

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## PROTECTION FROM REDUNDANCY (PREGNANCY AND FAMILY LEAVE) BILL

*Wednesday 2 November 2022*

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### CONTENTS

CLAUSES 1 to 3 agreed to.  
Bill to be reported, without amendment.

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**Sunday 6 November 2022**

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**The Committee consisted of the following Members:***Chair:* MR PHILIP HOLLOBONE† Aiken, Nickie (*Cities of London and Westminster*)  
(Con)Anderson, Lee (*Ashfield*) (Con)† Bailey, Shaun (*West Bromwich West*) (Con)Baillie, Siobhan (*Stroud*) (Con)† Barker, Paula (*Liverpool, Wavertree*) (Lab)† Efford, Clive (*Eltham*) (Lab)† Evans, Dr Luke (*Bosworth*) (Con)† Farris, Laura (*Newbury*) (Con)† Hollinrake, Kevin (*Parliamentary Under-Secretary  
of State for Business, Energy and Industrial  
Strategy*)† Hunt, Jane (*Loughborough*) (Con)† Hussain, Imran (*Bradford East*) (Lab)† Jarvis, Dan (*Barnsley Central*) (Lab)† Morgan, Helen (*North Shropshire*) (LD)† Smith, Cat (*Lancaster and Fleetwood*) (Lab)† Stewart, Bob (*Beckenham*) (Con)† Stone, Jamie (*Caithness, Sutherland and Easter  
Ross*) (LD)† Sturdy, Julian (*York Outer*) (Con)Anne-Marie Griffiths, *Committee Clerk*† **attended the Committee**

## Public Bill Committee

Wednesday 2 November 2022

[MR PHILIP HOLLOBONE *in the Chair*]

### Protection from Redundancy (Pregnancy and Family Leave) Bill

9.25 am

**The Chair:** Before we begin, I have a few preliminary reminders that Mr Speaker has asked me to read to the Committee. Please switch electronic devices to silent. No food or drink, except for the water provided, is permitted during sittings of the Committee. *Hansard* colleagues would be grateful if hon. Members emailed their speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk).

The selection and grouping of amendments for today's sitting is available online and in the room. No amendments have been tabled. We will therefore have a single debate on all the clauses in the Bill.

#### Clause 1

REDUNDANCY DURING A PROTECTED PERIOD OF  
PREGNANCY

*Question proposed,* That the clause stand part of the Bill.

**The Chair:** With this it will be convenient to consider the following:

Clause 2 stand part.

Clause 3 stand part.

**Dan Jarvis** (Barnsley Central) (Lab): It is a real pleasure to serve under your chairship, Mr Hollobone, and to bring to Committee the Protection from Redundancy (Pregnancy and Family Leave) Bill. It is great to see the Minister in his place and I warmly congratulate him on his appointment. I am very grateful for his support. I am also very grateful to all his predecessors. There have been a number: the hon. Member for Watford (Dean Russell), the hon. Member for Loughborough—she was very, very helpful and I am grateful to her, as I am to the hon. Member for Sutton and Cheam (Paul Scully), who is now an Under-Secretary of State for Digital, Culture, Media and Sport. All of them were very helpful and very supportive of the Bill in its early stages, so I thank them. I also want to take the opportunity again to thank officials in the Department for Business, Energy and Industrial Strategy for their excellent work and support in ensuring that we got to this point. Thank you very much to them.

It is good to see so many Members here today. I am sure we can all agree that it is encouraging that we are back so soon after Second Reading. I thank everyone who contributed to that. It was a very positive and constructive Second Reading and I think it showed the House at its best.

Let me move to the matter in front of the Committee today. Finding out that you are pregnant, becoming a parent, having a baby or adopting a child is supposed to be one of the happiest times in someone's life, but, for many new parents, the newborn baby bubble is burst by the news that they are being laid off. In 2016, an Equality and Human Rights Commission survey

commissioned by the Department for Business, Energy and Industrial Strategy found that three in four women—I emphasise: three in four women—experienced pregnancy and maternity discrimination. Some 54,000 women a year lose their job simply because they are pregnant. It is a scandal. We are six years on from those shocking findings, but action has not yet been taken to tackle the industrial-scale discrimination that women face. That is what we are here to do today.

As all right hon. and hon. Members know, people are facing a cost of living crisis, wages are shrinking and childcare costs are soaring. What new parents need is job security and, as Members know, this Bill seeks to provide that by extending redundancy protections in the Maternity and Parental Leave etc. Regulations 1999 to the period of pregnancy. The protections will also apply to shared parental and adoption leave, and a period after a new parent returns to work. This means that a statutory duty will be placed on employers to prioritise pregnant women and new parents in a redundancy situation by offering them a suitable alternative vacancy if their job becomes at risk. As Members on both sides of the House agreed on Second Reading, that will make a big difference to thousands of working families; half a million women are pregnant every year.

