

## **MATERNITY LEAVE and PAY POLICY**

### **Purpose and scope**

The company is committed to supporting best practice in relation to maternity, recognising the value of achieving a gender-diverse workforce and retaining and promoting talent. In support of this, the company provides maternity benefits including pay that is above the statutory minimum.

The policy aims to promote a consistent and supportive approach to maternity across the business and to increase awareness about the provisions available for expectant parents.

### **Maternity rights**

The main maternity rights in law are:

- The right to 26 weeks' maternity leave (ordinary maternity leave)
- The right to a further 26 weeks' leave (additional maternity leave) where the qualifying service period has been met
- The right to statutory maternity pay (SMP) (typically 39 weeks)
- Employment rights are protected during maternity leave

### **Protection against discrimination on grounds of pregnancy or maternity**

When pregnant, you are entitled to not be subjected to any type of unfavourable treatment related to your pregnancy or impending maternity leave. Such treatment amounts to direct discrimination and will always be unlawful.

Managers must ensure that colleagues do not experience:

- Exclusion from training or normal activities
- Being overlooked for training, promotion or progression
- Demotion
- Detrimental change to job duties
- Removal of responsibility
- Denial of sick pay if absent due to pregnancy-related illness
- Pressure to resign or dismissal
- Abuse or derogatory remarks

### **Notification**

In order to exercise your right to ordinary maternity leave, you must:

- By the 15th week before your expected week of childbirth, let your line manager know that you are pregnant and that you are intending to take maternity leave. Your manager will inform the relevant departments in head office.
- Provide a MATB1 certificate. After 20 weeks of pregnancy your doctor or midwife will provide you with a MATB1 certificate of the expected week of childbirth. This needs to be given to your line

manager as soon as possible. Your line manager will send this to the Human Resources department and you will then receive forms regarding your pregnancy to complete and return

### **Working whilst pregnant**

As a company, we will do everything we can to make sure you're working in a safe environment at all times. We will carry out a risk assessment on your job and will do everything possible to make you comfortable and keep you and your baby safe. If you are a lone worker, this will also be discussed as part of the risk assessment. The results of the risk assessment will be discussed with you and any actions as a result of this will be agreed.

We understand that pregnancy can be tiring and during work you'll be entitled to all of your usual breaks, but please speak to your line manager if you need more flexibility in arranging these or if you feel you need breaks or refreshments more regularly.

### **Antenatal care**

Good antenatal care is essential in maintaining the health and wellbeing of both you and your baby during your pregnancy. As such, the company supports your right to take reasonable time off work with pay to receive antenatal care. This includes antenatal classes, hospital or doctors' appointments.

If your antenatal classes or appointments, including waiting time and travelling time to and from appointments, fall within your normal working hours, you will be paid for the time taken off. You are not required to make up any working time lost through attendance at antenatal appointments.

Your line manager may ask to see an appointment card to confirm the dates so they can schedule your time off and arrange cover. They will also ensure you are paid correctly for antenatal appointments. It is important to let your line manager know as soon as you are aware of any appointments you need to attend. You should make every effort to attend your shifts before or after your appointments whenever possible.

### **Maternity leave**

There are three types of leave: compulsory, ordinary (OML) and additional (AML):

- **Compulsory maternity leave** – You are not legally entitled to work for the first two weeks after the birth of your baby
- **Ordinary maternity leave and additional maternity leave** – All pregnant colleagues, irrespective of length of service or hours worked, are entitled to take 26 weeks' ordinary leave, followed by 26 weeks' additional leave. Maternity leave cannot begin any earlier than the 11<sup>th</sup> week before the baby is due. Maternity leave will be triggered automatically if you are absent due to a pregnancy-related condition within four weeks of the due date

### **Statutory maternity pay**

You may qualify for statutory maternity pay (SMP) and be eligible to receive SMP for 39 weeks providing that:

- You have been employed for at least 26 weeks, 15 weeks before the baby is due
- Your average weekly earnings meet the minimum required, calculated over an eight-week period prior to the qualifying week [Govt pay calculator](#)
- You are still pregnant by the 11<sup>th</sup> week before the baby is due
- You have given your manager 28 days' notice in writing of your intention to stop working due to pregnancy
- You have provided the manager with a MAT B1 certificate from your doctor confirming your expected date of childbirth (usually after the sixth month)

SMP is payable for a maximum period of 39 weeks. This period is called the 'maternity pay period'. For 39 weeks, SMP will be an amount set by the government each year. For the first six weeks, SMP is paid at the higher rate, which is equivalent to 90% of your average weekly earnings calculated over a specified period. For the purpose of calculating average weekly earnings, shift allowances and overtime payments are all included.

