

Maternity Leave

How much are expectant mothers entitled to?

The first place to look is the employment contract. The employment contract must be equal to or more favourable to the employee than the statutory minimum. The minimum is:

52 weeks in total
26 weeks Ordinary Maternity Leave +
26 weeks Additional Maternity Leave.

This is regardless of the length of service.

Maternity Pay

How much are expectant mothers entitled to receive?

Again the first place to look is the employment contract. The employment contract must be equal to or more favourable to the employee than the statutory minimum.

There are 2 types of pay, SMP (Statutory Maternity Pay) and Maternity allowance.

To be entitled for SMP the woman must have been employed for a continuous period of at least 26 weeks by the 15th week before the week the baby is due.

SMP is: 39 weeks paid leave
First 6 weeks 90% of the salary
Then the remaining 33 weeks 90% of the salary OR
£124.88 per week WHICHEVER IS LOWER.

A woman who is not entitled to SMP may be entitled to Maternity allowance.

These rates change often. To ensure the information is correct please visit:
http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Expectingorbringingupchildren/DG_10018741

Adoption leave

The adopter has the same rights as the expectant mother in terms of length of leave (Ordinary and additional adoption leave), amount of pay (statutory adoption pay) and the rights afforded to them during leave. This is true whether the adopter is a man or a woman.

There is some controversy as to why this is the case when a biological father does not have the same rights. In some European countries the maternity leave is available for both the mother and the father and they may divide the 52 weeks between them however they wish.

Paternity leave

Employees who have been with their employer for more than a minimum qualifying period are likely to be entitled to statutory paid paternity leave if they are:

- The biological father of the child
- The husband or partner of the child's mother
- Adopting the child, or the husband or partner of the child's adopter.

The rules apply equally to same-sex couples BUT in any case the person seeking paternity leave must be taking time off to care for the child and /or support the mother. To qualify for paid paternity leave employees must also earn at least the amount at which National Insurance contributions become payable.

Employees may take one or two weeks' paternity leave which can start at any time after the baby is born or on a particular date after the first day of the week in which the baby is expected. However, paternity leave must usually finish within 56 days of the baby's birth. Regardless of how long is taken, statutory paternity leave must be taken as one continuous block and cannot be split up into odd days.

The first place to look is the employment contract. The employment contract must be equal to or more favourable to the employee than the statutory minimum.

Flexible Working

An employee may make an application for flexible working to take care of a dependant if the following conditions are satisfied:

For a child under 16

- Employed for 26 continuously before the request is made
- Not in the armed forces or a share fisherman
- Must not have applied within 12 months
- Must be the parent or guardian of the child
- Must expect to have responsibility of bringing up the child
- The purpose is to look after the child

For an adult

- Employed for 26 continuously before the request is made
- Not in the armed forces or a share fisherman
- Must be expected to care for spouse or partner OR
- Live at the same address if they are not a spouse or partner.

The employer has a duty to consider the request.

Time off for dependants

- Employees have the right to reasonable time off to deal with an emergency.
- The dependant can be a child, elderly relative or neighbour who has no-one else.
- The right does not allow you to take a week off to look after a child, for example, but it gives you enough time to arrange suitable care, normally 1 or 2 days is enough.

Family friendly rights and unfair dismissal

It is unlawful to dismiss an employee if the dismissal is connected to:

- Pregnancy
- Giving birth
- Took or sought to take maternity leave or benefits of maternity leave, both OML and AML
- Made a request for flexible working
- Taken time off for a dependant

For more information visit the citizens Advice Bureau website:

<http://www.citizensadvice.org.uk/index/getadvice.htm>

Or ACAS: <http://www.acas.org.uk/index.aspx?articleid=1461>