

## Campaign Against Arms Trade - Maternity Policy

June 2016

### **Statement of Intent**

No employee will be treated less favourably or dismissed because she is pregnant, absent on maternity leave, because she is breastfeeding or for any other reason connected with her pregnancy or maternity. Infringement of this right may lead to redress being sought through an employment tribunal. CAAT will take any instance of this in the workplace extremely seriously.

CAAT aims to provide a positive working environment for parents and pregnant employees, and will strive to make all reasonable adjustments to support people during pregnancy. This should be discussed with the Office Coordinator and your static reviewer.

### **Statutory Maternity Rights**

The law entitles all pregnant employees to:

- paid time off to attend ante-natal care;
- two weeks of maternity leave immediately following childbirth, during which employees are prohibited from working;
- a period of maternity leave;
- the right to return to the same job held before the start of the maternity leave with the same terms and conditions, unless after additional maternity leave this is not reasonably practicable.

### Time off for Ante-natal Care

Any pregnant employee, regardless of the length of service or the number of hours worked, may take paid time off during working hours to receive antenatal care on the advice of her Doctor, Midwife, or Health Visitor. The CAAT Office Coordinator should be given as much notice as possible for appointments.

A certificate from the employee's GP, registered Midwife, or registered Health Visitor, with confirmation of pregnancy may be asked for. The Office Coordinator may also ask for an appointment card or other evidence of the appointment.

### Statutory Maternity Leave Entitlements

Employees who are pregnant are entitled to a 26-week ordinary maternity leave (OML) period and a further 26-week additional maternity leave (AML) period, regardless of the length of service or hours worked.

Unless the baby is born sooner, OML can start at any point from the 11th week before the Expected Week of Childbirth (EWC), up to the actual date of birth. The latest date that maternity leave can start is the last day of the EWC. Additional maternity leave starts at the end of the ordinary maternity leave.

During OML and AML the employee is entitled to all contractual benefits normally received, including annual leave and pension contribution.

### Statutory Maternity Payments (SMP)

An employee is entitled to SMP if they have been in continuous employment at CAAT for at least 26 weeks into the 15<sup>th</sup> week before the EWC, provided that normal weekly earnings at this point are not less than the lower earnings limit for NI contributions (£112 a week before tax in 2016). This is subject to pregnancy continuing until, or birth having occurred by, the 11<sup>th</sup> week before the EWC.

SMP is paid for up to 39 weeks of which:

- the first 6 weeks are paid at 90% of normal weekly earnings; and
- the following 33 weeks are paid at either £139.58 per week (2016) or 90% of normal weekly earnings, whichever is the lower.

Tax and National Insurance will be deducted in the same way as with regular wages.

### Maternity Allowance (MA)

If there is no entitlement to SMP, employees may be eligible for Maternity Allowance (MA). MA is a social security benefit, which is paid for up to 39 weeks during maternity leave, provided that earnings are at least £30 a week or more before tax (in 2016) for at least 13 of the 66 weeks before the Expected Week of Childbirth. MA is £139.58 (in 2016) or 90% of earnings, if this is less.

### Sickness

If there is no entitlement to either Statutory Maternity Pay or Maternity Allowance (see conditions above), there may be entitlement to Statutory Sick Pay (SSP) or Incapacity Benefit.

### **CAAT's Occupational Maternity Pay (OMP)**

An employee at CAAT is entitled to OMP if they are entitled to SMP (see conditions above).

CAAT's OMP entitlement is:

- 8 weeks of leave on full pay, inclusive of SMP;
- 22 weeks of leave on half pay, plus SMP;
- 9 weeks of leave at SMP only
- 13 weeks of unpaid leave

on the condition that the employee returns to CAAT for at least 6 months following their maternity leave. Tax and National Insurance on OMP will be deducted in the same way as with regular wages.

### **Premature Births**

In the case of a premature birth, maternity leave and pay will start with the date following the birth. In exceptional circumstances, for example where there are continuing health problems for the mother and/or child, an employee can request a further period of additional unpaid leave following on from Additional Maternity Leave. This request should be made in writing to the Office Coordinator.

### **Returning to CAAT**

The employee is entitled to return to the job in which they were employed under the original contract of employment and on the same terms and conditions following the full statutory period of leave of 52 weeks (26wks of OML and 26wks of AML). However, if more than 52 weeks of leave has been taken, it may be difficult for CAAT to arrange return to exactly the same job. In this situation, CAAT will do its best to find a suitable alternative position, which is no less favourable than the original job.

