

## **Maternity Leave Policy**

### **1 Introduction**

MOPAC believes in helping employees achieve a balance between work and home life and recognises there are benefits for individuals and MOPAC when employees are better able to manage work and other areas of their lives.

The Equality Act 2010 requires MOPAC to address inequalities and eliminate unlawful discrimination in the workplace. MOPAC will not tolerate discrimination of any kind. The protected characteristics covered in the Equality Act are age, disability, nationality, ethnic or national origin, sex, race, religious or cultural belief, sexual orientation or transgendered status. Where employees have the statutory right to apply for flexible working, they can apply under the flexible working options that are outlined in the MOPAC Flexible Working policy.

The following policies and procedures outline MOPAC's intention wherever practicable, to make provisions for flexibility for employees who need to adjust the balance between work and their life outside.

### **2 Organisational scope**

This document applies to employees of MOPAC. It does not apply to agency workers or contractors.

### **3 Maternity, adoption, parental and paternity (leave and pay)**

#### **3.1 Maternity leave**

MOPAC's maternity leave scheme is open to all employees. MOPAC's occupational maternity pay is payable to eligible employees. MOPAC offers 9 months full maternity pay for eligible employees. Eligible employees must have been continuously employed by MOPAC for at least 26 weeks at the end of the qualifying week, and still employed by MOPAC during that week. If the employee does not qualify for MOPAC's occupational maternity pay then they will still be entitled to take Ordinary Maternity Leave of up to 26 weeks, and Additional Maternity Leave for a further 26 weeks.

#### **3.2 Pay scheme**

Employees who have been continuously employed by MOPAC for 26 weeks leading into the 15th week before the expected week of childbirth (EWC) are eligible for Occupational Maternity Pay (OMP). This is payable at a rate equivalent to 100% of contractual salary for the first 9 months and is inclusive of Statutory Maternity Pay (SMP). The remaining 3 months of Additional Maternity Leave (AML) will be unpaid.

OMP is based on contractual salary at the date of commencement of OML. Where applicable this includes shift allowance and overtime averaged over the previous 26 weeks.

##### **3.2.1 Statutory maternity leave and pay**

Some employees may not have been continuously employed by MOPAC for 26 weeks leading into the 15th week before EWC. These employees will be entitled to statutory maternity leave and pay as outlined below.

Statutory Maternity Pay (SMP) is paid for the first 6 weeks at a rate equivalent to 90% of average weekly earnings, with no upper limit. The remaining 33 weeks will be paid at whichever is the lower of either the statutory rate per week or 90% of average weekly earnings. The statutory rate is a fixed government rate which is reviewed every year.

The remaining 13 weeks of additional maternity leave is unpaid.

### **3.2.2 State maternity allowance**

In circumstances where employees do not qualify for SMP/OMP as outlined above they may be entitled to State Maternity Allowance (SMA) for up to 39 weeks. To qualify they must have been employed or self-employed for 26 weeks out of the 66 weeks before the expected week of childbirth and have average weekly earnings of £30 a week in at least 13 weeks (this is a statutory rate and may change). Employees who fall within this category are advised to contact their local Benefits Agency.

### **3.2.3 Maternity pay - claiming OMP/SMP**

The earliest date from which OMP/SMP can start is 11 weeks before the baby is due.

### **3.2.4 Compulsory maternity leave**

Employment legislation requires every woman to take a minimum of 2 weeks maternity leave following the birth of her baby.

### **3.2.5 Annual leave**

Annual leave may be taken at any time up to the start of maternity leave at a mutually acceptable time. Annual leave and Bank Holidays will continue to accrue during both OML and AML. Employees are encouraged to use this leave before returning to work.

### **3.2.6 Miscarriage or stillbirth**

Where a stillbirth or miscarriage is suffered before the end of 23 weeks of the pregnancy, absence will be treated as sickness absence with full entitlement to occupational sick pay/statutory sick pay.

Where this occurs from the beginning of the 24th week or later the employee may be entitled to maternity pay (and the non birth mother paternity pay) and leave as if a live birth had occurred provided they meet the service requirements as outlined above.

### **3.2.7 Time off for antenatal care**

Expectant mothers are entitled to paid time off to attend antenatal care which may include hospital appointments, doctor and midwife appointments, health visitor clinics, relaxation and parent craft classes. Time off for antenatal care will be classed as special leave and will not be counted towards sickness absence. Employees should inform their line manager as far in advance as possible. They will be asked to produce an appointment card or other confirmation of pregnancy before time off is granted.

