of this fact sheet.**

WHAT FORMS OF DISCRIMINATION DOES THE ACT PROTECT AGAINST?

The Act protects women from **direct discrimination** because of their

A pregnant woman is not legally obliged to inform her employer about her pregnancy until 15 weeks before the baby is due. However, pregnancy and maternity discrimination will only be unlawful if the employer is aware the woman is pregnant. "The employer must know, believe or suspect that she is pregnant – whether this is by formal notification or through the grapevine"⁵.

Outside the "protected period", unfavourable treatment of a woman in employment because of her pregnancy would be considered as sex discrimination rather than pregnancy and maternity discrimination

ARE THERE ANY EXCEPTIONS?

The Act provides that it is not unlawful to refuse a service to a pregnant woman, or to provide it only on certain conditions, if the service provider believes there is a risk to the woman's health or safety because of the pregnancy, and similar restrictions would apply to a person with a physical

Resources and Contacts:

1. Equality Act 2010 Statutory Code of Practice Employment
http://www.equalityhumanrights.com/uploaded_files/EqualityAct/employercod e.pdf
2. Equality Act 2010 Statutory Code of Practice Services, public functions and associations
http://www.equalityhumanrights.com/uploaded_files/EqualityAct/servicescode. pdf
3. EHRC (Equality & Human Rights Commission), the statutory body with responsibility to enforce and promote equality across the protected characteristics www.equalityhumanrights.com