

# MATERNITY RIGHTS FACT SHEET

## FOR MEMBERS EMPLOYED IN QUADRANT



### **CWU POLICY**

This is a CWU fact sheet on Maternity Leave for CWU members who work in Quadrant. It also includes statutory requirements.

All pregnant individuals, regardless of length of service, are entitled to 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave a total of 52 weeks.

All individuals must take a minimum of 2 weeks Compulsory Maternity Leave, which commences on the day that childbirth occurs.

For Quadrant Catering CWU pregnant colleagues who have at least 1 year's continuous service and who qualify for Statutory Maternity Pay (SMP) will qualify for full pay and allowances for the first 40 weeks of Maternity Leave. The remaining 12 weeks, which is additional maternity leave, will be without pay.

Individuals who do not qualify for Employers Maternity Pay may be entitled to Statutory Maternity Pay for 39 weeks providing they have 26 weeks continuous service at the end of the qualifying week (15 weeks before the expected week of childbirth) and their average earnings in the 8 weeks up to and including the qualifying week have been at least equal to the lower earnings limit for National Insurance contributions.

Individuals with less than 26 weeks continuous service at the qualifying week (15 weeks before the expected week of childbirth) may be entitled to Maternity Allowance – visit [www.direct.gov.uk](http://www.direct.gov.uk) for confirmation of the latest allowance amounts.

You should supply your employer with a copy of your MAT B1 form. This is your maternity certificate which states your expected week of childbirth which your GP or midwife will have given you when you are about 20 weeks pregnant. You should be supplied with a Statutory Maternity Pay 1 form from Human Resources. The individual should apply to the Department of Works and Pensions for Maternity Allowance.

Applications for Maternity Leave should be given to the Line Manager.

You should submit your application 15 weeks before the expected week of childbirth and must include a proposed start date and the length of time required. This can be changed later if the employee wishes to alter it. The application must be supported with the MAT B1 Form. You should then receive notification from the employer within 28 days confirming the expected date of return.

An employee cannot start their maternity leave until the 11th week before the baby is due, unless the baby is born before then.

An employee may carry on working before the baby is born as long as they like. If they are absent from work for pregnancy related reasons within the last four weeks before the baby is due, or if they give birth before they intended to go on leave, then their Maternity Leave will start automatically.

### **Miscarriage and Stillbirth**

If a miscarriage is suffered before the end of the 24th week of pregnancy and the individual is absent from work this will be classed as Sick Leave and not Maternity Leave. If a stillbirth occurs on or after the 24th week of pregnancy, this will be classed as Maternity Leave and Maternity rules apply.

### **Returning to Work**

There is now a statutory right for the employer to make “reasonable contact” with an employee on maternity leave to arrange her return to work. If the individual intends to return to work after her Maternity Leave, she should keep in touch with her line manager in order to help with arrangements and preparation for her return. Where a return date has not been agreed, the default expectation is that the individual will take her full entitlement to 52 weeks leave.

When a return date has been agreed, should the individual decide to return to work earlier or later than proposed, she is required to give 8 weeks advanced notice which should be in writing to her line manager.

### **Keeping in Touch**

An individual on Maternity Leave can now do up to 10 days paid work as usual for her employer during Maternity Leave without triggering the end of her Maternity Leave or affecting her entitlement to Statutory Maternity Pay. The aim of keeping in touch is to allow the individual to participate in relevant work or training that will smooth their transition back to work.

Employees returning from maternity leave are entitled to return to the same job, on the same terms and conditions as if they had not been away. They are entitled to the same level of pay, including any increases to salary or improvements in terms and conditions. Employees returning from additional maternity leave have the right to return to the same job, unless this is not reasonably practicable. If this is the case, the employee must be offered a similar job on terms and conditions, which are no less favourable.

If the employee decides not to return from Maternity Leave at all, they must give the employer notice of their resignation, in accordance with their contract of employment.