

EQUITY

**Equity response to Make Work Pay: enhanced dismissal
protections for pregnant women and new mothers**

January 2026

About

Equity is the largest creative industries trade union with 50,000 members united in the fight for fair terms and conditions across the performing arts and entertainment. Our members are actors, singers, dancers, designers, directors, models, stage managers, stunt performers, circus performers, puppeteers, comedians, voice artists, supporting artists and variety performers.

Contact

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Summary

1. As freelance workers in the entertainment industry, Equity members generally do not have employee status or enjoy the rights which that brings. While Equity supports the government's aims to strengthen protections for pregnant women and new mothers, freelancers will not feel the benefits, many of whom remain vulnerable to poor treatment in the context of an already precarious and often low-paid industry. Even were protections extended to limb (b) workers, the qualification period for dismissal protections, reduced but not removed by the Employment Rights Act 2025, would exclude Equity members from protection in most engagements.
2. Accordingly, our response focuses on questions 7 to 11, explaining current experiences of pregnant women and new mothers in the entertainment industry and section 10 on further reforms.
3. While strengthened protections against dismissal are welcome, Equity encourages the government to work to address the causes of why new mothers so often leave employment, such as inflexibility on the part of the employer or poor workplace culture.

Question responses

7-11	<i>On current experiences of pregnant women and new mothers in the entertainment industry</i>
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Short-term engagements

1. Pregnancy and maternity discrimination in the entertainment industry occurs in ways which reflect both (a) the nature of the work, such as that it is physical and often visual work, and (b) the pattern of employment, specifically that most engagements are very short. The average length of an engagement in theatre is a few months; in film and TV it is a few weeks or, more often, a few days. In commercials and audio work, an engagement is often for one day or a few days at most. As such, our members generally work on the basis that

they are self-employed, with at most limb (b) worker status in some roles, such as actors and stage managers. However, many members, such as variety performers, designers and directors work on a fully self-employed basis.

Pregnancy and maternity discrimination

2. As generally self-employed workers, creative workers in the entertainment industry do not qualify for dismissal protections as currently laid out in the Employment Rights Act 1996. Where they have limb (b) worker status, creative workers do, however, have rights under the Equality Act 2010 and are protected from pregnancy and maternity discrimination. Many performers seek our support in situations where they have been dismissed from a role after the producer finds out they are pregnant, indicating a perception on the part of some producers that existing pregnancy protections do not apply to them as they do to other employers.
3. A typical scenario might be that a performer finds out she is pregnant after having been cast in a role. Prior to the production starting, the performer discloses the pregnancy to the producer, perhaps in response to a medical questionnaire or because the pregnancy has practical implications for the production schedule. The response from the producer is often that it is impossible to accommodate the pregnancy in the production. They might cite artistic reasons, such as that it does not fit with the script or characterisation – and, in film and TV, it cannot be concealed in post-production. Or the producer might say they cannot obtain the necessary insurance for the pregnant performer.
4. Either way, the discrimination provisions, on which freelance performers currently have to rely, leave open the possibility for an employer to justify pregnancy discrimination. Direct discrimination can be justified, absolving liability, if the employer can show it was a genuine occupational requirement of the role that the person have a protected characteristic and the discrimination was a proportionate means of achieving a legitimate aim. The limited employment tribunal cases on the issue indicate a relatively strict approach. For example, in *Kinlay v Bronte Film and Television Ltd*, the tribunal found that, while it was reasonable that the performer's character could not be pregnant, there were various ways to conceal the pregnancy which were not unreasonably costly, so the pregnancy discrimination was not justified.
5. Crucially, freelance pregnant women and new mothers have no particular protection where they are dismissed from a production for reasons which cannot be tied to the pregnancy or maternity, as these reforms would do for employee pregnant women and new mothers.

Agents

6. Performers also frequently report that their agent has dropped them during or after pregnancy. That has a significant impact on the member's ability to seek work, particularly in areas where an agent is considered an important prerequisite for a performer.

7. A common scenario is that a performer returns to seeking work opportunities following a period of maternity leave. The performer contacts their agent to let them know this, only to receive the response that the agent will no longer represent them. The agent might typically cite business reasons, such as that they are focusing on a smaller number of clients in the context of difficult economic conditions. While pregnancy and maternity discrimination protection does extend to talent agents, its application here is not easy or straightforward. Crucially, freelance creatives do not, in this context, have the sort of protection extended to pregnant women/new mother employees in the context of redundancy. If business reasons are indeed the reason for disengagement, there is nothing that gives the pregnant woman or new mother particular protection versus other clients of the agency.
8. Given the central importance of talent agents to work-seeking in the entertainment industry, there is a strong case for particular protections in this respect.