I want to raise just one issue with the Minister, which relates to the six-week qualifying period and about which I wrote to two of his predecessors. Although these measures will not be in the Bill, they are important. Currently, there is within the regulations a qualifying period, whereby a new parent must take six consecutive weeks of family leave to be entitled to the redundancy protections. I know that the threshold is in place to try to ensure that the protections are proportionate and to avoid a scenario whereby a partner who takes one week of shared parental leave is not afforded the same protection as a woman who takes 12 months of maternity leave. However, I share the concerns that that could disproportionately impact a new mother who is forced to curtail her maternity leave for whatever reason, returning to work unprotected and vulnerable.

I have been assured that a consultation is being carried out with the Pregnancy and Maternity Discrimination Advisory Board, and I am pleased that the Government are consulting stakeholders before a final decision is taken. The Minister does not need to respond today, but I ask him to give good consideration to the board's proposals. I am hopeful that when it reconvenes later in the autumn consensus will be reached, and we will be able to protect as many new mothers as possible with the legislation.

9.30 am

I do not wish to detain the Committee for much longer, so I will summarise the clauses and explain why they should stand part of the Bill. Clause 1 allows the Secretary of State to make regulations on redundancy during the period of pregnancy. The regulations can include provisions that require the employer to offer alternative employment. They will also permit an employee to declare that they are pregnant after the pregnancy has ended. That is to allow, for example, a woman who had miscarried before telling her employer about the pregnancy access to the redundancy protection that she would otherwise have had. I therefore propose that clause 1 stand part of the Bill.

Clause 2 allows the Secretary of State to make regulations on redundancy during or after the relevant periods of leave. It does so by amending his existing powers so that he can make regulations on redundancy during or after maternity adoption and shared parental leave. Again, I propose that the clause stand part of the Bill.

Let me once again say how grateful I am to all those who have offered support so far. On Second Reading, we heard moving and powerful testimonies, not just from colleagues speaking on behalf of their constituents but from hon. Members who shared their lived experiences. In particular, I was grateful to the hon. Member for Motherwell and Wishaw (Marion Fellows) for the personal testimony that she offered about her experiences. Some Members may recall that I shared the story of Natasha, who is fighting her employer in the courts, having been made redundant during her pregnancy. As some Members may have seen, on Friday a woman called Donna Patterson from Wetherby successfully took her employer to tribunal. After bravely self-representing, she won a settlement of £65,000. I hope that that provides some hope to Natasha and all the other women going through the process.

I again put on record my gratitude to the EHRC, the TUC, the Royal College of Midwives, Unison, the Fawcett Society and the Chartered Institute of Personnel and Development. I am pleased that we have picked up some new additions to the list of supporters, including the CBI and Working Families. I thank them all for their invaluable support of the process over the past few months. I hope that the clauses will continue to have support from the Government and all parties, and I commend them to the Committee.

**Imran Hussain (Bradford East) (Lab):** It is a pleasure to serve under your chairmanship, Mr Hollobone. I welcome the Minister to his place. He was not present on Second Reading, but I think we all pay tribute to my hon. Friend the Member for Barnsley Central, who introduced the Bill. We all know how difficult it is to get a private Member's Bill to this stage. A number of seasoned veterans are present who probably know that, having failed on many occasions. It is a tribute to my hon. Friend. I also pay tribute to former Ministers and all those who have got us to this stage, including the hon. Member for Loughborough and others present in Committee.

A lot has been said by my hon. Friend the Member for Barnsley Central, and I will not simply repeat what he said. Those of us who were present for Second Reading know that we had a strong debate in which the House was at its best. We showed cross-party support for this extremely important Bill.

Pregnant women and new parents face some appalling discrimination in the workplace, and it is right that my hon. Friend's Bill addresses some of that. The fact is, however, the Government said six years ago that the discrimination and poor treatment faced by pregnant women and mothers at work was "clearly unacceptable". My hon. Friend is right to point to the report that sets out the fact that, shockingly, even today up to 4,000 women risk losing their employment. That should concern not just those in this House but everyone. Frankly, more should have been done sooner.

As we go through the clauses of the Bill, we must remember that it extends no additional protections to working parents; the real work is to be done in the

regulations mandated by the Bill. To that end, as I pressed the Government on Second Reading, I urge the Minister to commit to those regulations being introduced as soon as possible. The urgent necessity of that is not lost on anyone here today, and I refer to the comments made by my hon. Friend the Member for Barnsley Central. I urge the Minister to guarantee that we see something by the end of the financial year at the latest.

