

# MATERNITY LEAVE



## 1. Introduction.

1. This scheme is applicable to any employee whose expected week of childbirth begins on or after 6 April 2003.
2. The Students' Union has an obligation to pay Statutory Maternity Pay (SMP) on behalf of the Social Security Benefits Office to all employees who are eligible to receive it. This scheme explains entitlements to both statutory and contractual maternity benefits.

## 2. Maternity Leave.

1. All employees regardless of hours worked and length of service have the following rights:
  - a. Maternity leave – the length of which will differ according to whether it is minimum maternity leave or extended maternity leave.
  - b. Return to work to the same or similar job where possible if the old job no longer exists.
  - c. Protection against dismissal for reasons wholly or partly relating to pregnancy.
2. Maternity leave does not count as a break in service. The employee, whilst on ordinary maternity leave, is entitled to full contractual benefits, excluding remuneration.
3. Notification of Maternity – Obligations upon the Employee:
  - a. An employee wishing to exercise her right to maternity must, in or before the 15th week before the expected week of childbirth (or if that is not reasonably practical, as soon as is reasonably practical) notify the Personnel Department of:
    - i. her pregnancy
    - ii. her expected week of childbirth. In order to be paid SMP the employee must produce a certificate (normally a MAT B1 form) from a registered medical practitioner or a registered midwife stating the EWC (expected week of childbirth)
    - iii. the date on which she intends to start her OML (ordinary maternity leave). This must be in writing and cannot commence earlier than the 11th week before the EWC
  - b. An employee may vary the date on which she intends her OML to start provided that she gives the University College notice of the new date 28 days before the date originally notified or 28 days before the new date on which she intends her OML to start, whichever is the earliest.

- c. An employee absent from work due to a pregnancy related illness on or after the first day of the beginning of the fourth week before the expected date of childbirth must notify the Students' Union of the reason for her absence as soon as it is reasonably practical in order to preserve her rights to maternity leave and pay. Maternity leave will automatically commence from the first day of absence and maternity pay will commence on the day following the first complete day of absence from work.
4. Right to Return:
- a. An employee who resumes work after ordinary maternity leave is entitled to return to the same job on the same terms and conditions of employment as if she had not been absent, unless a redundancy situation has arisen, in which case she is entitled to be offered a suitable alternative vacancy.
  - b. After additional maternity leave an employee is entitled to return to work to the same job on the same terms and conditions as if she had not been absent. However, if there is some reason why this is not reasonably practicable she will be offered a similar job on the same terms and conditions not less favourable than her original job.
  - c. Where an employee is unable to attend work at the end of her ordinary or additional maternity leave due to sickness, the normal contractual arrangements for sickness absence will apply.
  - d. If industrial action or any other interruption of work makes it unreasonable for the employee to return to work on the date which she has specified, she may instead return when work resumes.

### **3. Minimum Maternity Provision (Package A).**

1. This scheme covers all employees with less than 26 weeks continuous service at the 15th week before the EWC.
2. Leave:
  - a. The statutory entitlement of 26 weeks' OML (ordinary maternity leave) which may start any time from the 11th week before the EWC.
  - b. The University College will assume that the employee will return to work after the 26 week maternity leave has been completed. If the employee wishes to return to work before the end of the 26 weeks, she must give the University College at least 28 days written notice. The employee must take a minimum of two weeks compulsory leave commencing with the date of the birth.
3. Pay:
  - a. Due to a short period of service the employee will not be eligible to pay from the Students' Union but may be entitled to claim MA (maternity allowance) from the Social Security/Job Centre Plus Office.

### **4. Additional Maternity Provision (Package B).**

1. This scheme covers all employees who have been continuously employed for a period of not less than 26 weeks at the 15th week before the EWC and less than 52 weeks at the 11th week before the EWC.
2. Leave:
  - a. In addition to the minimum period of 26 weeks OML (ordinary maternity leave) the employee is also entitled to a further 26 weeks unpaid AML (additional maternity leave). The maternity leave period totals a maximum of 52 weeks consisting of 26 weeks paid and 26 weeks unpaid.
  - b. The Students' Union will assume that the employee will return to work after the 52 weeks' leave has been completed. If the employee wishes to return to work before the end of the 52 week period, she must give the University College at least 28 days written notice. The employee must take a minimum of two weeks compulsory leave commencing with the date of the birth.
3. Pay – Statutory Maternity Pay:
  - a. The employee is entitled to receive 6 weeks at 90% of full pay followed by 20 weeks at the Statutory Maternity Pay standard rate of £100 (from 6th April 03) per week or 90% of average earnings which ever is less.
  - b. An employee who earns less than the lower earnings limit for National Insurance contributions (£75 per week) is not entitled to SMP but may be entitled to claim Maternity Allowance (MA) direct from the Social Security/Jobcentre Plus Office.
4. Occupational Maternity Provision (Package C):
  - a. This scheme covers all employees with more than 52 weeks service at the 11th week before the EWC.
  - b. Leave:
    - i. In addition to the minimum period of 26 weeks OML (ordinary maternity leave) the employee is also entitled to a further 26 weeks unpaid AML (additional maternity leave). The maternity leave period totals a maximum of 52 weeks consisting of 26 weeks paid and 26 weeks unpaid.
    - ii. The University College will assume that the employee will return to work after the 52 weeks' leave has been completed. If the employee wishes to return to work before the end of the 52 week period, she must give the University College at least 28 days written notice. The employee must take a minimum of two weeks compulsory leave commencing with the date of the birth.
  - c. Pay – Occupational Maternity Pay:
    - i. If the employee has declared her intention to return to work following AML she will be entitled to 100 per cent of normal weekly earnings for the first four weeks of absence followed by two weeks at 90% (reduced where an employee is not eligible for SMP by flat rate maternity Allowance) and 12 weeks at 50 per cent of normal weekly earnings plus SMP

