



*The supply line to the automotive industry*

## **MATERNITY POLICY**

### **POLICY STATEMENT**

The aim of this policy is to explain employees' entitlement to the following:

- Maternity leave;
- Maternity pay during maternity leave;
- Benefits during maternity leave;
- The right to return to work and exercising this right.

It is important to note that most of the calculations are based on the *expected* week in which the baby is due, not the week in which the birth actually occurs.

This Policy also aims to explain what steps the employee and her Manager need to take prior to maternity leave, during maternity leave and upon return to work.

### **Terminology and Abbreviations**

|                            |   |
|----------------------------|---|
| RD                         | Relevant Date - 15th week before the expected week of childbirth (EWC).   |
| EWC                        | Expected week of childbirth ie: the week, beginning with Sunday, in which the doctor or midwife predicts the baby will be born.   |
| Ordinary Maternity Leave   | 26 weeks leave for all employees.   |
| Additional Maternity Leave | Additional leave entitlement for those with 26 weeks service at the end of the 15 <sup>th</sup> week before the EWC. After the end of the Ordinary Maternity Leave period the employee is entitled to a further period of 26 weeks leave. |
| Compulsory Maternity Leave | 2 weeks leave which must be taken immediately following the birth.  |

|     |   |
|-----|---|
| MA  | Maternity Allowance payable by the Government, should the employee not be entitled to statutory maternity pay from the Company. |
| SMP | Statutory Maternity Pay   |
| MPP | Maternity Pay Period  |

## **PROCEDURES**

### **Maternity Leave and Pay**

Maternity leave and pay entitlement is dependent upon continuous length of service with the Company:

#### **Leave:**

The employee may start maternity leave (providing the required notice is given) no earlier than the start of the 11<sup>th</sup> week before the EWC.

The extent of leave entitlement is dependent upon the continuous length of service with the Company. The point at which service is calculated is the end of the 15<sup>th</sup> week before the EWC. In other words, the employee should take the EWC and count backwards 15 weeks from this date. This new date, 15 weeks prior to the EWC, is the date taken for the purpose of calculating length of service in order to establish how much maternity leave the employee is entitled to take.

#### **Pay:**

During maternity leave, 'normal' pay stops and is replaced by Statutory Maternity Pay (SMP).

The employee may not work and receive normal pay from the Company and receive SMP at the same time.

The employee may continue to work right up until the date her baby is born and still retain her full 26-week entitlement to SMP.

To qualify for SMP the employee must meet the following conditions:

- She must have been continuously employed by the Company for at least 26 weeks, by the end of the fifteenth week before the EWC. This fifteenth week is known as the Relevant Date;

- She should have average weekly earnings of not less than the lower earnings limit for the payment of National Insurance contributions;
- She must be pregnant at the beginning of the 11<sup>th</sup> week before the EWC or have given birth at that time;
- She must give proper notification of her intentions, including a minimum of 28 days' notice of when she wishes her SMP to commence.

Please use the following table to identify entitlement to Maternity Pay and Leave.

| <b>Length of Service</b>                          | <b>Leave Entitlement</b>  | <b>Pay Entitlement</b>   |
|---|---|--|
| Less than 26 weeks service at 15 weeks before EWC | 'Ordinary Leave':<br>26 weeks leave<br>(Maximum 11 weeks before EWC)  | Nil – you may be eligible for Maternity Allowance which can be applied for by completing form SMP1 |
| 26 weeks service at 15 weeks before EWC           | 'Additional Leave':<br>52 weeks leave (26 weeks 'ordinary leave' plus 26 additional weeks)<br>(Maximum 11 weeks before EWC) | 6 weeks @ 90% of average salary, plus 20 weeks at the prevailing lower SMP rate                    |

Note that Maternity Pay is paid from Sunday to Sunday and commences the first Sunday after leave commences.

Payments are subject to deductions for tax and National Insurance contributions.

### **Compulsory Maternity Leave**

All employees must take a compulsory two weeks' leave after the birth. This is a legal requirement.