### **Deciding to leave CAAT**

If a decision is made by the employee not to return to CAAT after their maternity leave the normal contractual period of notice must be given in writing and half the difference between SMP and OMP must be repaid to CAAT within a period of twelve months from the date the employee resigns (or a period of time and time-frame agreed by both parties). The employee will be paid an amount equivalent to this during her maternity leave if she states she will not be returning to CAAT when she starts her maternity leave.

If the employee decides to leave CAAT within 6 months of returning to work after their maternity leave then the employee must repay CAAT a proportion of their OMP that relates to how much of the 6 months they worked. For example, if they leave after returning to work for 3 months then they would need to repay 50% of half the difference between SMP and OMP. This should be repaid to CAAT within a period of twelve months from the date the employee resigns (or a period of time and time-frame agreed by both parties).

### **Redundancy**

A pregnant employee or one on maternity leave can still be made redundant. As with all redundancies the correct procedure must be followed and the normal rules relating to

redundancies must be applied. Where a contract of employment ends, OMP will be paid up to the last day of the contract and any remaining weeks of paid maternity leave will be paid at the SMP rate.

#### Annual Leave and TOIL

Annual leave is accrued during the period of ordinary and additional maternity leave.

If an employee decides not to return to CAAT following their period of maternity leave, payment in lieu of annual leave calculated up to the last working day and not taken before the start of the maternity leave, will be given and, where relevant, this will be offset against the repayment of any proportion of OMP. Payment can also be made for TOIL not taken before maternity leave began.

#### **Notification of pregnancy and intention to take maternity leave**

By the end of the 15<sup>th</sup> week before the EWC, the Office Coordinator must be given, in writing, at least 28 days' notice of the intended start date of maternity leave. Any subsequent change to the intended start date should also be notified in writing. A MATB1, which is a form confirming the expected date of childbirth, can be obtained from a GP/Midwife 14 weeks prior to the EWC, and should be provided to the Office Coordinator.

If childbirth occurs before the notified start date then the maternity leave will begin with the day after childbirth and the Office Coordinator should be notified of date of birth as soon as possible

#### **Notification of return to work**

It will be assumed that the full entitlement of ordinary and additional maternity leave will be taken, in which case no further notice of return is required. However, if an individual intends to return to work before the end of the 26 weeks of additional maternity leave, then 28 days' written notice must be provided.

#### **Keeping in Touch Days**

An employee on ordinary or additional maternity leave can attend work under the terms of her contract for up to 10 days; these are called Keeping In Touch days (KIT). These days are optional. There are no restrictions on when KIT days can be used for SMP although the maternity leave regulations prohibit a woman from working for two weeks after childbirth.

Any work done under her contract on any day will count as a full day – for example if an employee comes in for an hour training session this will mean she has used one of her KIT days.

KIT days will be paid according to contract, minus OMP or SMP already being paid. If the amount an employee has worked on a KIT day is less than the OMP or SMP due for that day (for example 1 hour) she will only receive the OMP/SMP she is entitled to for that day. If a KIT day is taken during unpaid maternity leave the employee will receive their usual contracted rate of pay for the time worked.

#### **Conditions of Service**

Maternity leave does not break continuity of employment for contract purposes. The period of paid maternity leave is used in the calculation of continuous employment at CAAT.

#### **Sick Leave During Pregnancy**

Sick leave during pregnancy should be treated in the same way as normal sickness. However, pregnancy-related sick leave during the 4 weeks immediately preceding the EWC triggers the maternity leave, which will start on the second day of absence.

#### **Postponement of the Date of Return due to Pregnancy Related Illness**

If return to work is delayed then normal sickness absence procedure should be followed. It should be noted that if an employee returns to work before the end of the 26 weeks of Ordinary Maternity Leave and subsequently falls ill, she is not eligible to receive Statutory Sick Pay. In this case, she would be able to resume her OMP/SMP or MA payments.

**Health and Safety**

As part of a general duty of care, CAAT must carry out a risk assessment of a pregnant employee's working conditions. Employees therefore must let CAAT know of their pregnancy as soon as possible, so that a Health and Safety Assessment can be carried out (confidentially if necessary). Employees should also contact the Office Coordinator if, after the assessment has been carried out, they are concerned that there is a risk to their health and safety or that of their baby. In certain circumstances, where it is not possible to avoid a risk and suitable alternative work is not available, suspension on full pay on health and safety grounds must take place.

**Miscarriage/Stillbirths**

If miscarriage or stillbirth occurs at or after the start of the 16th week before the EWC, the entitlement to statutory maternity pay and leave will be the same as for a live birth. Where a miscarriage or stillbirth occurs before the 16<sup>th</sup> week before the EWC the procedures relating to sickness absence will apply. In either situation, the employee is not entitled to occupational maternity pay, but they can request compassionate leave (see separate policy).