36	<i>What do you think are the main causes of pregnancy and maternity discrimination?</i>
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9. While Equity supports the government's aims to better protect pregnant women and new mothers from dismissal, it is important to address the root causes of their poor experiences at work and the reasons they too often leave employment all together. Many of these are set out in the TUC's comprehensive response.

Workplace culture

10. In many cases there is a workplace culture that does not consider pregnancy/new motherhood to be compatible with work in the entertainment industry and a resulting failure to accommodate pregnant women and new mothers.
11. That may manifest in, for example, an employer's lack of cooperation with a new mother's flexible working request. In the entertainment industry, employers may set rehearsal or production dates, timings and locations without proper consideration for the circumstances of new mothers engaged in the production and be reluctant to make adjustments. For example, a 5am pick-up time to go to a film studio may not be possible for a new mother; neither is she likely to be able to take several days away from home for shooting overseas or a theatre tour. There may also be a failure to provide adequate breaks and facilities, such as to express milk, in theatre facilities, on sets or on location, which ultimately affects a new mother's ability to work.
12. Poor workplace culture may lead, then, to situations where allegations as to a new mother's conduct or capability arise, and she ultimately feels that she has no option but to leave the job. It is crucial, therefore, that the government considers measures to prevent dismissal situations arising in the first place.

Access to justice

13. As highlighted in the TUC's response, both workers and employers must have faith that the employment tribunal system will deliver timely decisions in the event of a dispute. There are significant and worsening delays in the system which are undermining its ability to provide access to justice in any meaningful sense to claimants. In some regions, employment tribunals are listing new claims for 2028. Official figures also show that the backlog continues to grow: in the second quarter of 2025, new claims numbered 26,000, while only 10,000 claims were closed in the same period.
14. New statutory rights are only effective as far as they can be enforced in an accessible and timely manner through the justice system. There is an urgent need for a review of the resources allocated to the employment tribunal system in order to tackle the mounting caseload.

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What other changes should the government prioritise to tackle pregnancy and maternity discrimination?

Extension of protections to all workers

15. As outlined above, the proposals in this consultation will largely not affect freelance workers, including the majority of creative workers in the entertainment industry. These workers do, however, experience pregnancy and maternity discrimination with no less frequency than their employee counterparts. There is a need, then, for the government to extend similar protections to at least those with limb (b) worker status, such as via the introduction of the single worker status the government has already committed to. This would significantly extend protections for freelance pregnant women and mothers who currently must rely solely on discrimination provisions, helpful only where it can be shown the reason for dismissal is related to pregnancy or maternity.
16. In addition to employment status, the qualification period for dismissal protections presents a further barrier to our members relying on them. While the government had initially committed to removing the qualification period for dismissal protection entirely, the Employment Rights Act maintains a 6-month qualification period. The very short average length of engagement – a few days or weeks for most – means that in the majority of cases Equity members will not benefit from these bolstered protections, even were these rights to be extended to limb (b) workers.

Flexible working

17. As indicated above, a lack of access to flexible working is a key barrier for working parents, particularly mothers, and can make the return to work following a period of leave even more challenging. The Employment Rights Act 2025 brings welcome measures to strengthen rights in relation to flexible working. However, further measures are needed so that employers must consider what flexibility they can offer in a role and advertise it up front, helping to make flexible working a regular aspect of term and conditions.

Parental leave review

18. Equity would like to see the next stages of the parental leave review brought forth promptly. Specifically, improvements to parental leave and pay for self-employed parents – and partners of self-employed parents – will play an important role in tackling pregnancy and maternity discrimination against freelance mothers and improving gender norms and workplace culture around childcare. Reform of the parental leave system that enables more dads and co-parents to take parental leave during their children's early years will help more families to share caring responsibilities more equitably, reduce the stigma that mothers often face in the workplace and normalise workplace cultures that are supportive of working parents.
19. In theatre, Equity has collectively bargained maternity and paternity provisions beyond statutory entitlements, giving freelance performers rights equivalent to employees accessing Statutory Maternity Leave and Pay. However, there is a need for a second Employment Rights Act to further strengthen unions' ability to collectively bargain for members in a broader range of workplaces, particularly in the private sector where density remains low across the economy.