

New rights to make working life better for families



Employees whose children were due on, or born on or after April 6 now have new rights to pay and leave. Paternity leave and adoptive leave have been introduced to the UK for the first time, while there are changes to maternity leave which employers and employees should be aware of. This article outlines the basic changes and rights, but for more detailed information, see the Department of Trade and Industry's website, www.dti.gov.uk/er/workingparents.

Maternity leave

A woman's entitlement to ordinary maternity leave has increased from 18 to 26 weeks. This benefits women who expected to give birth on or after April 6, even if their babies were born early.

Ordinary maternity leave is normally paid – statutory maternity pay from the employer is worth 90% of a woman's earnings for six weeks, followed by 20 weeks at £100. Employees with 26 weeks' continuous service by the beginning of the 14th week before their due date also get an additional 26 weeks' unpaid leave. A pregnant employee must tell her employer about her intention to take maternity leave by the end of the 15th week before her due date, and the earliest she can start maternity leave is the beginning of the 11th week before her baby is due.

A woman who intends to return to work at the end of her full maternity leave entitlement is not now required to give any further notification to her employer. However, if she wants to come back to work earlier, she needs to give 28 days' notice.

Employers can still claim back 92% of the payments they make to women. Those eligible for small employers' relief are able to claim back 100% plus an additional amount in compensation for employer National Insurance contributions paid on Statutory Maternity Pay (SMP). In addition, under the new arrangements, employers who need to can get funding in advance for payments of SMP from the Inland Revenue.

Paternity leave

Fathers-to-be who had a baby due on or

after April 6 also benefit. After six months of continuous employment, men are now entitled to two weeks' paid leave. Leave does not have to be taken as soon as the baby is born – it can be started at a later date. During paternity leave, most employees are entitled to Statutory Paternity Pay (SPP) from their employers, at the same rate as SMP.

Adoptive leave

If you adopt a child on or after April 6, you also have new rights. Whereas in the past, parents adopting a child had to rely on the goodwill and generosity of their employer for time off, now anyone who has worked for an employer for 26 weeks can take 26 weeks' paid leave. Statutory Adoption Pay is at the same rate as Statutory Maternity Pay. This can be followed by an additional 26 weeks' unpaid leave. Only one member of a couple adopting gets full adoptive leave – their partner is entitled to two weeks equivalent to paternity leave. Requirements for notification if an employee wants to take adoptive leave state that the employee should, if possible, give 28 days' notice of the date they want to start their leave.

Parental leave

Many people are still unclear about parental leave. Anyone who had a baby or adopted a child on or after December 15, 1999, and who had one year's service with their employer, is entitled to this unpaid leave. Both mothers and fathers get 13 weeks' parental leave for each child, which can be taken up to the child's fifth birthday.

For adopted children, parents may take leave up to five years after the date of adoption. Parents of disabled children get 18 weeks, which can be taken at any point up until the child is aged 18.

Employers and employees can agree their own procedures for taking parental leave, and make it part of the contract of employment. However, if no agreement has been made, there is a fall back scheme, under which leave must be taken in blocks or multiples of one week, a maximum of four weeks' parental leave can be taken for each child per year, and 21 days' notice must be given.

Flexible working

From April 6, parents with children aged under six, or disabled children aged under 18, have the right to ask for a flexible working pattern. Employers must consider applications seriously. However, this does not mean that parents have an automatic right to flexible working, if it will adversely affect the business. Employees can request a change to their hours, a change to the times when they are required to work, or to work from home if appropriate. Working patterns can include annualised hours, compressed hours, flexitime, job-sharing, shifts, staggered hours and term-time working.

About the author

Antonia Chitty is an independent health writer and optometrist. She has worked for the British Medical Association, *Which?* magazine and the Royal National Institute for the Blind. In the past, she has worked in a primary care clinic.

This article sums up some new rights – in a future article in *OT*, Antonia Chitty will explain how recruitment and retention of employees can be improved by taking on board family-friendly initiatives.