### **Sickness**

If the employee is absent from work due to an illness which is pregnancy related, her maternity leave will start automatically on the first day of absence following the beginning of the fourth week before the EWC, regardless of when she has said she actually wants her maternity leave to start. If the employee is absent through illness which is pregnancy related, she must write to her Manager as soon as is

reasonably practicable, informing the Manager that her absence from work is wholly or partly because of pregnancy.

Company sick pay does not apply whilst she is on maternity leave.

### **Notification**

To take advantage of the right to maternity leave (and SMP) the employee must give the required notification. This includes notifying her Manager of her pregnancy in writing, 28 days before she wishes to commence maternity leave and in any event before the end of the 15<sup>th</sup> week before her EWC, unless this is not reasonably practicable. She will need to confirm:

- that she is pregnant;
- the week that her baby is expected to be born;
- when she wants her maternity leave to start (a date no earlier than the beginning of the 11<sup>th</sup> week before EWC);
- if she is aware of how much maternity leave she actually wishes to take an indication of this would also be helpful.

She must also supply a medical certificate from her doctor or midwife (known as the MATB1 form).

If it is not reasonably practicable for the employee to provide the above information before the end of the 15<sup>th</sup> week before EWC, she must provide the information as soon as is reasonably practicable. The employee is able to change her mind about when she wishes to start her maternity leave providing she writes to her manager at least 28 days in advance, unless this is not reasonably practicable.

### **Confirmation from the Company**

The Company will write to the employee within 28 days of receipt of notification from the employee of her pregnancy. They will confirm the date that the employee will be expected to return to work and that if she wishes to return earlier she must her Manager 28 days' notice. If she has already stated she wishes to return earlier, that date will be confirmed.

### **Termination of Employment by the employee prior to Maternity Leave**

If, prior to taking maternity leave, the employee decides that she will not be returning to work after the birth of her baby, she may leave at any time by giving the required notice of termination under her contract. However, in order to qualify for payment of SMP she will need to continue in employment until the 15<sup>th</sup> week before the EWC. SMP will start to be paid to her at the beginning of the 11<sup>th</sup> week before

the EWC if her employment has terminated or she has commenced maternity leave at that point.

### **Other Maternity Entitlements**

Free NHS dental treatment and prescriptions may be claimed by all pregnant women, regardless of their income. For free prescriptions, it is necessary to complete form FW8, which can be obtained from the midwife, doctor or health visitor.

Reasonable paid time off from work will be given for the purpose of receiving antenatal care, providing the employee has:

- informed her Manager that she is pregnant;
- informed her Manager in advance of the appointment time;
- used her best endeavours to make appointments that create minimum disruption to the working day;
- upon request provided her Manager with her appointment card before she leaves the office for antenatal care.

### **Benefits During Maternity Leave**

During Ordinary Maternity Leave the employee's normal contractual terms and conditions are maintained, with the exception of those relating to remuneration, providing she has given proper notification of her absence.

During Additional Maternity Leave the implied duties of mutual trust and confidence and good faith between the Company and the employee will continue. The employee is entitled to the benefit of any terms and conditions of employment relating to notice of termination of her employment, compensation in the event of redundancy and disciplinary or grievance procedures.

Similarly, the employee is bound by her terms and conditions relating to the notice required to be given to the Company to terminate employment, and those relating to disclosure of confidential information whilst an employee of the Company.

In particular, the Company sets out below the position in relation to some of the benefits whilst the employee is on maternity leave:

#### **1. Length of Service**

By taking maternity leave, continuity of service is not broken and maternity leave does not affect the aggregation of service.

#### **2. Holidays**

Normal holidays accrued but not taken from 1<sup>st</sup> January up until the date maternity leave commences should either be taken prior to maternity leave or, if the employee wishes, can be paid to the employee in her final pay prior to the commencement of maternity leave, provided that the requirements of the Working Time Directive are met. Any leave taken in excess of entitlement, prior to maternity leave, will be deducted from entitlement accrued during maternity leave.

Holiday accrues for the duration of Ordinary Maternity Leave (i.e. for a maximum of 26 weeks). This holiday entitlement can:

- be used after the employee returns to work; or,
- (provided that the requirements of the Working Time Regulations are met) be paid to the employee upon her return to work; or
- be paid at the end of her maternity leave should she choose not to return to work.

