

<1. INTRODUCTION

This policy has been produced to advise you of your rights, explain what is available to you in terms of maternity leave and pay as an employee of East Dunbartonshire Council as well as answering some of your likely questions.

All pregnant employees, irrespective of length of service or hours worked, are now entitled to a period of maternity leave. Your length of service will, however, determine how long that period of leave can be and what pay you may be entitled to.

The Council has two Maternity Schemes. To establish which Scheme you are entitled to and for further information, please contact Human Resources to arrange an appointment.

This policy applies to you only if:

Your **expected date of childbirth** is 6 April 2003 or after

Your **expected date of childbirth** is 6 April 2003 or later and your baby is born prematurely.

2. WHAT IS MY ENTITLEMENT TO MATERNITY LEAVE & PAY?

Scheme A

Scheme A applies if you have less than 26 weeks continuous service by the 15th week before your baby is due.

How Much Leave am I entitled to?

You will be entitled to 26 weeks maternity leave.

Will I be entitled to Pay?

You may be entitled to Maternity Allowance. You will be issued with Form SMP1 which will enable you to claim from the Benefits Agency.

Maternity Allowance is paid for 26 weeks at £100 per week.

SCHEME B

Scheme B applies if you have 26 weeks or more continuous service by the 15th week before your baby is due.

How much Leave am I entitled to?

You will be entitled to a period of up to 52 weeks maternity leave beginning at the earliest, 11 weeks before your baby is due.

Will I be Entitled to Pay?

Subject to qualifying conditions, you may be entitled to

first 6 weeks = 90% of average weekly pay incl of SMP*

then

12 weeks at half pay plus SMP*

then

8 weeks of SMP* (£100)

** subject to satisfying the NI Earnings Criteria*

You must return to work for a period of 3 months otherwise you will have to repay the 12 weeks half pay.

3. WHEN DOES MATERNITY LEAVE BEGIN?

The earliest date Maternity Leave can begin is 11 weeks prior to the expected week of childbirth (ewc). You can choose to remain at work until your expected week of confinement.

4. WHAT ARE THE PROCEDURES FOR APPLYING FOR MATERNITY LEAVE?

You will require to inform Human Resources in writing not later than the 15th week before your ewc of the following:

- ? That you are pregnant
- ? Your expected date of childbirth
- ? The date you intend to begin Maternity Leave

Form PER/MAT1 is available from Human Resources and this must be submitted along with your MATB1 certificate which you will get from your doctor or midwife.

5. TIME OFF TO ATTEND ANTE-NATAL APPOINTMENTS

You will be allowed reasonable time off with pay to attend ante-natal appointments. You must be prepared to show an appointment card or document confirming that an appointment has been made for you.

Ante-natal care can include dental appointments, relaxation and parentcraft classes. However, you should make every effort, where possible to arrange these appointments out with working hours.

6. CAN I RETURN TO THE SAME JOB AFTER MATERNITY LEAVE?

If you take ordinary maternity leave (26 weeks only) you will be entitled to return to the same job, with seniority, pension and other rights unaffected and on no less favourable terms.

If you take additional maternity leave you will be entitled to return to the same job or if that is not reasonably practicable, to another suitable job but no less favourable remuneration, with seniority, pension and other rights unaffected, and on no less favourable terms and conditions.

7. WHAT IS THE EMPLOYMENT STATUS WHILE ON MATERNITY LEAVE?

Your employment status is the same as an employee who is at work. That is, the employment contract continues whilst on Maternity Leave unless it is terminated by either employer or employee. The normal notice periods from either party would apply.

The continuation of other contractual terms and conditions will not be affected by breaks for Maternity Leave. However, occupational pension rights that have accrued prior to going on unpaid Maternity Leave will be frozen until the employee returns to work.

You cannot be dismissed because you are pregnant or request a period of Maternity Leave

8. RETURN TO DUTY

There is a compulsory two week leave period following the birth.

You can return to work at any point during maternity leave but 28 days notice must be provided in writing advising of the intended date of return. Form PER/MAT/7a is available from Human Resources.

Subject to agreement, you may return to work, part way through the notice period.

A phased return to duty can be arranged and you should consult Human Resources for further information.

