

## **Absence - Maternity Rights**

### **Ante-natal care**

Should you become pregnant you are entitled to time off with pay to attend ante-natal clinics. To claim this right, you must, after your first appointment, produce a card from the hospital or clinic confirming the appointments. The company requires at least 48 hours notice of intention to be absent for such a purpose.

### **Maternity leave**

You must, at least 28 days before the date you wish to start your maternity leave period, or as soon as is reasonably practicable (for babies born prematurely), notify the company of the details of your pregnancy using the Maternity Leave Form.

Should you receive the basic entitlement of 26 weeks ordinary maternity leave you do not need to notify the company of your intention to return to work unless you intend to return early; in which case, you must give 28 days notice in writing of your proposed date of return.

If you have one year's service by the 11th week before the expected week of childbirth you have the extended right to return to work for up to 52 weeks after the beginning of the week in which the child is born (referred to as maternity absence). Should you wish to take additional maternity leave you must notify the company, in writing, of your intention to return to work at least 28 days before the day on which you propose to return. You must also conform to any legal requirements laid upon you by the company to confirm your intention to return to work after the baby has been born. The length of maternity leave and the right to return will be the statutory provisions at the time.

Under the provisions of the Maternity (Compulsory Leave) Regulations 1994, all women are required to take two weeks leave from the date of childbirth (four weeks for factory workers). These two weeks will normally fall within the 26-week statutory maternity leave period, but where they do not the period may be extended by up to two weeks.

The maternity leave period begins:

(i) On the date you notify the company as being the first day on which you intend for your leave to start; up to 11 weeks before the expected week of childbirth or if confined earlier.

or

(ii) The date you are first absent from work, wholly or partly because of pregnancy, provided it is after the start of the sixth week before the expected week of childbirth.

The first day of the maternity leave period will be whichever of (i) or (ii) above comes first.

The maternity leave period ends either when the 26-week period has expired or when the child is born, if later.

Your right to postpone your return on medical grounds no longer exists. If you are ill at the end of maternity leave, the normal rules on sickness absence will apply.

Pregnancy can give rise to specific health and safety problems. The management will endeavour to anticipate these, but if there are matters, which you need to raise, then please inform a member of management.

### **Statutory maternity pay (SMP)**

If you have 26 weeks continuous service by the qualifying week, i.e. the 15th week before the expected week of childbirth, you will be eligible for SMP at the current statutory rate. To claim maternity pay from the company, you must give at least 28 days notice, in writing (see Maternity Leave Form), of your intention to do so and provide a Maternity Certificate signed by a doctor or midwife.

Expected week of childbirth is the Sunday of the week of expected date of childbirth.

SMP will be subject to income tax and NIC. As of April 2007 SMP is £112.75 per week.

If you work up to the date of childbirth SMP is preserved. SMP is only triggered if you are absent from work because of a 'pregnancy-related' illness after six weeks before the expected week of childbirth.

If you give birth before the date you have notified, or before you have notified any date, you will be entitled to 39 weeks' SMP from the date of birth.

In the event of a stillbirth after 24 weeks of pregnancy, you will retain a right to SMP provided that you qualify.

A miscarriage should give entitlement to SSP.

## Viamed Personnel Manual

### Section 5: Absence – Maternity Rights

#### Entitlement to maternity pay:

Service with the company	Entitlement from the company
0-6 months.	Nil.
More than 6 months.	90% of average weekly earnings for 6 weeks and then 33 weeks at current statutory maternity pay rate.
Note: Women who do not satisfy the service criteria for statutory maternity pay might still be entitled to claim maternity allowance from the DSS, provided they have been employed or self-employed for at least 26 weeks in the 66 weeks ending with the 15th week before the expected week of childbirth and meet the contribution requirements.	

#### Calculating earnings for maternity pay:

Aggregate the standard gross earnings from the last two payslips before the qualifying week i.e. 15 weeks before expected week of childbirth.

Multiply by 6, divide by 52. The result is used as the average weekly earnings.

In cases where childbirth is prior to the qualifying week then the calculation is based on the last two pay slips before the end of the week of childbirth, rather than that before the end of qualifying week.

**Eligibility for maternity pay:**

Do you have a maternity certificate showing expected date of childbirth?    **No**    ⇒    No entitlement.

⇓ **Yes**

Do you have six months service by the qualifying week?    **No**    ⇒    No entitlement.

⇓ **Yes**

Did you earn more than NIC lower earnings limit for eight weeks?  
Lower earnings limit currently £87.00 per week.    **No**    ⇒    No entitlement.

⇓ **Yes**

Have you reached the 11th week before expected week of childbirth?    **No**    ⇒    Not yet entitled.

⇓ **Yes**

You are eligible for statutory maternity pay.

**Maternity Leave Form**

This form is intended for those leaving for the reason of pregnancy.

Please complete and return it to Jean Lamb as early as possible before your maternity leave commences and in any case at least 28 days before you stop work.

If it is not reasonably practicable to give 28 days notice you must inform us as soon as it is reasonably practicable, whether before or after you stop work.

You must attach to it your MATB1 Certificate, which will be provided by your midwife or doctor.

Name: \_\_\_\_\_

1) Please confirm that you are leaving because of pregnancy

YES NO (Delete as appropriate)

2) Date of commencement of maternity leave will be:

\_\_\_\_\_

3) Your expected week of childbirth is:

\_\_\_\_\_

4) Do you wish to return to work up to 52 weeks after childbirth, as laid down in the Employment Protection Rights Act.

YES NO (delete as appropriate)

5) What date do you intend to return to work:

\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

PM-SEC5-1-1