

## FACTSHEET 6

# BOOSTING FAMILY-FRIENDLY RIGHTS AND PROTECTIONS

## WHAT'S CHANGING?

ERA 2025 contains a suite of reforms aimed at making workplaces more family-friendly and protecting those with caring responsibilities.

### 1. STRONGER PROTECTION FOR PREGNANT WOMEN AND NEW PARENTS AGAINST DISMISSAL

Currently, if a woman is on maternity leave and there's a redundancy, she has a right to be offered a suitable alternative vacancy (if one exists) ahead of others. But outside of redundancy, or after returning, her protection is mostly just that you must not discriminate because of pregnancy/maternity.

ERA 2025 empowers the government to ban employers from dismissing a woman who

is pregnant, on maternity leave, or recently returned to work (within 6 months), except in specific circumstances which, as yet, are not known.

The plan (as stated in ERA 2025's explanatory notes) is to *prohibit* dismissal throughout pregnancy and up to 6 months after return from maternity leave, *unless* the employer follows a prescribed process and can show a permissible reason. This protection is likely to also cover those on other forms of family leave (adoption leave, shared parental leave, neonatal care leave), although that will come in via separate legislation. Essentially, it's likely to become automatically unfair to dismiss employees in these protected periods.

We'll need regulations to spell out the 'specific circumstances' in which dismissal is allowed: possibly gross misconduct or genuine

redundancy. But the message is clear: greater job security for new and expectant parents.

The government's roadmap indicates that this change will not take effect until 2027 at the earliest.

## 2. DAY-ONE RIGHTS TO PARENTAL LEAVE AND PATERNITY LEAVE

There are two notable changes here.

First, statutory Paternity Leave (the 1 or 2 weeks fathers/partners can take around birth) will no longer require 26 weeks' service – it will be a right from day one of employment.

So, any new hire who becomes a parent will be eligible to take these leaves without having to 'earn' it through tenure. However, there remains a service requirement before an employee is eligible to receive Statutory Paternity Pay – resulting in the possibility that a new father may take a period of paternity leave in the first 26 weeks of employment – but not be entitled to any pay for the time they take off.

Parental Leave (the up to 18 weeks unpaid you can take before a child turns 18); currently you need 1 year's service; ERA 2025 removes that, making it a day-one right.

Both of these changes are due to take effect from April 2026.

## 3. PATERNITY LEAVE CAN BE TAKEN AFTER SHARED PARENTAL LEAVE

There's also a fix to an anomaly: under current rules, if a father takes any Shared Parental Leave (SPL) it can extinguish his paternity leave entitlement. ERA 2025 will allow fathers to

take both – meaning they won't lose paternity leave rights even if they start SPL early.

This change is due to take effect from April 2026.

## 4. BEREAVEMENT LEAVE

Second, there is a new general right to Bereavement Leave. Right now, there's a statutory right to two weeks' paid time off for the death of a child under 18. But there's no legal right to leave for other close bereavements (like a spouse, parent, or adult child).

ERA 2025 introduces a day-one right to at least one week of bereavement leave for employees who lose a close family member. The right is to unpaid leave. The specific relationships covered will be defined in Regulations, but it's expected to include core relations (likely spouse/partner, parent, sibling). It will definitely cover early pregnancy loss.

The right to take bereavement leave will apply to employees (mothers and their partners) who experience pregnancy loss before 24 weeks, including losses resulting from miscarriage, ectopic pregnancy, and unsuccessful embryo transfer during IVF treatment.

These changes are due to take effect in 2027.

So broadly, the framework of family leave is expanding at both ends – more leave for early difficulties (neonatal, miscarriage) and stronger protection throughout.

