

MATERNITY LEAVE CHECKLIST

Employers need to ensure that they follow correct procedures in relation to maternity. Being listed as a protected characteristic, incorrect management of pregnancy and maternity leave could leave employers open to discrimination claims.

The below notes have been designed to guide employers through pregnancy and maternity leave in a manner that will:

- Support the employee
- Prepare the Company to continue in her absence
- Protect the Company

DURING THE PREGNANCY

1. The employee must notify the employer in writing of her pregnancy and the date she plans to start her maternity leave. This must be done by the end of the 15th week before the expected week of childbirth (EWC).
2. The employer should confirm the expected date of return from maternity leave within 28 days of receiving the employee's notification. (See Maternity Leave Confirmation Letter).
3. Employee should provide a copy of her MATB1 Certificate. This should be done at the same time as she notifies you of the pregnancy but can be done up to 28 days before she would like Statutory Maternity Pay to start. She will receive her MATB1 from her GP.
4. The employee is entitled to paid time off to attend antenatal care.
5. Pregnancy-related sick leave should be recorded separately to other types of sick leave.
6. Very importantly, a health and safety risk assessment must be completed for the employee.
7. The employer and employee should discuss when she will take her annual leave entitlement.
8. The employer and employee should discuss and agree on an appropriate level of contact whilst the woman is on maternity leave. They should also agree on the method e.g. email / phone and ensure contacts details are correct.
9. If the employee is absent for a pregnancy-related reason during the 4 weeks before the EWC, her maternity leave may start automatically.
10. The Company should consider how they intend to cover the individual's work whilst she is away. Can her duties be covered internally? Is extra assistance required? Ideally there should be a handover period with the employee to ensure an easy continuation of her duties.

EMPLOYEES ON MATERNITY LEAVE

1. All employees who have given birth are entitled to 52 weeks Maternity Leave. This is made up of 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave.
2. Employees who have been employed by the same employer continuously for at least 26 weeks into the 15th week before the week their baby is due may be entitled to Statutory Maternity Pay (SMP). SMP is made up of:
 - 6 weeks' pay at 90% of earnings
 - 33 weeks at lower rate of SMP (set by state)
3. Some employers offer an enhanced maternity pay package, details of which should be confirmed in Staff Handbook.
4. All employees are entitled to their contractual terms and conditions during Ordinary and Additional Maternity Leave, apart from their normal salary. Any bonuses paid will be applicable for the individual on maternity leave.
5. An employee may work for up to 10 days during her maternity leave, by agreement with her employer. These are known as Keeping in Touch Days (KIT Days). The employer cannot force an employee to attend for a KIT day, it must be agreed. They are commonly used for training purposes or days to help employees keep up-to-date on progress in their absence.
6. The employee does not need to give notice if she is returning to work on the expected date of return. This is the date which the employer confirmed to her in writing. However, if the employee intends to return to work earlier than the expected date of return she must give 8 weeks' notice in writing.

RETURNING FROM MATERNITY LEAVE

1. An employee returning from Ordinary Maternity Leave is entitled to return to the same job in which she was employed before her absence.
2. An employee returning from Additional Maternity Leave is entitled to return to the same job in which she was employed before her absence, however there are some circumstances in which she may be offered suitable alternative work.
3. You must complete a health and safety risk assessment for the employee if she has given birth in the last six months or is breastfeeding.
4. An employee is entitled to request flexible working and to take Time Off for Dependents. There is a formal procedure to follow regarding requests for flexible working and employers must fully consider all applications, rejecting only if there is a valid business reason.
5. An employee may be entitled to Parental Leave, which is 18 weeks unpaid leave per child. There are restrictions in place with regard to how this can be taken.
6. It is a good idea to hold a "mini-induction" on the employee's first day back to update her on changes which have occurred while she was away.