The standard rate of SMP is paid for the remaining 33 weeks (or less if you return to work sooner). This is paid at the rate set by the Government for the relevant tax year, or 90% of your average weekly earnings if this is lower than the Government's set weekly rate. For the current SMP rate, click on the link to the government website: <https://www.gov.uk/maternity-pay-leave/pay>. Entitlement to SMP is dependent upon minimum earnings and continuous service.

If you become eligible for a pay rise between the start of the original calculation period and the end of your maternity leave (whether ordinary or additional leave), the higher or standard rate of SMP will be recalculated to take account of the pay rise, regardless of whether SMP has already been paid. Statutory maternity pay is treated as earnings and is therefore subject to tax and national insurance deductions and is paid in the same way as wages.

If you are not entitled to SMP, you may be entitled to receive an allowance, payable by the Government. Please click on this link for more information. [Govt Maternity Allowance Guide](#)

**Occupational (company) maternity pay**

The company is committed to supporting you financially during your maternity leave and therefore the table below shows the additional benefit that the company will pay you during maternity leave (inclusive of SMP) if you have at least 12 months' continuous service with the company.

<b>All Colleagues: (Note: Where occupational maternity pay is paid it includes the entitlement to SMP)</b>			
First 12 weeks	Second 12 weeks	Next 15 weeks	Last 13 weeks
12 weeks' full pay	12 weeks of 50% pay or SMP (whichever is most)	15 weeks' SMP or 90% of average weekly earnings (whichever is less)	13 weeks unpaid (if taken)

## **Unforeseen circumstances**

When supporting parents of premature or sick babies, the company will adopt the approach outlined by ACAS in their help and advice on workplace support for parents with premature or sick babies, recognising this can be a very difficult and worrying time for you. The guidance covers the encouragement of careful communication, approaching you to make sure you are comfortable being contacted, offering help and support and asking you what you would like your colleagues to be told about your situation.

The company recognises the need to approach this situation with compassion and flexibility and assumptions will not be made about your return to the workplace.

## **Premature birth**

If your baby is born prematurely but after your maternity leave has already started, the rules governing occupational maternity pay (OMP), statutory maternity pay (SMP) and maternity allowance (MA) do not change.

If you give birth prematurely before or during the 15th week before the due date, you are still entitled to receive occupational maternity pay, statutory maternity pay or maternity allowance as originally outlined:

- In the case of SMP or OMP, you would have qualified for it through your length of service by the end of the original due date. (NB. the week in which the birth was expected is still used for assessing continuous service)
- In the case of SMP, your average weekly earnings are not less than the lower earnings limit for the payment of national insurance contributions normally calculated for a period of eight weeks ending with the due date. You are still entitled to take up to 52 weeks' maternity leave, the leave being calculated from the actual date your maternity leave starts.

## **Miscarriage and stillbirth**

- If a miscarriage occurs earlier than the 24th week of pregnancy, you will not qualify for maternity leave or OMP, SMP or MA.
  - If a miscarriage occurs later than the 12<sup>th</sup> week of pregnancy, regardless of service you will qualify for one week's compassionate leave and full pay
  - Following this, any period of sickness absence will be dealt with under the normal sick pay arrangements
- In the event of a stillbirth from the 24th week of pregnancy onwards, you will be eligible for maternity leave, OMP, SMP or MA in the normal way.

## **Contact during maternity leave**

Shortly before your maternity leave starts, the line manager will discuss the arrangements for you to keep in touch during your leave, should you wish to do so. Unless outlined in the 'unforeseen circumstances' section above, the company reserves the right to maintain reasonable contact with you from time to time during your maternity leave.

This may be to discuss changes within the organisation e.g. restructure, your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

### **Keeping-in-touch days (KIT days)**

While you are on ordinary or extended leave, you may work for up to 10 days without bringing your maternity leave to an end or losing your entitlement to statutory maternity pay. These days may be taken separately in a block and must be agreed between you and your manager. Any work carried out on a day shall constitute a day's work for these purposes and shall therefore be paid at the normal daily rate of pay.

The company recommends that at least two KIT days are undertaken during leave as these are a fantastic way for you to keep up to date with business processes, strategy and training. KIT days are great at making you feel included in the team at key points. They are also useful towards the end of your maternity leave to help ease you back into the workplace after time off.

The company has no right to require you to carry out any work, and you do not have to undertake any work during your maternity leave. Both parties must be in agreement. Any work taken, including the amount of salary paid for any work done on KIT days, will be in line with normal contractual arrangements.

Any KIT days worked do not extend the period of maternity leave.

