

MATERNITY LEAVE AND MATERNITY PAY

Pregnant employees and employees who have recently given birth have a variety of legal rights. This area of law is very complex and the following sections provided only a general guide for employees.

Employees have separate rights to paid **Time off for Antenatal Care, Maternity Leave** and to **Maternity Pay**. The qualifying conditions for each are outlined below.

Time off for Antenatal Care

All pregnant employees, regardless of length of service, are entitled to take time off with full pay during working hours to receive antenatal care. This includes relaxation and parent craft classes, if attended on medical advice.

The employer may require an employee who wishes to take time off for these purposes to provide medical certification of her pregnancy and an appointment card, except in connection with the first appointment.

Maternity Leave

Every employee who is pregnant has the right to a total of 52 weeks' Maternity Leave from day one of employment.

This is made up as follows:

- 26 weeks' Ordinary Maternity Leave; followed by
- 26 weeks' Additional Maternity Leave.

Women are legally obliged to take a minimum of two weeks' maternity leave after giving birth.

A longer minimum period of four weeks applies in respect of women who work in factories. This is called Compulsory Maternity Leave.

Ordinary Maternity Leave

During Ordinary Maternity Leave, the employee is entitled to receive all her normal contractual benefits (including annual holiday entitlement), but excluding pay.

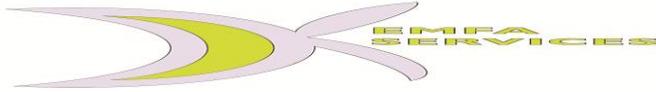
An employee is entitled to return to her original job at the end of the Ordinary Maternity Leave period.

Additional Maternity Leave

Additional Maternity Leave follows immediately after the end of Ordinary Maternity Leave. There can be no gap between the two.

During Additional Maternity leave, the employee is entitled to receive all her normal contractual benefits (including annual holiday entitlement), but excluding pay.

The employee is entitled to return to her original job at the end of Additional Maternity Leave. However, if this is not reasonably practicable, she should be offered a similar job on no less favourable terms and conditions.



Notification of Procedures for Maternity Leave

To be permitted to take Maternity Leave the employee must comply with the rules and procedures set out below:

1. No later than the end of the 15th week before the week the child is due, the employee must give the Company notice of:

- the fact that she is pregnant;
- her expected week of childbirth, which must be confirmed with the medical certificate MAT B1; and
- the date on which she intends to start her Maternity Leave. This must be in writing if requested by the Company.

Within 28 calendar days of the employee giving notice, the Company will respond in writing to the employee, confirming the date when the Maternity Leave will end. This will normally be 52 weeks from the start of Maternity Leave.

2. The earliest the employee may start her Maternity Leave is 11 weeks before the expected week of childbirth. However, Maternity Leave will start automatically if the employee gives birth before this date.

3. The employee may change her mind about when she wants to start her leave, as long as she gives the Company at least 28 calendar days' notice of the change.

The period of 28 days must be before the earlier of the original planned start date or the new planned start date.

4. An employee's Maternity Leave will automatically start if she is absent from work for a pregnancy related illness during the four weeks before the expected week of childbirth.

Notification of Return to Work

1. The employee does not need to give notice of her return to work if she simply returns at the end of her Maternity Leave period.

2. If the employee wishes to return to work before her full entitlement to Maternity Leave has ended, she must give the Company a minimum of eight weeks' notice of the date of her earlier return.

3. If the employee fails to give the required eight weeks' notice of any earlier return to work, the Company may postpone the employee's return until the end of the eight weeks' notice she should have given, or until the end of her Maternity Leave period, whichever is earlier.

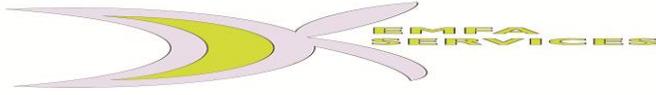
4. The employee may change her mind about the date of her return, but she must always give the Company at least eight weeks' notice of any changes.

5. An employee does not lose the right to return to work if she does not follow the correct notification requirements. However the Company may take appropriate disciplinary action if she fails to return to work at the end of her Maternity Leave period.

6. If the employee is unable to return to work because of ill health at the end of her leave, the Company's normal sickness rules, procedures and payments will apply.

Holidays and Maternity Leave

Because holiday entitlement will continue to accrue during Maternity Leave, the employee should discuss with the Company when holiday will be taken. Holiday cannot be taken



simultaneously with Maternity Leave, but could be taken either before the beginning or after the end of Maternity Leave.

Contact with the Employee during Maternity Leave

The Company may make reasonable contact with the employee during Maternity Leave.

Statutory Maternity Pay

All employees who have been continuously employed for at least 26 weeks ending with the 15th week before the expected week of childbirth (the 'Qualifying Week'), and who satisfy the following conditions, are entitled to receive Statutory Maternity Pay (SMP) from their employer. The employee must:

- still be pregnant at the 11th week before her expected week of childbirth or have had the child by that time;
- have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes over the eight week period up to and including the Qualifying Week;
- give the Company notice that she intends to be absent from work because of her pregnancy at least 15 weeks before the expected week of childbirth; and
- provide the employer with medical certification of her expected week of childbirth, normally using form MAT B1.

Statutory Maternity Pay is payable for up to 39 weeks. The first six weeks are payable at the higher rate which is 90% of the employee's normal earnings.

Normal earnings are calculated based on the eight week period before the Qualifying Week. However, any pay rises made by the Company up to the end of the employee's Maternity Leave must be taken into account and SMP adjusted accordingly.

The remaining 33 weeks are payable at the standard rate which changes from time to time.

Where the employee's earnings are below the standard rate, the employee should be paid at 90% of her average earnings of the previous eight weeks up to and including the Qualifying Week.

Employees who do not qualify for Statutory Maternity Pay may be able to claim Maternity Allowance from their local Job Centre Plus office.

Pension Contributions during Maternity Leave

Where the employee has the benefit of contractual pension contributions made by the Company, these must continue to be paid at the full rate up to the end of the period when SMP is payable.

Where the employee is required to make pension contributions, these will be based on the pay she receives during Maternity Leave.

Keeping in Touch Days

Employees on Maternity Leave may do up to 10 days' work for the employer without losing their right to SMP.

Work will be paid at the employee's normal rate of pay, but any SMP will be taken into account.

Neither the employee nor the Company is under any obligation to agree to Keeping in Touch days.