Catena
Inspection & Engineering Services Ltd
Lifting Solutions & Supplies

CHR007 Maternity Leave Policy

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Maternity Leave Policy

Introduction

This policy sets out the rights of employees to statutory maternity leave and pay.

The following definitions are used in this policy:

"Expected week of childbirth" means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.

"Qualifying week" means the 15th week before the expected week of childbirth.

Maternity leave

All pregnant employees (regardless of length of service) have the right to take 26 weeks' ordinary maternity leave, immediately followed by a further 26 weeks' additional maternity leave. The employee is therefore entitled to a total period of 52 weeks' maternity leave.

All employees who take maternity leave have the right to return to work at any time, either during or after, ordinary maternity leave or additional maternity leave, subject to their following the correct notification procedures as set out below.

The law obliges all employees to take a minimum of two weeks of maternity leave immediately after the birth of the child (four weeks in the case of factory workers).

Statutory Maternity Pay (SMP)

Employees who have been continuously employed by Catena for at least 26 weeks at the end of their qualifying week and are still employed during that week, will qualify for statutory maternity pay, providing that:

- they are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth);
- they have provided a MAT B1 form stating their expected week of childbirth; and
- their average weekly earnings are not less than the lower earnings limit for national insurance contributions.

Statutory maternity pay is payable for up to 39 weeks, with the first six weeks payable at 90% of the employee's average weekly earnings. The remaining 33 weeks is payable at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. It is treated as earnings and is therefore subject to PAYE and national insurance deductions.

If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of their maternity leave (whether ordinary maternity leave or additional maternity leave), the rate of statutory maternity pay will be recalculated to take account of the employee's pay rise, regardless of whether statutory maternity pay has already been paid. This means that the employee's statutory maternity pay will be recalculated and increased retrospectively, or that they may qualify for statutory maternity pay if they did not

previously. The employee will be paid a lump sum to make up any difference between statutory maternity pay already paid and the amount payable as a result of the pay rise.

Payment of statutory maternity pay cannot start prior to the 11th week before the employee's expected week of childbirth. It can start from any day of the week in accordance with the date the employee starts their maternity leave.

Statutory maternity pay is payable whether or not the employee intends to return to work after their maternity leave.

Employees who are not entitled to statutory maternity pay may be entitled to receive maternity allowance payable directly by the Government. If an employee is not entitled to statutory maternity pay, Catena will provide the employee with an SMP1 form to allow them to pursue a claim for maternity allowance.

Timing of maternity leave

Ordinary maternity leave can start at any time after the beginning of the 11th week before the employee's expected week of childbirth (unless the baby is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever date is the earlier of:

- the employee's chosen start date;
- the day after the employee gives birth; or
- the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If the employee gives birth before their maternity leave was due to start, they must notify the IMS Manager in writing of the date of the birth as soon as reasonably practicable.

Notice requirements

On becoming pregnant, an employee should notify the IMS Manager as soon as possible. This is important as there are health and safety considerations for the organisation.

By the end of the qualifying week, or as soon as reasonably practicable afterwards, the employee is required to inform the IMS Manager in writing of:

- the fact that they are pregnant;
- the expected week of childbirth; and
- the date on which the employee intends to start their maternity leave.

The employee must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth.

The employee is permitted to bring forward their maternity leave start date, provided that they advise the IMS Manager, in writing, at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

The employee may also postpone the maternity leave start date, provided that they advise the IMS Manager, in writing, at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The IMS Manager will formally respond in writing to the employee's notification of their leave plans within 28 days, confirming the date on which they are expected to return to work if they take their full 52-week entitlement to maternity leave.

Time off for antenatal care

Once an employee has advised the organisation that they are pregnant, they will be entitled not to be unreasonably refused paid time off work to attend antenatal appointments as advised by a doctor, registered midwife or registered health visitor.

Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife or health visitor has advised them to attend, in addition to medical examinations.

To be entitled to take time off for antenatal care, the employee is required to complete a leave of absence request to the IMS Manager, including a certificate from their doctor, registered midwife or registered health visitor, stating that the employee is pregnant. Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card.

The employee should endeavour to give as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

An individual who has a qualifying relationship with the employee, which includes the employee's husband or civil partner and the father of the expected child, is eligible to take unpaid time off to accompany the employee at up to two antenatal appointments. Further details can be found in the Paternity Leave Policy.

Health and safety

The organisation has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to pregnant employees, those who have recently given birth or are breastfeeding where the work is of a kind that could involve a risk of harm or danger to their health and safety or the health and safety of the baby and the risk arises from either processes, working conditions or physical, chemical or biological agents in the workplace.