### **Returning to work following OML or AML**

Irrespective of length of service, hours of work or job grade, you have the right to return to work after OML and AML. If you are returning from OML you are entitled to return to the job that you left and on the same terms and conditions of employment.

Whilst the company will always aim for you to return to your current role, if it is not reasonable for you to return to your current role following AML, you have the right to return to a suitable and appropriate alternative job on the same terms and conditions.

If you decide to take AML, you do not have to give the company advance notice if you intend to return to work immediately after the end of the AML period. (This will be the date that the company has notified the colleague as being the leave-end date.)

If you decide to return early from your OML or AML, you must give four weeks' notice in writing to the company, stating the date of returning to work.

If you worked full time prior to your maternity leave, you have no automatic right to return to work on a part-time basis or to make other changes to your working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements and in accordance with the company's Flexible Working Policy.

If you would like this option to be considered, you should access the Flexible Working Policy and a Flexible Working Request form.

If you are ill and are unable to return to work, or fail to return with relevant notification, the company's Absence Management Policy will apply.

If you do not wish to return to work after your maternity leave, you must give notice of resignation, as outlined in your contract of employment, to your supervisor/line manager.

### **Return to work pay**

When returning to work, your pay/salary will be the same amount as before OML and AML commenced, with any pay increases applied. However, if the company consents to a flexible working request and you return to work on a reduced hours basis, your salary and associated benefits will be prorated accordingly.

### **Shared parental leave**

There is an option of sharing maternity leave and pay between parents. To determine your eligibility and for further details of these rights please see our policy on Shared Parental Leave.

### **Continuity of employment and benefits**

The maternity leave counts towards your period of continuous employment. Service qualification with respect to company sick pay, holiday pay and notice entitlement continues to accrue throughout your maternity leave.

### **Holiday entitlement**

Holiday entitlement continues to accrue during maternity leave. Holiday leave not taken in a holiday year for reason of maternity leave may be carried over to the next holiday year. Whilst four weeks' leave is permitted under statutory legislation, we will permit you to carry forward your holiday entitlement in full if not already taken or paid.

Under normal circumstances, holiday leave may not be carried over into the following holiday leave year and you should ensure that you manage your holiday leave entitlement accordingly when you return.

Holiday leave entitlement not taken during the current holiday leave year will not be paid in lieu, except where:

- The employment relationship ends, or
- You make a request in writing within the current holiday year for any accrued statutory holiday leave to be paid during any period of unpaid maternity leave. Any such request requires the signed authorisation of your departmental manager (for RDC colleagues) or regional manager (for all Retail store colleagues).

### **Pension**

If you are a member of the Money Purchase (DC) Pension Scheme, the company will pay both the employer and your contributions for your period of paid maternity leave.

If you are a member of the Money Purchase (DC) Pension Scheme, but do not qualify for paid maternity leave, no contributions will be made during your OML or AML. This period of service will be treated as a non-pensionable period of absence and will therefore not count as pensionable service.

### **Life assurance**

You will continue to qualify for life assurance (if applicable to you due to service). If you are a member of one of the company's pension schemes, you will continue to be eligible for the life assurance cover aspect of the plan (if applicable) throughout the duration of your maternity leave.

### **Company vehicle/cash allowance**

You may be entitled to retain the use of your company vehicle or receive your car cash allowance during your maternity leave. If your vehicle is a 'tool' required as part of the job (e.g. a van or other vehicle that would be required/kitted out specifically for the role) then you may be required to relinquish this at the start of your leave.

### **Job-specific equipment**

You may be required to submit any equipment specific to your role during your leave, such as telephone, laptop, engineering tools or other items necessary to carry out tasks in order for the business to reissue these to colleagues covering your role.

### **Support available**

Confidential Counselling Service (GroceryAid) – The company has set up a partnership with GroceryAid to provide you with access to a free and confidential counselling service along with a number of other free services. GroceryAid helps people, and their families, who are working in, or retired from, retail and associated businesses.

#### **How can I contact GroceryAid?**

- Online – [www.groceryaid.org.uk](http://www.groceryaid.org.uk)
- Email – [welfare@groceryaid.org.uk](mailto:welfare@groceryaid.org.uk)
- Free and confidential Helpline – available 24/7, 365 days a year on 08088 021 122

#### **Human Resources advice and support**

A.F. Blakemore Human Resources

[Sharedservices@afblakemore.co.uk](mailto:Sharedservices@afblakemore.co.uk) or 0121 568 2905

A.F. Blakemore Mental Health First Aider

[reachout@afblakemore.co.uk](mailto:reachout@afblakemore.co.uk)