

Employment rights for parents

Welcome to a new regular feature answering some of the questions our members ask. Please note that this is for information only. Members should always discuss their situation with a union representative before taking action

'I've just found out I'm pregnant. I'm worried my boss won't like this news. What are my rights at work while pregnant?'

Don't worry, while employment law for maternity leave can be complicated, the rule of thumb is that an employer may not 'unreasonably refuse' pregnant employees paid time off for antenatal care. This includes antenatal appointments, relaxation and parent-craft classes as well as travelling time.

If the employer does 'unreasonably refuse' an employment tribunal may award compensation, but only to the value of the time off.

If the employee attends antenatal appointments without permission and is sacked, it is possible to claim unfair dismissal, but there is no guarantee of being re-hired.

'I've been working in my job for five years. Can I take maternity leave?'

Yes. All pregnant employees are entitled to 26 weeks of ordinary maternity leave (OML). You must inform your employer by the end of the 15th week before the baby is due (the qualifying week):

- that you are pregnant,
- the week in which the baby is expected,
- the date that you intend to take your leave

The earliest that this leave can be accessed is 11 weeks prior to the baby's due date.

You are also entitled to Additional Maternity Leave (AML). AML is up to 26 additional weeks that can be taken consecutively with your Ordinary Maternity Leave.

After birth, you must take two weeks' compulsory maternity leave, (four weeks if you work in a factory). This is to ensure the health of mother and child.

'I'm worried about my finances while off work. Will I get Maternity Pay and Benefits?'

You will probably qualify for Maternity Pay or Maternity Allowance; however this can be difficult to calculate. Please talk to our advisers in the Member Service Centre for further information, Freephone 0800 389 6332.

'My partner is having a baby. Can I take Paternity Leave?'

Yes, if you have worked for your current employer for not less than 26 weeks prior to the qualifying week. You must also notify your employer by the qualifying week. You will then be entitled to paternity leave of one or two weeks.

'My child needs long term care. Can I take time off to look after my child?'

Yes, if you have worked for your employer for at least a year, you are entitled to 13 weeks' unpaid parental leave for each child. If your child has a disability, you are entitled to up to 18 weeks leave before the child's 18th birthday. This entitlement is until:

- the child reaches the age of five.
- if the child has a disability, the leave entitlement is until the 18th birthday

However, you may not take more than four weeks in a single year per child. You must also give 21 days notice as well as take this leave in week-long blocks unless your child receives the DLA.

'I'm struggling to organise child care. Can I request flexible hours?'

The legislation surrounding flexible hours is complicated and you should speak to a union representative directly.

However, you do have the right to have a request considered if;

- you have worked for your employer for 26 or more weeks consecutively,
- you are not an agency worker,

you have a child under 6 or a disabled child under 18 and you:

- are the primary carer,
- are applying for flexibility in order to become the primary carer,
- are the parent of the child, or are the partner of the parent.

'Are the rules the same for adoptions?'

The rules are similar. Only one parent may apply for Ordinary Adoption Leave (OAL). OAL is for a period of 26 weeks, provided you have worked for your current employer for at least 26 weeks prior to being informed by the adoption agency of an available child.

You may also be entitled to Additional Adoption Leave (AAL) if the placement proceeds smoothly.

- Only one parent is able to apply for adoption leave
- The other may apply for parental leave

Glossary

OML – Ordinary Maternity Leave
26 weeks' leave standard.

AML – Additional Maternity Leave
Up to 26 weeks' additional leave

The qualifying week

The end of the 15th week before the baby is due. You must inform your employer at this point. Although in some cases of premature birth or late discovery of the pregnancy this may be waived. For adoptions, the qualifying week is the seven day period after being informed by the adoption agency of an available child.

Paternity leave

One or two weeks' leave for the father of the child or the mother's partner with responsibility for the child.

OAL – Ordinary Adoption Leave

26 weeks' leave for those that meet the qualifying period.

AAL – Additional Adoption Leave

26 weeks' leave that an adopter may be entitled to.

For further information please contact our Member Service Centre for more information on 0800 389 6332.