9. NURSING MOTHERS

Nursing Mothers on their return to work will, where practicable, be allowed time off during work hours of up to 50 minutes per day for the purpose of breastfeeding their baby, if the baby is being cared for nearby or to express milk.

Where possible, a private, comfortable room should be made available to the nursing mother for the purpose of expressing milk. Where circumstances merit, additional facilities will be provided to store expressed milk.

10. ANNUAL LEAVE ENTITLEMENT

Annual leave and public holidays continue to accrue during the Ordinary Maternity Leave.

11. FREQUENTLY ASKED QUESTIONS

What Happens if I Consider any of my Duties to be a Risk to my Unborn Child?

If you are worried about any part of your duties which you consider may be a risk to your unborn child you should speak to your Supervisor or Head of Department.

What happens if I am on sick leave before my maternity leave begins?

If you are on sick leave which is pregnancy related and there are four weeks or less before your baby is due, then your maternity leave will start automatically on the first Sunday following the date on which you became unfit for work. If your illness is not pregnancy related then your maternity leave will commence when you request it.

Will I Require to Continue Paying Car Loan/Lease Payments?

Yes. You must continue payment during maternity leave.

Will I Require to Continue to Make Superannuation Payments?

Yes. Occupational Maternity Pay and Statutory Maternity Pay are both subject to the deduction of superannuation. You will also have the option to "buy back" for the period of unpaid maternity leave. Human Resources will provide you with form S4. This form must be completed and returned within 30 days of your return to work.

Can I Still Apply for Jobs Advertised in the Vacancy List?

Yes.

What happens if my Baby is Born Prematurely?

Your maternity leave and pay will automatically start on the first Sunday following the day your baby was born. If your baby is born before you have your MATB1 form, then you must provide official notification of your child's birth, as delay can result in losing any entitlement to SMP.

If you have started your maternity leave then your maternity pay and leave will continue as normal. If Scheme B applies, the latest date for return to work will require to be recalculated.

What Happens if I Have a Miscarriage or my baby is Stillborn?

In the unfortunate circumstances that you miscarry or your baby is stillborn on or before the 24th week of your pregnancy although you are not entitled to maternity leave or pay you will be eligible for sick leave and pay.

If your baby is born but dies, or is stillborn on or after the 25th week of pregnancy you will be entitled to maternity leave and pay.

If you have resigned from your job East Dunbartonshire Council will make every effort to allow you to return to work but not necessarily to the same job or at the same grade.

What if I Wish to Return on a Job Share/Part-time Basis?

You will require to apply, in writing to your Head of Department at least 8 weeks before you intend to start job sharing/part-time working including details of your proposed working pattern in your application.

Can I apply for Parental Leave to begin on my return from Maternity Leave.

Yes. You can choose to begin a period of Parental Leave immediately following on from your Maternity Leave. You must apply for this separately and should obtain a copy of the Parental Leave policy for full details.

What Happens if I am not fit to Return to Work?

Provided you have notified Human Resources of your return to work date, and on that date you are unable to return because of ill-health, you should notify your Head of Department and self-certificate/submit doctor's lines in the normal way.

You will then be treated in accordance with the Maximising Attendance Policy.

What Happens if I Decide not to Return to Work?

You should notify your supervisor or Head of Department as soon as possible and officially submit your letter of resignation. If you are entitled to Scheme B you should remember that you will require to pay back the twelve weeks at five tenths pay.

You will be entitled to payment for any accrued leave.

Prior to submitting your resignation, it is recommended that you contact Human Resources and/or your Trade Union Representative.

Should you resign as a result of childbirth you may apply for posts advertised in the Council's Vacancy Bulletin for up to 18 months following your resignation.

12. RELATED POLICIES AND PROCEDURES

PaternityLeave
Parental Leave
Job Share Policy

Scheme of Special Leave

13. Please contact Angela Nelson on 578 8114 to arrange a convenient appointment.

Human Resource Services
January 2003

CHECKLIST

- Notify your supervisor or Head of Department as soon as you know that you are pregnant.
- Arrange a meeting with a member of Human Resource Services.
- Complete Form PER/MAT/1 + S4 attach form Mat B1 **15 weeks** before you intend to start your maternity leave.
- Complete Form PER/MAT/7A at least 28 days before you intend to return to work. Enter Body of Document>