Fixed Public Holidays and Company closure days do not accrue during maternity leave.

### **3. Pension**

If the employee is a member of the company administered pension plan and normally receives company contributions to their pension, these will continue for the period of Ordinary Maternity Leave only and will be based on the employee's pre-maternity leave salary.

Employee contributions to the pension will be deducted from maternity pay whilst the employee is on maternity leave and are based on actual level of maternity pay. The employee may opt to suspend their contributions into the Pension Scheme. It is recommended that the employee take independent financial advice in order that she may understand the financial impact on her pension of taking maternity leave and whether to make additional contributions at a later stage.

### **4. Car Allowance**

When an employee has been absent on maternity leave for 26 weeks or more, and they are receiving a car allowance, the company reserves the right to suspend payments until they return to work.

Each case will be considered on its merits and there will be ongoing discussions with the individuals involved.

## **5. Right to Return**

If the employee intends to return to work at the end of her full maternity leave entitlement or on the date confirmed in writing by the Company, it is not necessary to notify the Company of the intention to return to work. She simply needs to present herself at work at the end of her maternity leave. Nevertheless, it would, of course, be helpful if the employee could liaise with her Manager regarding her date of return.

If the employee wishes to return to work earlier than the end of her maternity leave, she must give at least 28 days' prior written notice to her line manager at the Company. If she fails to do this, the Company may postpone her return until such date as will ensure that there is 28 days' notice of her return or the end of her maternity leave.

If the employee resumes work after Ordinary Maternity Leave, she is entitled to return to the same job and terms and conditions of employment.

If the employee returns to work during or immediately following Additional Maternity Leave she is entitled to return to the same job in which she was employed before her leave began. If, however, it is not reasonably practicable for the Company to allow the employee to return to that job, she is entitled to return to a job which is both suitable and appropriate for her to do in the circumstances, as determined, by the Company, following consultation with the employee (separate arrangements apply in the case of redundancy requirements).

## **6. Health and Safety**

Line Managers should address any specific health and safety concerns with new and expectant mothers. A risk assessment should be conducted to ensure that any hazards and risks to the employee or unborn child are controlled. The work activities and working environments should be taken into consideration as part of this process. Examples of such hazards include, but are not limited to:

- working with chemical, physical and biological agents;
- manual handling;
- driving;
- working hours.

Advice in identifying specific health and safety hazards is available from management.

If the results from a risk assessment identify hazards that cannot be controlled this will be discussed with relevant department management.

## **7. Transferring from Maternity Leave to Parental Leave**

An employee may apply to transfer from maternity leave to parental leave provided she has one year's service by the time her parental leave would start. Please refer to the Parental Leave Policy. Particular note should be taken of the advance notice you will need to provide.

## **8. Flexible Working**

Should an employee wish to return to work with some flexibility in their work pattern, then consideration will be given to this request although it will not always be possible to accommodate such a request. A review of the business requirements, together with the employee's role, objectives, performance and circumstances, should be undertaken to fully understand the impact on work goals and priorities, before confirming whether part time working or other changes to the employee's terms and conditions will be possible in each case.

## **9. Resignation During/Following Maternity Leave**

An employee may decide, during or at the end of her maternity leave, that she does not wish to return to work. In this case the normal policy regarding Company Leavers will apply. Should an employee not turn up for work on the anticipated return to work date, the Manager should write to the employee at her home address to ascertain whether she intends returning to work or not. It should be noted that unauthorised absences may be treated as a disciplinary offence.

## **10. Conclusions**

The Company seeks to ensure that pregnant employees take a reasonable period of time away from work in order to have their baby and receives benefits at least in compliance with the

prevailing legislative provisions. The Company aims to be supportive to expectant mothers and to help with the demands of pregnancy and the challenge of returning to work following maternity leave. This requires the co-operation of the mother-to-be and her manager.

**11. Disclaimer**

This Policy does not form part of an employee's contract of employment and the Company reserves the right to amend, suspend or withdraw this Policy at any time without notice.