

Maternity policy

1. Introduction

- 1.1 This policy sets out the rights and responsibilities of employees who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy-related illness and maternity leave and pay.

2. Scope of the policy

- 2.1 The policy applies where a woman's expected week of childbirth (EWC) is on or after 5 October 2008.
- 2.2 The policy incorporates statutory provisions which apply to all women employees. However, the GLA's provisions for paid maternity leave are dependent on length of service and employment status. Employees should contact the Human Resources group for detailed advice about the provisions that apply in individual cases.

3. Notification of pregnancy

- 3.1 The employee must tell her manager in writing, at least four weeks before her leave begins:
- that she is pregnant;
 - the expected week of childbirth;
 - when she wants her maternity leave to start
 - whether or not she plans to return to work for the GLA for a period of at least six months at the end of her maternity leave.
- 3.2 The employee must produce a certificate from a registered medical practitioner or a certified midwife showing the EWC. This certificate is usually referred to as the MAT(B)1.
- 3.3 If it is not possible for the woman to tell her line manager in the timescales outlined above, she must do so as soon as reasonably possible.

4. Time off for antenatal care

- 4.1 Employees are entitled to reasonable paid time off to attend appointments for ante-natal care as advised by her doctor, registered midwife or registered health visitor. This may include medical examinations, parent craft and relaxation classes.
- 4.2 The employee is required to produce an appointment card or other documentation confirming the appointment if requested to do so.
- 4.3 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.

5. Health and safety

- 5.1 The GLA has a duty to take care of the health and safety of all employees. The GLA is also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding.
- 5.2 Once the employee has informed her line manager that she is pregnant, she should contact the HR group to arrange a risk assessment. The employee will be advised about any risks identified in the risk assessment. If the assessment reveals that she will be exposed to health hazards in carrying out her normal job duties, the GLA will take such steps as are reasonably necessary to avoid those risks, which may include making temporary adjustments to job duties, working conditions and/or hours of work.
- 5.3 If it is not possible to alter the employee's working conditions to remove the risks to her health, and there is no suitable alternative work available to offer her on a temporary basis, the GLA may suspend the employee from work on maternity grounds until such time as there are no longer any risks to her health. This does not affect the employee's statutory or contractual employment and maternity rights, and she will continue to receive her normal salary and contractual benefits during the period of the suspension (unless she has unreasonably refused an offer of suitable alternative employment).

6. Sickness absence

- 6.1 If an employee is absent from work during her pregnancy because of illness, she will receive normal statutory and occupational sick pay as would be the case during any other sickness absence, provided that she has not yet begun maternity leave.
- 6.2 If the employee is absent from work wholly or partly because of pregnancy during the four weeks before her expected week of childbirth, maternity leave will start automatically from the day after the first day of absence.

7. Annual leave

- 7.1 Employees will continue to accrue annual leave while on maternity leave.
- 7.2 During periods of maternity leave, annual leave accrues pro rata to the employee's contractual entitlement of 30 days per leave year.
- 7.3 Employees will also accrue public holiday leave for any public holiday that falls within the period of maternity leave, on a day that the employee would normally work.
- 7.4 Only five days untaken annual leave may be carried over from one leave year to another. To prevent loss of any leave entitlement (for example, where the maternity leave spans two leave years) the employee will need to take her annual leave before the start of her maternity leave.

8. Maternity leave and maternity pay

8.1 The GLA has two maternity leave schemes.

8.2 Scheme A

8.2.1 Women employees who have been continuously employed by the GLA for a period of one year or more at the beginning of the eleventh week before the EWC are entitled to the provisions of this scheme, which provides:

- a) up to 52 weeks' maternity leave with up to 40 weeks' paid leave as follows:
- b) full pay for the first eighteen weeks of maternity leave *; and
- c) the option of receiving either:
 - a further eleven weeks at full pay*, or
 - twenty two weeks at half pay **

* Statutory Maternity Pay (SMP) is included in this payment.

** SMP will be paid in addition to this payment.

8.2.2 When the maternity leave ends the employee must return to work for the GLA (or another GLA Group employer) for at least six months. If the employee does not do this, she will have to repay any salary paid to her after the first eighteen weeks of her maternity leave in excess of SMP. Failure to repay could result in legal proceedings being taken to recover the money.

8.3 Scheme B

8.3.1 Women employees who have been continuously employed by the GLA for less than one year, at the beginning of the eleventh week before the EWC are entitled to up to 52 weeks maternity leave with up to 39 weeks paid leave as follows:

- ten weeks at 9/10 pay *and
- sixteen weeks at half pay** and, for employees with at least 26 week's continuous service at the end of the 15th week before the expected week of confinement
- a further thirteen weeks SMP

* SMP is included in these payments.

** For employees with at least 26 weeks continuous employment at the end of the 15th week before the expected week of childbirth, SMP will be paid in addition to this payment.

8.3.2 Women employees with less than 26 weeks' continuous service may be eligible to receive Maternity Allowance (MA). Maternity Allowance is paid by the Government to women who do not qualify for SMP.

