

Redundancy protection for pregnancy and new parents

Pregnant employees and some new parents have special protection in a redundancy situation.

By law (Employment Rights Act 1996), the employer must offer them a suitable alternative vacancy, if there is one.

The law applies to anyone who's [legally classed as an employee](#) and is either:

- pregnant
- taking maternity leave
- taking adoption leave
- taking shared parental leave

The law does not apply to other types of leave, for example paternity leave.

The redundancy protected period

The 'redundancy protected period' is the length of time an employee has redundancy protection.

The length of the protected period depends on either:

- the type of leave an employee is taking
- when an employee tells their employer they are pregnant

Pregnancy and maternity leave

From 6 April 2024 the redundancy protected period for pregnant employees or those taking maternity leave has been extended. Before this they were only protected while on maternity leave.

Employees who have not started their maternity leave and notified their employer of their pregnancy before 6 April 2024 are also protected. But they should [tell their employer](#) again. This can help make sure the employer is aware of their redundancy protection.

The redundancy protected period during pregnancy and maternity:

- starts when an employee tells their employer that they are pregnant
- ends 18 months from the exact date the baby is born

If an employee does not tell their employer the exact date, the protected period ends 18 months from the expected week of childbirth.

Example of the redundancy protected period in pregnancy

Ali's baby is born in October 2024. In January 2026 Ali is selected for redundancy. This is less than 18 months since the baby was born. Ali is still in the redundancy protected period. So if there are any suitable alternative vacancies, the employer must offer them to Ali as a priority.

If there's a stillbirth or miscarriage

The redundancy protected period starts when an employee tells their employer that they are pregnant.

If an employee has a miscarriage within the first 24 weeks of pregnancy, the redundancy protected period ends 2 weeks from the end of the pregnancy.

If a child is stillborn after 24 weeks of pregnancy, the redundancy protected period ends 18 months from the date of the birth.

Adoption leave

From 6 April 2024 the redundancy protected period for someone taking adoption leave has been extended. Before this they were only protected while on adoption leave.

The redundancy protected period starts on the day someone's adoption leave begins.

It ends 18 months from either:

- the date the adoption placement starts
- the date the child enters England, Scotland or Wales, if it's an overseas adoption

Shared parental leave

From 6 April 2024 the redundancy protected period for someone taking shared parental leave has been extended. Before this they were only protected while on shared parental leave.

The redundancy protected period starts on the day a period of shared parental leave begins.

If an employee takes:

- less than 6 weeks leave – the protected period ends on the last day of the block of leave
- 6 weeks or more of continuous leave – the protected period ends 18 months from the date of the child's birth

If the employee takes discontinuous leave, the redundancy protected period finishes at the end of each period of shared parental leave.

An employee who has already taken adoption or maternity leave will have the redundancy protected period of that specific type of leave.

Suitable alternative employment

If there are any suitable alternative vacancies an employer must offer them to employees who have this redundancy protection.

Anyone who has this redundancy protection has priority over other employees. This applies even if other employees are also suitable. If this does not happen, it might be [automatically unfair dismissal](#).

There might not be enough suitable vacancies for everyone who has this redundancy protection. The employer will have to decide who is most suitable for the roles they have. This might include considering an employee's:

- skills
- job knowledge
- experience

The employer should explain in writing for example in a letter or email, what criteria they will use to make their decision and why.

If employees are not offered a suitable vacancy, their employer should meet with them to discuss the decision.

Contact the Acas helpline

If you have any questions about redundancy protection, you can [contact the Acas helpline](#).