

Getting to grips with the new Maternity Provisions

An EBS Management Guide

Barry Rees, EBS Director of Human Resources Services, outlines the key provisions of the latest Statutory Maternity rules and provides guidance on how to use the free EBS HR Maternity Leave chart.

The Statutory Maternity rules have changed for any baby due on or after 1st April 2007. This guidance sheet takes you through the main changes and shows you how to use the Template Chart to help communicate to your employee their rights under the scheme.

Eligibility for Maternity Leave

Employees are now eligible to take up to one year's maternity leave, irrespective of their length of service. The leave is still split into two types:

- Ordinary Maternity Leave, of up to six months
During which time the employee is entitled to all of their contract terms except pay – so they can keep a company car, or the use of a mobile phone etc. (unless provided for business use only), and they accrue their normal holiday entitlement.
- Additional Maternity Leave, of up to a further six months
During which time the contract of employment continues but there is no entitlement to any contractual benefits, unless they stipulate that they are provided during additional maternity leave. They will still accrue holiday entitlements, but only at the statutory rate of 20 days per year (but watch out for changes due in October 2007 on statutory leave provision).
They do retain some other rights in relation to dismissal or redundancy during their maternity leave – EBS HR can provide further details if required.

Although a number of employees may wish to come back much earlier than their full entitlement, you cannot coerce them to do so.

Eligibility for Paid Antenatal Leave

Employees are now eligible to take paid time off to attend antenatal appointments. Except for the first appointment, you can request to see an appointment card to verify that the appointment is genuine.

Notification of their Pregnancy

No later than the 15th week before the date the baby is due to be born, the employee must formally advise (in writing if you request it) that ...

- They are pregnant,
- The expected date that her baby is due. This will be contained in the MAT B1 form she will be given by her GP or midwife,
- When they intend their maternity leave to start,
- If they does not intend to take the full 12 months, then what date they intend to return to work. If they do not give you a date, the assumption is that they will take the full 12 months.

Completing the Maternity Leave Chart

Once you have been provided with the above information you should inform your employee of the key dates relating to their maternity leave and pay.

EBS HR have produced a Maternity Leave Chart that captures all of the relevant dates. It is downloadable in Microsoft PowerPoint format from www.ebs-hr.co.uk/maternityguide.

The chart is on two pages. The first page relates to the employee's entitlements leading up to the birth of the baby. 'DATE 2' is the expected date of birth of the baby (not necessarily the actual date of birth).

The second page relates to the employee's entitlements after the birth of the baby.

All you need to do to customise the charts for each employee is to fill in the red blanks on the template, as illustrated on the next page.

Keeping in Touch Days

Employers can now allow their employees on maternity leave to work for up to 10 days, during the maternity leave period, without impacting on their right to receive maternity pay.

Typically such days may be used for training purposes or to attend team meetings etc. However, it is important to note that employers do not have to offer this facility, and where they do, employees do not have to agree to use them.

Changing the Date of Return

Where an employee has given a specific date for their return and they wish to change it, the employer can now insist on 8 weeks notice of that change. This 8 weeks notification will also apply if they gave no date of return, so they are then due back at the end of 12 months, and they now wish to come back earlier.

Company Maternity Schemes

If you operate a Company Maternity Scheme and would like help to create a template to include that, or if you have any queries on any aspect of this guide, then please contact us on **01844 211084** or email Barry Rees at barry.rees@ebs-hr.co.uk.

