

## Redundancy and maternity leave

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**Employers often believe that it is unlawful to make a woman redundant during maternity leave.**

The recent case of *Simpson v Endsleigh Insurance Services Ltd* emphasises that, not only is this a misconception, but the right of a woman on maternity leave to suitable alternative vacancies is not automatic. It also proves that, sometimes, the correct reading of legislation is reassuringly obvious.

The case concerned Regulation 10 of the Maternity and Parental Leave Regulations 1999, which states that, if it is not practicable by reason of redundancy for an employer to continue to employ a woman on maternity leave, the employee is entitled to be offered (not just invited to apply for) a suitable available vacancy with her employer (or an associated employer). This gives the woman priority over other employees who are at risk of redundancy, even if they are better qualified for the job.


To read the entire article please visit [Personnel Today](#).


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