As the Minister knows, the same protections that the Bill and its regulations will afford to working people were promised in Labour's new deal for working people. In the spirit of the cross-party support for the Bill, we are therefore happy to work with the Minister in developing the regulations to ensure that the protections of the Bill are as strong as possible.

I also want to make it clear, however, that we will not tolerate a watering down of existing protections through those regulations. Earlier this week, we heard that the Secretary of State for Work and Pensions had previously stated that the Government should "seriously consider" how the rights of parents to take time off after having a baby could be reversed. He also claimed that the rules on leave for new mothers and fathers were too "onerous". I therefore ask the Minister to commit to not making any amendments to the Bill before Report that would water down those protections.

As I told the Minister on Second Reading, and as was pointed out by my hon. Friend the Member for Barnsley Central, there are rightly concerns about the qualifying period, which potentially discriminates against those who have to cut their parental leave short for a number of reasons. We know that as soon as someone takes even the first six weeks, 10% of their original pay is cut. In the current climate, tragically, people will be forced through no choice of their own to return to work. Therefore, someone not taking that full six weeks will automatically be barred from the protections afforded by the Bill. I urge the Minister to look at that important point when drawing up the regulations.

The Bill also makes no mention of employment tribunals, where responsibility for enforcing the rights in the Bill and the regulations will fall. As I set out on Second Reading, our employment tribunal system has been stretched to breaking point, with the case backlog reaching 0.5 million and working people forced to wait up to two years for justice. Before the Minister introduces the regulations as mandated by the Bill, will he commit to working with his colleagues at the Ministry of Justice to set out a plan for tackling that backlog, so that the protections in the Bill afforded to working parents will be enforceable and worth more than the paper that they are written on?

Ultimately, we will of course support the Bill. Once again, I pay tribute to the extraordinary work undertaken by my hon. Friend the Member for Barnsley Central, who has delivered a Bill that the whole House can get behind. Like many thousands of new parents, I look forward to seeing the Bill make its way to the statute book.

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kevin Hollinrake):** It is a pleasure to serve under your chairmanship, Mr Hollobone. I thank the hon. and gallant Member for Barnsley Central for all his work on this important piece of legislation. I also thank the officials who have worked



[Kevin Hollinrake]

hard on it, as well as my predecessors, including my hon. Friend the Member for Loughborough, who did a fine job in this role.

The Bill will bring important added redundancy protection for pregnant women and new parents on their return to work. The measures will provide important support for parents during an exciting but challenging time—pregnancy and the first period of their child’s life—as they juggle work and caring responsibilities. At that time, a little more security can be valuable. It is depressing to hear the statistics that the hon. Member for Member for Barnsley Central cited about people being discriminated against because of those circumstances, but it is important to recognise that the Bill will provide statutory best practice that most employers will follow. Only a minority of employers treat their employees in the way that the hon. Gentleman mentioned, but it is nevertheless important to tighten the rules to ensure that they do not.

On Second Reading, Members on both sides of the House spoke about the extent of pregnancy and maternity discrimination, and about their determination to address it. Indeed, Second Reading offered the hon. and gallant Member for Barnsley Central a fruitful recruiting ground for Committee members, and it is good to see a number of those who spoke supporting these important measures in Committee. I was greatly heartened by the extent of the consensus and common cause on Second Reading. I was unable to attend Second Reading, but the Radio 4 “Today” programme on Saturday morning described it as practically a five-hour group hug—in stark contrast with what was happening more widely in Parliament—so I really wish I had been there.

I have heard the calls to go further, but for now at least, the measures mark a sensible next step in our efforts to tackle this issue, and I am keen to press on with them as quickly as possible. I absolutely agree with the shadow Minister, the hon. Member for Bradford East, about implementing the measures as quickly as possible, but I want to make sure that we get them right, and we are working with the Pregnancy and Maternity Discrimination Advisory Board and consulting other stakeholders to ensure that we do.

**Nickie Aiken** (Cities of London and Westminster) (Con): I congratulate the hon. Member for Barnsley Central on introducing the Bill. I was part of the group hug that the Minister mentioned. It is important to provide employment protections not just for pregnant women, but for people who are trying to get pregnant. Many people try fertility treatment to get pregnant, and they also need employment rights to protect them from abuse by their employers. Does the Minister agree?