A risk assessment will therefore be undertaken as soon as the organisation is notified of the pregnancy and again on the employee’s return to work following maternity leave.

If applicable, the organisation will provide the employee with information as to any risks identified in the risk assessment. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out their normal job duties, the organisation will take such steps as are reasonably necessary to avoid those risks, such as altering the employee's working conditions. In some cases, this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

If it is not possible for the organisation to alter the employee's working conditions to remove the risks to their health and there is no suitable alternative work available to offer them on a temporary basis, the organisation may suspend the employee from work on maternity grounds until such time as there are no longer any risks to their health. This may be for the

remainder of the pregnancy until the commencement of maternity leave. If an employee is suspended in these circumstances, their employment will continue during the period of the suspension and it does not in any way affect their statutory or contractual employment and maternity rights. The employee will be entitled to their normal salary and contractual benefits during the period of their suspension, unless they have unreasonably refused an offer of suitable alternative employment.

Sickness absence

If an employee is absent from work during pregnancy owing to illness, they will receive normal statutory or contractual sick pay in the same manner as they would during any other sickness absence provided that they have not yet begun ordinary maternity leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before the expected week of childbirth, maternity leave will start automatically.

If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, they must notify the organisation in writing of this as soon as reasonably practicable.

Rights during maternity leave

During ordinary maternity leave and additional maternity leave, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by statutory maternity pay if the employee is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, annual leave entitlement will continue to accrue and pension contributions will continue to be paid during any period when the employee is receiving SMP but not during any period of unpaid maternity leave. Please contact your pension provider for further details.

Annual Leave

Annual leave entitlement will continue to accrue during the maternity leave period. Employees are encouraged to take any outstanding holiday due to them before the commencement of maternity leave. Employees are reminded that holiday must be taken in the year that it is earned.

Where a maternity leave period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee’s leave year.

Contact during maternity leave

The organisation reserves the right to maintain reasonable contact with employees during maternity leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

Keeping-in-touch days (KIT)

Employees can agree to work for the organisation (or to attend training) for up to 10 days during their maternity leave without that work bringing their maternity leave to an end and without loss of a week's statutory maternity pay. These are known as "keeping-in-touch" or KIT days. Any work carried out on a day shall constitute a day's work for these purposes.

The organisation has no right to require employees to carry out any work and employees have no right to undertake any work during their maternity leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, will be agreed between the employee and the organisation prior to being undertaken.

Returning to work after maternity leave

The employee may return to work at any time during ordinary maternity leave or additional maternity leave, provided that they give the appropriate notification. Alternatively, the employee may take their full period of maternity leave entitlement and return to work at the end of this period.

If the employee wishes to return before the full period of maternity leave has elapsed, they must give at least eight weeks' notice in writing to the IMS Manager of the date on which they intend to return.

The employee has the right to resume working in the same job if returning to work from ordinary maternity leave. If the employee returns to work after a period of additional maternity leave, they are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Failure to return to work by the end of maternity leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the maternity leave period.

If the employee decides during maternity leave that they do not wish to return to work, they should give written notice of resignation, as soon as possible, and in accordance with the terms of their contract of employment.

Transfer of maternity leave

Shared parental leave

Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

The employee can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of separate blocks of at least one week (in which case the employee needs the organisation's agreement).

To be able to take shared parental leave, an employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence

requirements. This includes the mother curtailing their maternity leave.

Employees can refer to the organisation's policy on shared parental leave, where they will find full details of the eligibility requirements, as well as instructions as to how the mother's maternity leave can be curtailed. The organisation's policy on shared parental leave sets out the notice periods with which employees must comply and what evidence they must provide to the organisation. The policy also contains more details on employees' entitlement to statutory shared parental pay.

The mother and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.

Stillbirths

If in the unfortunate and tragic event of a stillbirth, the employee continues to be entitled to SMP if the child is born after the 24th week of pregnancy. They will also be entitled to the maternity leave period. In the event of a miscarriage during or before the 24th week of pregnancy, the provisions and regulations of the sick pay scheme will apply.

Circumstances in which SMP is lost

An employee will lose the right to receive SMP if:

a. They are taken into legal custody
b. They start to work for another employer
c. They return to work (excluding circumstances when a “keeping in touch day” is undertaken).

Fair Treatment

Employees are protected from unfair treatment due to pregnancy, childbirth or taking maternity leave. Catena treats these equality issues seriously and the Grievance Procedure and the Dignity at Work Policy and Procedure provides details of how to raise any issues.

Review

This procedure will be periodically reviewed and made available to all staff (on the Works Canteen Noticeboard and via the QR code link displayed in the Canteen). Any amendment to it will be notified to employees by memo / noticeboards.