### **4.2.8 Fitness to continue working**

Employees who are feeling fit and well can work until their baby is born and their rights to OMP/SMP will not be affected. If an employee, their manager, or GP think there are significant health and safety risks to either the employee or their baby whilst in their current role, a risk assessment will be undertaken to determine whether the employee can continue in their role.

The risk assessment will be conducted by the line manager and relevant Health and Safety advisor taking into consideration reasonable adjustments or suitable alternative work.

If an employee is absent from work with a pregnancy related illness during the four weeks before the start of expected week of childbirth, maternity leave starts automatically regardless of when the employee wants it to start. Suitable advice should be sought from Occupational Health and MOPAC HR before confirming the start of maternity leave.

### **3.2.9 Free treatment**

During pregnancy and for a year after the birth, mothers are entitled to free medical prescriptions and free NHS dental treatment. There are also a range of other benefits available. To find out what you are entitled to and how to claim contact your local benefits agency, midwife or GP for advice and guidance.

### **3.2.10 Medical evidence**

Medical evidence, normally in the form of the maternity certificate (MATB1) must be provided to your line manager in order to qualify for maternity leave and pay. This is issued by a doctor or midwife approximately 14-20 weeks before the EWC. The MATB1 must be signed and stamped by the employee's doctor or have the midwife's signature or registration number on it.

### **3.2.11 Notification of return to work**

An employee does not have to notify their manager of their intention to return to work at the end of OML or AML. It is preferable however that employees inform their line manager of their intended return to work date as this will assist managers in planning work schedules. Where no return date is given it will be assumed the employee intends to take their full entitlement of OML and AML. Should an employee want to change their stated return date this must be declared in writing 8 weeks prior to returning to work.

### **3.2.12 Right to return to work**

All employees have the right to return to work at the end of their statutory leave period irrespective of length of service. Employees returning from OML have the right to return to the same job. Employees returning from AML have the right to return to a similar job on comparable terms and conditions. Should there be an organisational restructure or redundancy programme whilst the employee is on maternity leave then Regulation 10 of the Maternity and Parental Leave etc Regulations 1999 will apply.

### **3.2.13 Flexible working**

Some mothers may not wish to return to their full-time position following maternity leave and may request a reduction or change in hours. MOPAC's Flexible Working Policy provides employees with the opportunity to request a flexible working pattern with a view to combining childcare responsibilities and flexible working to the mutual benefit of both parties. Partners may also choose to apply for flexible working in the same way as the birth mother. All requests from parents for flexible working will be given due consideration depending on business requirements. Information on flexible working can be found in the MOPAC Flexible Working Policy.

### **3.2.14 Time off for post-natal care**

Where an employee has returned to work following maternity leave and is required to attend a post-natal clinic or receive other medical treatment after the birth of their baby, this will be treated in the same way as any other medical appointment and employees should show their line manager their appointment card. Where flexible working hours are in operation appointments may be taken as part of flexi-time arrangements.

### **3.2.15 Salary/benefits**

During the period of OML and AML employees will continue to benefit from their usual terms and conditions except pay as described previously. For staff on nil-pay, the organization would cover the cost of any salary sacrifices.

### **3.2.16 Keeping in touch**

MOPAC will maintain reasonable contact with employees during maternity leave. The line manager is responsible for keeping in touch arrangements, with support from HR. Contact may include keeping employees aware of any changes happening at work, including any job vacancies or promotional opportunities that arise. Keeping in touch can help make it easier for both managers and employees when the time comes to return to work. Employees are not obliged to do any work or attend any events during maternity leave but if both the manager and the employee agree, up to 10 days' work can be undertaken during the maternity leave.

period. These 'keeping in touch' days do not have to be limited to the usual work carried out by the employee and could be used for training or other events. It may be helpful for the employee to use some of the keeping in touch days to ease the return to work. The employee will be paid at their normal basic rate of pay for time spent working on a keeping in touch day and this will be inclusive of any SMP entitlement for the day in question.

### **3.2.17 Pension**

An employee can find out how taking maternity leave impacts upon their pension by contacting MyCSP.

### **3.2.18 Shared parental leave**

Eligible employees on maternity leave or in receipt of statutory maternity pay or maternity allowance may be able to "opt" into the shared parental leave scheme. Please refer to the shared parental leave provisions in section 6.

### **3.2.19 Unpaid antenatal appointments**

Expectant fathers or the spouse, civil partner or partner (including different sex or same sex partners) have the right to unpaid time off work to attend up to two unpaid antenatal appointments up to a maximum of six and a half hours with the mother pregnant with the child. Intended parents in surrogacy have the right to unpaid time off work to accompany the woman pregnant with their child to two antenatal appointments of up to six and a half hours each.