

GREATER LONDON AUTHORITY

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. The policy is available to all employees, including those in a same sex relationship and is available regardless of gender or gender identity.

2. Scope of the policy

- 2.1 The policy incorporates statutory provisions which apply to all 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 and Organisational Development Unit for detailed advice about the provisions that apply in individual cases.

3. Notification of pregnancy

- 3.1 The employee must tell their manager in writing, at least four weeks before their leave begins:
- that they are pregnant;
 - the expected week of childbirth;
 - when they want their maternity leave to start
 - whether or not they plan to return to work for the GLA for a period of at least six months at the end of their 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 employee to tell their line manager in the timescales outlined above, they 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 their 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 employees who are pregnant, have recently given birth or are breastfeeding.
- 5.2 Once the employee has informed their line manager that they are pregnant, they should contact the HR and OD Unit to arrange a risk assessment. The employee will be advised about any risks identified in the risk assessment. If the assessment reveals that they will be exposed to health hazards in carrying out 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 their health, and there is no suitable alternative work available to offer them 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 their health. This does not affect the employee's statutory or contractual employment and maternity rights, they will continue to receive their normal salary and contractual benefits during the period of the suspension (unless they have unreasonably refused an offer of suitable alternative employment).

6. Sickness absence

- 6.1 If an employee is absent from work during their pregnancy because of illness, they will receive normal statutory and occupational sick pay as would be the case during any other sickness absence, provided that they have 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 their 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 during both paid and unpaid periods.
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- 7.2 During periods of maternity leave, annual leave accrues pro rata to the employee's contractual entitlement per leave year (one twelfth of the full year's leave entitlement for each completed month of service). The annual leave year runs from 1st April to 31st March
- 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 An employee who has requested maternity leave will be advised before they start their maternity leave whether or not they have any outstanding holiday entitlement.
- 7.5 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 their annual leave before the start of their maternity leave.
- 7.6 The employee should discuss and plan when they will take their annual leave with their line manager prior to the start of their maternity leave. The employee should plan carefully because where leave is carried over into the next leave year, this leave must be taken in a block immediately before the employee returns to work to prevent loss of any leave entitlement.
- 7.7 All annual leave must be approved in advance by the employee's line manager.
- 7.8 Where the employee does not return to work their last day of service will be calculated to take into account any outstanding accrued annual leave.

8. Maternity leave and maternity pay

- 8.1 All employees, regardless of length of services, will be entitled to 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity leave i.e. 52 weeks in total.

- 8.2 The GLA has two maternity pay schemes.

8.3 Maternity Pay - Scheme A

- 8.2.1 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, they will have to repay any salary paid to them after the first eighteen weeks of their maternity leave in excess of SMP. Failure to repay could result in legal proceedings being taken to recover the money.

8.3 Maternity Pay - Scheme B

8.3.1 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 weeks' 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 before the expected week of childbirth, SMP will be paid in addition to this payment.

8.3.2 Employees with less than 26 weeks' continuous service may be eligible to receive Maternity Allowance (MA). Maternity Allowance is paid by the Government to employees 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, they will have to repay any salary paid to them after the first eighteen weeks of their 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 An employee may start their maternity leave no earlier than 11 weeks before the EWC which is shown on the MAT(B)1. However, while they are fit to work they 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 & OD Unit as soon as possible after the birth.

11 Stillbirth or miscarriage

11.1 If the employee has a stillbirth after 24 weeks or more, they are 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 they have recovered or when their doctor advises that they are fit. However, the employee must give notice of their return 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 absence and will have to provide a medical certificate in line with the sickness notification procedure.
- 11.4 The employee must tell their manager as soon as possible so that appropriate leave or other arrangements can be made.

13 Contact during maternity leave

- 13.1 Shortly before the employee's maternity leave starts, the line manager will discuss the arrangements for them 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 their return to work, or simply to update them on developments at work during their absence. Such contact will not constitute 'work' and will not count towards the 10 days specified below.

14. Keeping in touch days

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

15. Returning to work

- 15.1 If the employee returns to work at the end of Ordinary Maternity Leave i.e. within 26 weeks or less, they have the right to return to the same job in which they were employed under their contract of employment. If an employee returns to work after Additional Maternity Leave i.e. after more than 26 weeks of maternity leave or more than 26 weeks of maternity leave and/or shared parental leave or parental leave combined) they will generally have a right to return to the same job in which they were employed under their contract of employment, unless it is not reasonably practicable to do so. Where it is not reasonably practicable, the employee has the right to return to a job that is both suitable and appropriate for them to do in the circumstances.
- 15.2 This is subject to any organisational change that may have happened during their leave. If the employee's substantive post has been deleted they must be offered any suitable alternative post but the terms and conditions must be no

less favourable than those that would have applied to their substantive post. See the Management of Change procedure for more information.

- 15.3 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 their length of service.
- 15.4 The employee will have been formally advised in writing by the HR and OD Unit of the date on which they are expected to return if they take their full 52 week entitlement to maternity leave. The employee is expected to return on this date, unless they have notified the GLA otherwise. While there is no legal obligation for the employee to confirm that they will be returning on the expected date, it will assist the GLA if they do so.
- 15.5 If the employee wishes to return to work earlier than the expected date they must give at least eight weeks notice of their intended return date. If they do not do so, the GLA will retain the right to postpone their return until eight weeks notice has been given.
- 15.7 If the employee has already given notice of an early return date, and subsequently wants to return even earlier, they will need to give notice eight weeks before the new date. If the employee wants to postpone their early return date, they will need to give notice eight weeks before the original early return date.
- 15.8 If the employee wishes to return on a part-time or job share basis, or any other flexible working arrangements, they should discuss this with their line manager before the start of maternity leave, or at least twelve weeks before they are 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.

16. Resigning before maternity leave

- 16.1 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.
- 16.2 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.

17. Resigning following maternity leave

- 17.1 If the employee decides not to return to work at the GLA following maternity leave they 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.