(subject to combined pay and SMP not exceeding full pay). The final 8 weeks will be paid at the standard rate of Statutory Maternity Pay.

- ii. If the employee does not return to work for a period of at least 13 weeks' service following her maternity leave the University College will require her to refund the 12 weeks' half pay, or if she has received less than 12 weeks' payment (because she has returned to work), the amount of money which she had been paid. She will not be required to refund any SMP. If the employee is uncertain over her return to work she may elect to have the 12 week's half pay paid on her return to work.

## **5. Statutory Maternity Pay.**

1. Early Births:
  - a. If the baby is born early but after the employee has started to receive SMP it will continue to be paid. If the employee had not yet started to receive SMP it will be triggered.
2. Late Births:
  - a. If the baby is born after the EWC, SMP is not affected.
3. Still Births:
  - a. In the unfortunate and tragic event of a stillbirth the employee is entitled to SMP if the child is born after week 24 of the pregnancy
4. Circumstances in which SMP is lost:
  - a. If during the period the employee is paid SMP she does any of the following the entitlement to SMP will cease:
    - i. goes abroad outside the European community
    - ii. is taken into legal custody
    - iii. starts work for another employer
    - iv. returns to work

## **6. General Issues.**

1. Maternity leave is not treated as sick leave and is not therefore taken into account when calculating any period of sick leave entitlement.
2. Annual Leave does accrue whilst the employee is on ordinary and extended maternity leave. However any leave that is accumulated must be taken at the end of the maternity period ie. before returning to work.
3. If an employee decides not to return to work following a period of extended maternity leave their date of leaving will be considered to be the date at which the ordinary maternity period ended.
4. Periods of maternity leave and maternity absence are regarded as continuous service for the purpose of calculating entitlements to employment benefits.
5. If, in the early months of pregnancy, an employee is advised by an approved medical practitioner to absent herself from work because of the risk of rubella, she will be entitled to leave with full pay.

## **7. What You Should do if You Become Pregnant.**

<b>Timescale:</b>	<b>Action:</b>
<p><b>Before the 15th week before the expected week of childbirth</b></p>	<p><b><i>Tell us you are pregnant</i></b></p> <p>You should tell us that you are pregnant by completing the Maternity Leave/Pay application form.</p> <p>You can tell us as soon as you want to but it must be before the 15th week before your expected week of childbirth. This will protect you from unfair treatment on grounds of pregnancy and from any health and safety risks to you or your baby.</p> <p>If you wish to change the date on which you wish to start your maternity leave you must give us 28 days notice.</p> <p>You should also inform your line manager and request a Health and Safety Assessment.</p> <ul style="list-style-type: none"> <li>▪ Maternity leave/pay application form</li> </ul>
<p><b>At least 28 days before you wish to start your leave</b></p>	<p><b><i>Let the Personnel department have your MAT B1 form</i></b></p> <p>You should ask your doctor/midwife for a signed MAT B1 Form. This must be received by the Personnel department at least 28 days before you wish to start your leave. We cannot accept this form if your doctor or midwife signs it more than 20 weeks before your baby is due.</p>
<p><b>Within 4 weeks of receiving your maternity leave application form</b></p>	<p>We will write to you to confirm your leave and pay entitlements</p>
<p><b>28 days before you wish to return to work</b></p>	<p><b><i>Complete the return to work early form</i></b></p> <p>You will either be entitled to 26 or 52 weeks leave. We will assume that you will return to work at the end of your maximum maternity leave entitlement. If you wish to return before the end of your maximum maternity leave entitlement you must complete the Return to Work Early form giving us at least 28 days notice.</p> <ul style="list-style-type: none"> <li>▪ Return to work early form</li> </ul>