

# An employee's rights in five minutes....

## Maternity

### Time off for antenatal appointments and maternity leave

- Employees are allowed reasonable time off to attend antenatal appointments. This can include non-medical appointments, such as parenting classes, if recommended by a medical professional.
- Maternity leave is a day one right for employees. There is no need for an employee to have completed a certain length of service.
- You should give notice of maternity leave by the 15th week, or as soon as reasonably practicable, before your due date.
- You are entitled to take 52 weeks maternity leave. The first two weeks immediately after birth are compulsory (or four weeks if you work in a factory).

### Employment rights while on maternity leave

- Your employment contract continues while you are on maternity leave. You remain entitled to benefits such as pension contributions and the benefit of a pay rise.
- You must be kept informed about reorganisation or changes in your workplace that might affect your job, and any promotion and training opportunities.
- You continue to accrue annual leave. Your employer should not expect you to take annual leave while on maternity leave or to be paid in lieu.
- Your employer can ask you to return to work earlier than 52 weeks, but must not pressurise you to do so. If you want to return to work earlier, you must give your employer eight weeks' notice unless otherwise agreed.

### Returning to work or changing jobs after maternity leave

- Employees are entitled to return to their old job with the same terms and conditions after maternity leave. Only in limited circumstances, can your employer offer you an alternative job.
- If you are breastfeeding, your employer should provide a place for you to rest and a private and clean place for expressing milk.
- If you've been employed for 26 weeks, you have the right to request flexible working.
- If you decide not to return to your job and have been paid contractual maternity pay, your employer can only recoup the money from you if you agree in advance or it is specifically stated in your contract or maternity policy.

### Unlawful pregnancy and maternity discrimination

If your employer treats you less favourably because you are pregnant or on maternity leave, it might constitute unlawful discrimination. Examples of discrimination include:

- Not being given a job because you are, or are likely to become, pregnant.
- Failure to protect your health and safety at work during pregnancy.
- Being unfairly dismissed when pregnant or on maternity leave.
- Not being considered for promotion or training opportunities while on maternity leave.
- Refusal of a request for flexible working.



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## Parents

### Flexible working applications

- Employees who have worked for their employer for a continuous period of 26 weeks can apply for flexible working.
- You can only make one application for flexible working in any 12 month period.
- You should follow your work flexible working policy when making your application. If your work does not have a policy, refer to the **Labour Relations Agency guide** for information.
- Your employer must consider your application and can only reject it for one of eight business reasons.
- If your application is rejected in full or in part, you should be given the opportunity to appeal.

### Emergency time off for dependents

- Employees have the right to take time off to deal with an emergency involving a dependent.
- An 'emergency' is a sudden, unexpected problem. An example might be your child falling ill at school or your childminder cancelling unexpectedly.
- You are entitled to 'reasonable' time off to deal with the emergency and make alternative arrangements. In practice, this might mean you can take time off to collect a sick child from school and care for them for the rest of the day, but you might have to rely on other forms of leave if you want to stay off for a few days to care for your child.
- Your employer does not have to pay you for time off for dependents.

### Parental leave

- If you are a parent and have been employed for more than a year, you have the right to request parental leave.
- Each parent can take up to 18 weeks of parental leave until your child turns 18.
- Usually parental leave is taken in blocks of one week or more. You can take up to four weeks of parental leave per year.
- You should give your employer at least 21 days' notice of when you want your leave to begin.
- Parental leave is generally unpaid.



### Shared parental leave and pay

- Shared parental leave allows a couple to split a period of maternity leave/adoption leave between them.
- A mother is entitled to 52 weeks maternity/adoption leave. Shared parental leave allows a portion of this leave to be allocated to the child's other parent or mother's partner instead.
- Shared parental leave must be taken between birth and the baby's first birthday (or in the first year of an adoption) .
- Shared parental pay might be available to couples on shared parental leave.
- For eligibility rules, visit: [Shared parental leave and pay | nidirect](#)