

Maternity Procedure

1. Paid time off for antenatal care

All pregnant employees are entitled to take a reasonable amount of paid time off work to attend antenatal appointments. An employee can be asked to produce a medical certificate or appointment card as proof.

Managers cannot ask employees to work additional hours to make up for time spent at an appointment.

2. Protection against discrimination on grounds of pregnancy or maternity

Pregnant employees are entitled not to be subjected to any type of unfavourable treatment related to their pregnancy or impending maternity leave. Such treatment amounts to direct discrimination and will always be unlawful.

Managers must ensure that employees do not experience:

- Exclusion from training or normal activities
- 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

3. Employee's health and safety

A risk assessment must be carried out to identify any areas of concern and appropriate action taken.

4. Return to work after Maternity Leave

If an employee wishes to return to work early, she must give 8 weeks' notice of her intended return date.

Following ordinary leave an employee has the right to resume working in the same job.

Following extended leave, her right is to return to the same job or, if this is not reasonably practicable from the company's perspective, to another suitable job on terms and conditions that are no less favourable.

An employee who worked full time prior to her maternity leave has no automatic right to return on a part-time basis. However, full consideration should be given to alternative working arrangements in line with the operational requirements of the business.

5. Maternity Leave

There are 3 types of leave, ordinary, additional and compulsory:

- a) **An employee must give notification of pregnancy** - By the qualifying week (the 15th week before the week in which the baby is due) by providing a MAT B1 certificate which is available from either a doctor or midwife, this certificate must be sent to the Payroll department as soon as it is received.
- b) **Ordinary maternity leave and additional maternity leave** – All pregnant employees 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 11th week before the baby is due.

Maternity leave will be triggered automatically if the employee is absent due to a pregnancy related condition within 4 weeks of the due date.

- c) **Compulsory Maternity Leave**

A woman is not legally entitled to work for the first 2 weeks after the birth of her baby.

6. Rights during Maternity Leave

During leave, the employee's contract remains in force apart from normal wages or salary. Holiday pay will continue to accrue during the ordinary leave and the extended leave period only. (26 weeks or 39 weeks)

7. Keep In Touch Days

Employees on ordinary or extended leave may work for up to 10 days without bringing their maternity leave to an end or lose their entitlement to statutory maternity pay.

These days may be taken separately or in a block and must be agreed between the employee and their manager.

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9. Statutory Maternity Pay

An employee who is pregnant will be eligible to receive SMP for 39 weeks providing that:

- She has been employed for at least 26 weeks 15 weeks before the baby is due
- Her average weekly earnings are more than £109 per week, calculated over an 8 week period prior to the qualifying week
- Still be pregnant by the 11th week before the baby is due
- Has given the manager 28 days' notice in writing of her intention to stop working due to pregnancy
- Has provided the manager with a Mat B1 certificate from her doctor confirming her expected date of childbirth (usually after the 6th month)

SMP is payable whether the employee intends to return to work or not

10. How Much

SMP is paid for up to 39 weeks in total

- For the first 6 weeks – 90% of average pay
- For the remainder, which is at present £136.78 per week or 90% of average pay if less than £136.78

11. Not Eligible for SMP

If an employee is not eligible for SMP, she may be able to claim maternity allowance from the DWP and the payroll department will provide an SMP1 form.