



**Nicky Ackerley BA(Hons)**

Nicky is the owner of HR Support Consultancy. She has a BA(Hons) in Business Studies, is a member of the Chartered Institute of Personnel and Development and has been a practising HR manager for more than 20 years. HR Support Consultancy has provided the BVNA Members Advisory Service (formerly known as the Industrial Relations Service) since it began in 2002.

## IVF - Your employment rights

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In Vitro Fertilisation (IVF) is the process of fertilization which happens outside the woman's body. This process can typically take between 4 and 7 weeks for one cycle. IVF does not always result in a successful pregnancy. When a woman is undergoing suitability or receiving hormone treatment, she is not yet pregnant and does not receive the protected status of a pregnant employee.

Your rights:

- There is no statutory right for employees to take time off work to undergo investigations or treatment.
- Following implantation of the egg the woman is regarded as being pregnant.
- If the IVF is unsuccessful the protected period ends two weeks after the end of the pregnancy. A pregnancy test is taken at this point, if the test is negative the protected period extends for a further two weeks.
- Once a pregnancy has happened and has been disclosed to the practice a normal risk assessment for a pregnant employee should be done.

### Time off for investigation or treatment

Although there is no statutory right for employees to take time off work for IVF treatment, employers should treat medical appointments related to IVF the same as any other medical appointment under the terms and conditions of the contract of employment, generally women are

advised to take it easy to help with the conception after treatment, this needs to be taken into account when booking the time off. Employers may agree to flexible working arrangements or a combination or paid, unpaid or annual leave during the treatment. You should check your practice policy and internal procedures to see what is permitted.

### Protection against dismissal

Following implantation, a pregnancy may or may not occur but the woman is regarded as being pregnant from the point of implantation and is protected from dismissal or adverse treatment under the Equality Act 2010 pregnancy legislation. Employees should notify their employer once they have reached this stage.

If the treatment is successful and the woman remains pregnant she will be protected against discrimination on the grounds of pregnancy until the end of her maternity leave.

If the treatment is unsuccessful, the protection will end two weeks after the end of the pregnancy. A pregnancy test is taken two weeks after implantation and, if the test is negative, the protected period extends for a further two weeks.

For further support with this or any other HR issue, BVNA members can call the BVNA Advisory Service Helpline on 01822 870270 or email [nickyackerley@support-consultancy.co.uk](mailto:nickyackerley@support-consultancy.co.uk).

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