**Kevin Hollinrake:** My hon. Friend is a doughty and persistent campaigner, which Members have to be to get across what they want—my seven years as a Back Bencher taught me that. I responded to a letter of hers on this matter very recently. Her campaign is holding a drop-in session from 11 am to 1 pm today, and I am sure that anybody who wants to take part is welcome.

As the hon. and gallant Member for Barnsley Central set out, these simple clauses give the Secretary of State a new power to make regulations on redundancy during

pregnancy, and extend existing powers to make regulations during or after a relevant period of leave. The Maternity and Parental Leave etc. Regulations mean that before making an employee who is on maternity leave redundant, employers have an obligation to offer them—not just invite them to apply for—a suitable alternative vacancy when one is available. Our response to the 2019 consultation on pregnancy and maternity discrimination made it clear that we will use the new powers in the Bill to extend MAPLE protection into pregnancy and for a period after return to work.

**Bob Stewart** (Beckenham) (Con): I intervene only to make a point I made on Second Reading, which was that perhaps we could insist in the Bill that employers outline to employees who have become pregnant their rights. They could give them a piece of paper that tells them what they should do. That would make it absolutely plain.

9.45 am

**Kevin Hollinrake:** That is a very interesting point. What my right hon. Friend is seeking to do is formalise good practice. I am sure my officials have heard what he has said and will think about it when it comes to forming these specific regulations.

Alongside maternity leave, those who receive adoption leave and shared parental leave will benefit from the same additional protections where appropriate. As I have said, we are working with the Pregnancy and Maternity Discrimination Advisory Board in advance of settling on the precise details of the regulations. There are some important questions to consider. We want to make absolutely sure we get the legislation right.

The hon. Member for Barnsley Central referred to the issue of the six-week qualification period. We want to avoid a situation where after 12 months someone who has taken a few weeks of shared parental leave receives the same redundancy protection as a mother who has just returned from 12 months of maternity leave. That is what we are trying to get right.

**Imran Hussain:** I accept to a degree the point that we have to have safeguards in place, but does the Minister agree that those matters can be dealt with through the advisory board?

**Kevin Hollinrake:** It is incredibly important to get this right, as we said. The key thing is to consult widely with stakeholders. That is what we are doing, and we have done so with the hon. Member for Barnsley Central, who is promoting the Bill. A final decision will be made as quickly as possible.

On employment tribunals, there are clearly problems across the system, primarily due to the pandemic. All these cases need to be accelerated. It is not acceptable that people are having to wait for justice. I absolutely understand the calls to improve the system. We are working hard to do that. The hon. Member for Bradford East made a point about a potential weakening or watering down of employment regulations. I do not see any appetite on this side of the political fence, or indeed his side, to do that. I think it is highly unlikely that that would be something that Government Members would support.

The Government continue to support the measures in the Bill, which would provide valuable support and protection for parents during some of the most challenging and exciting days of their lives. Supporting this Bill is in line with our ongoing commitment to support workers and build a high-skilled, high-productivity and high-wage economy. I was greatly heartened to hear many contributors on Second Reading making the economic case to keep new parents in the workplace. I look forward to continuing to work with the hon. and gallant Member for Barnsley Central to support the Bill during its passage through the House.

**Dan Jarvis:** Members of the Committee will be relieved to hear that I am going to be very brief. I am under strict orders from the right hon. and gallant Member for Beckenham not to stand between him and a bacon sandwich, so I will be very brief. I particularly enjoyed the Minister's description of the Second Reading debate as a five-hour group hug. It feels as if we have had another group hug this morning, though fortunately not one that has gone on for five hours.

I would like to make one parochial point. From my personal point of view, it is great to see some co-operation between south-west and north Yorkshire. I will not test the Minister's patience by seeking to expand the point

about what we might be able to achieve if we worked closely together in Yorkshire, but I hope that *The Yorkshire Post* is listening. I will say no more than that.

I am incredibly grateful for the excellent contributions this morning and for all the support from hon. and right hon. Members throughout proceedings on the Bill. I also want to thank the various stakeholders, including the EHRC, the Trades Union Congress, the Royal College of Midwives, Unison, the Fawcett Society, the Chartered Institute of Personnel and Development, the CBI and Working Families. They have all been incredibly helpful and helped get us to this point, as have the officials in the Department and the Clerks of the House. Finally, I want to thank everybody for their attendance and support today. I hope we can continue to work together in the constructive spirit that has brought us to this point.

*Question put and agreed to.*

*Clause 1 accordingly ordered to stand part of the Bill.*

*Clauses 2 and 3 ordered to stand part of the Bill.*

*Bill to be reported, without amendment.*

9.50 am

*Committee rose.*