8.3.3 When the maternity leave ends the employee must return to work for the GLA (or another GLA Group employer) for at least six months. If the employee does not do this, she will have to repay any salary paid to her after the first eighteen weeks of her maternity leave in excess of Statutory Maternity Pay. Failure to repay could result in legal proceedings being taken to recover the money.

9. Starting maternity leave

- 9.1 A woman may start her maternity leave not earlier than 11 weeks before the EWC which is shown on the MAT(B)1. However, while she is fit to work a woman may continue to work beyond this period up to the EWC.

10. Compulsory maternity leave

- 10.1 The law obliges all employees to take a minimum of two weeks maternity leave immediately following childbirth. The employee must send a copy of the baby's birth certificate to the HR group as soon as possible after the birth.

11 Stillbirth or miscarriage

- 11.1 If the employee has a stillbirth after 24 weeks or more, she is entitled to receive the benefits which would have applied if the baby had lived. This includes the right to paid and unpaid leave up to the full entitlement.
- 11.2 However, in these circumstances the employee may decide that it would be better to return to work when she has recovered or when her doctor advises that she is fit. However, the employee must give notice that she is returning to work and cannot, in any event, return to work during the two weeks immediately after the birth.
- 11.3 If the employee has a miscarriage before the 24th week of pregnancy, the employee will be treated as being on sick leave and she will have to provide a sickness certificate in line with the sickness notification procedure.
- 11.4 The employee must tell her manager as soon as possible so that appropriate leave or other arrangements can be made.

12. Contact during maternity leave

- 12.1 Shortly before the employee's maternity leave starts, the line manager will discuss the arrangements for her to keep in touch during the leave. In any event, the GLA reserves the right to maintain reasonable contact with the employee during maternity leave. This may be to discuss plans for the employee's return to work, to discuss any special arrangements to be made or training to be given to ease her return to work, or simply to update her on developments at work during her absence. Such contact will not constitute 'work' and will not count towards the 10 days specified below.

13. Keeping in touch days

- 13.1 Except during the first two weeks after childbirth, the employee can agree to attend work or training courses for the GLA for up to ten days during the period of her maternity leave, without that work bringing the maternity leave to an end and without the loss of a week's SMP. These are known as 'keeping-in-touch' days. Any work carried out on a day will constitute a day's work for these purposes.

- 13.2 There is no obligation on the employee to carry out any work, and the employee has no right to undertake any work, during her maternity leave. The GLA will grant time off in lieu for any agreed work undertaken, which should be taken by the employee when she has returned to work following maternity leave. Any keeping-in-touch days do not extend the period of maternity leave.

14. Returning to work

- 14.1 Subject to the exception below, the employee has the right to return to the job in which she was employed under her contract of employment. This depends on any organisational change that may have happened during her leave. If her substantive post has been deleted she must be offered any suitable alternative post but the terms and conditions must be no less favourable as those that would have applied to her substantive post.
- 14.2 An employee on a fixed term contract, whose contract expires during the period of maternity leave, will have no right to return to work, regardless of her length of service.
- 14.3 The employee will have been formally advised in writing by the HR group of the date on which she is expected to return if she takes her full 52 week entitlement to maternity leave. The employee is expected to return on this date, unless she notifies the GLA otherwise. While there is no legal obligation for the employee to confirm that she will be returning on the expected date, it will assist the GLA if she does so.
- 14.4 If the employee wishes to return to work earlier than the expected date she must give at least eight weeks notice of her intended return date. If she does not do so, the GLA will retain the right to postpone her return until eight weeks notice has been given.
- 14.5 If the employee has already given notice of an early return date, and subsequently wants to return even earlier, she will need to give notice eight weeks before the new date. If the employee wants to postpone her early return date, she will need to give notice eight weeks before the original early return date.
- 14.6 If the employee wishes to return on a part-time or job share basis, or any other flexible working arrangements, she should discuss this with her line manager before the start of maternity leave, or at least twelve weeks before she is due to return. Although there is no automatic right to such changes in the employee's working patterns, where possible, depending on the needs of the service, every effort will be made to accommodate requests for part time or flexible working.

15. Resigning before maternity leave

- 15.1 Employees who have been continuously employed for a minimum of 26 weeks by the end of the 15th week before childbirth who leave the GLA at the start of their maternity leave will still be entitled to SMP. Employees wishing to resign will be required to give their normal period of contractual notice.

- 15.2 Employees with less than 26 weeks continuous service by the end of the 15th week before childbirth will not be entitled to SMP. Individuals may, however, be entitled to claim MA.

16. Resigning following maternity leave

- 16.1 If the employee decides not to return to work at the GLA following maternity leave she will need to give the normal period of contractual notice.
- 16.2 Any maternity pay in excess of SMP paid to the employee from the 19th week of absence (Scheme A) or the 11th week of absence (Scheme B) will need to be repaid, unless the employee is taking up a job with another organisation in the GLA Group.