## HR IMPACT – WHAT TO DO NOW:

You need to update and review your maternity, paternity, parental leave, and bereavement leave policies:

- **Remove service requirements** where the law is removing them. For example, if your handbook says 'Employees must have 26 weeks' service to qualify for paternity leave,' update that to 'This leave is a day-one right in line with statutory provisions.' Similarly for parental leave.
- **Add new entitlements:** Add the upcoming Bereavement Leave for other relatives. For pregnancy loss, decide how you'll handle it – even before the law mandates it, consider offering leave for miscarriage. Some employers have already led on this, and it's a compassionate policy that will likely be law in 2026.
- **Tighten dismissal protocols around protected periods:** Until regulations clarify the position, assume that dismissing a pregnant employee or one on recent return will be extremely high-risk and may be unlawful except in extreme cases. So, put in place an internal escalation: any manager considering dismissing someone who is pregnant or within 6 months of maternity/adoption leave must get HR and legal sign-off.
- **Manager and employee communication:** Ensure managers know about these enhanced protections. A common mistake might be a manager thinking, 'Jane's just had a baby, and her performance isn't great since returning, maybe we should exit her.' That thought needs to be met with a red flag, because if Jane is within 6 months of return, she might be largely immune from dismissal except for gross misconduct or role elimination (and even then, you need to be careful).
- Supervisors might not realise paternity leave is now for all employees. If a new hire's partner is having a baby next month, that new hire will be entitled to paternity leave by law – no 'probation period' rule.
- Communicate to expectant employees as well. For example, when someone notifies you they're pregnant, you can inform them: 'By the way, under new provisions, you'll have additional protections from dismissal during pregnancy and up to 6 months after return. We will of course support you throughout.' That reassurance can be huge for retention and trust (many new mothers fear being pushed out; you can alleviate that by acknowledging the new protections).
- **Plan for cover and transitions:** More people may take up these leaves now that barriers are lower. For instance, previously some fathers in short-term jobs might not take paternity leave because they didn't qualify; now they will. Also, bereavement leave being a right means you need a plan for sudden absences when an employee loses someone. HR might create a guideline for managers on handling bereavement leave requests sensitively (even though it'll be statutory, the human element is key). Ensure you have temporary cover or workload distribution plans for such eventualities.

## MISCONCEPTIONS TO ADDRESS:

- » *'If we can't dismiss someone who's just had a baby, what if they're really underperforming or the role is redundant?' If truly redundant, presumably you can still make them redundant (ERA 2025 references 'other forms of dismissals that are not redundancy' being covered, implying redundancy is handled differently, which makes sense, since redundancy has its own processes). But you must still follow the law – currently that means offering any suitable alternative vacancy. The regulations which will build on ERA 2025's framework in this area might extend that concept beyond redundancy. If they don't, I'd still*

suggest treating any potential dismissal of a protected-period employee with the seriousness of a redundancy at least, if not more.

- » *'Won't this make employers discriminate at hiring (like not hiring pregnant women)?'* Legally that's already prohibited (pregnancy discrimination at hiring is unlawful). Realistically, you need to guard against unconscious bias. HR should ensure recruiters remain fair and remind them that while yes, these protections mean you can't easily dismiss someone who's pregnant, it doesn't mean pregnant women or new parents are any less productive or committed long-term. The law is levelling the field; your hiring practices should already have done so morally.

## CONCLUSION

The direction of travel is encouraging and compelling more support and protection for those with family responsibilities.

HR's role is to implement these fairly and supportively. You may want to launch or bolster programs like return-to-work coaching for mums/dads, flexible working around childcare (helped by ERA 2025's other parts too), and manager training on avoiding bias against those taking leave. ERA 2025's changes will legally force certain behaviours (like not dismissing new mums), but culturally you should strive for a workplace where these things aren't grudging compliance but rather part of your ethos of being a family-friendly employer.

So, proactively, you can announce: 'We welcome these changes – our company is committed to being a supportive employer through life's important moments. We already have measures in place and will enhance them as needed.' Being ahead of the law not only reduces risk, but it also strengthens employee morale and retention. People remember how they were treated when they had a child or lost a loved one; make sure they have positive things to say.