



Bulletin 124

13th May 2008

DISMISSAL OF FEMALE WORKER FOR RECEIVING IVF TREATMENT CAN AMOUNT TO SEX DISCRIMINATION.

A recent European case has stated that the dismissal of a woman, if related to her IVF treatment, can amount to sex discrimination since only women can receive IVF. This can be a problem area because IVF treatment can require intermittent absences from work although in the majority of cases these absences can be planned.

In the opinion of the European Court of Justice, dismissal for an IVF related reason is capable of amounting to direct sex discrimination. Only women can receive IVF treatment and the situation is analogous to dismissing a female worker for being pregnant, or for a pregnancy related reason.

Employers must therefore take care when dealing with employees who are planning or undergoing IVF treatment. Workers undergoing IVF treatment will be protected and will have the ability to claim direct sex discrimination if they receive less favourable treatment.

👉 Practical Tip

Many employers are reporting an increase in absences related to IVF treatment which can be a difficult, lengthy and emotionally draining process. As IVF becomes more prevalent it makes good sense for employers to review their existing absence and equal opportunity policies and to incorporate appropriate amendments to take account of employment law developments in this area. A key area for employers will be to ensure that absences are scheduled around work demands as far as it is reasonably possible to do so.

If you require any specific advice in connection with the material contained in this bulletin, or on any other Employment Law issues, please contact a member of the Employment Team on 0151 600 3000. If you no longer wish to receive the bulletin please let us know by return email.

This bulletin is for general guidance purposes only and should not be used for any other purpose.

Brabners Chaffe Street is listed in The Sunday Times 100 Best Companies to Work For

Brabners Chaffe Street is a Limited Liability Partnership



LIVERPOOL 0151 600 3000

Horton House, Exchange Flags, Liverpool L2 3YL
Fax: 0151 227 3185
MDX 14118 Liverpool
email: law@brabnerscs.com

MANCHESTER 0161 836 8800

55 King Street, Manchester M2 4LQ
Fax: 0161 836 8801
MDX 14431 Manchester
email: law@brabnerscs.com

PRESTON 01772 823921

7-8 Chapel Street, Preston PR1 8AN
Fax: 01772 201198
MDX 17118 Preston
email: law@brabnerscs.com