

CASTLEREAGH BOROUGH COUNCIL



MATERNITY POLICY

INTRODUCTION

Castlereagh Borough Council recognises that female employees may take periods of maternity leave during their employment with the Council.

Employees may be assured that the Council is committed to the spirit and letter of the law in relation to maternity rights, and to providing equality of opportunity in this regard.

This policy is available to provide information to employees in relation to their entitlement to occupational and/or statutory maternity pay and maternity leave.

The maternity procedures identify the notification requirements which ensure that staff members will receive their appropriate entitlement.

The Council recognises the following maternity rights:-

1. The right to paid time off for antenatal care.
2. The right to maternity leave.
3. The right to statutory and occupational maternity pay.
4. The right to extended maternity leave.
5. The right to return to work after maternity leave.

1. THE RIGHT TO PAID TIME OFF FOR ANTENATAL CARE

- 1.1 All employees who are pregnant, regardless of their length of service are entitled to paid time off for antenatal care. Line Managers should be informed a reasonable time in advance, and an appointment card should be produced, if requested. If employees need to attend the clinic more frequently than once a month, a Doctor's letter of confirmation should be forwarded to their Line Manager.

2. THE RIGHT TO MATERNITY LEAVE

- 2.1 All employees are entitled to Ordinary Maternity Leave (OML) of 26 weeks duration.
- 2.2 At the discretion of the Council, an employee may be allowed leave with or without pay in excess of the 26-week period.
- 2.3 Employees who have 26 week's continuous local government service (at the end of the 15th week before the expected week of confinement) are entitled to a further 26 weeks of Additional Maternity Leave (AML), a total of 52 week's maternity leave.
- 2.4 After 26 weeks paid maternity leave any additional leave taken as extended maternity leave will be unpaid.
- 2.5 Maternity leave commences no earlier than the Sunday beginning the 11th week before the expected week of confinement or from the time of childbirth if that is earlier.

- 2.6 Where the Maternity Pay Period (MMP) is triggered by the birth or the start of a pregnancy related illness then MMP can start on any day of the week.
- 2.7 Employees can work up to the date on which the baby is due, however if within the last 4 weeks they are absent due to ill health which is related to their pregnancy they must commence maternity leave.
- 2.8 Employees are entitled to take annual leave until their maternity leave period officially starts.

3. THE RIGHT TO OCCUPATIONAL AND/OR STATUTORY MATERNITY PAY

- 3.1 Employees who have less than one years continuous service at the beginning of the 11th week before the EWC are entitled to receive Statutory Maternity Pay (SMP) only.
- 3.2 Employees who have completed one years continuous service at the 11th week before the EWC and who **do not** intend to work after the maternity leave period for at least three months will receive:
- Nine-tenths of a weeks pay for the first six weeks (this is offset against any SMP received at either the higher or lower rate).
 - SMP only for the remaining twenty weeks of absence.
- 3.3 Employees who have completed one years service at the 11th week before the EWC and who **do** intend to work after the maternity leave period for at least three months will receive:-
- Nine-tenths of a weeks pay for the first six weeks (this is offset against any SMP received at either the higher or lower rate).
 - half a weeks pay in addition to SMP for the next twelve weeks, except where pay and SMP would exceed full pay, and SMP only for the remaining eight weeks.
- 3.4 Any staff member who receives Occupational Maternity Pay and who does not return to work for a period of at least three months will have to refund all or part of the monies received at the discretion of the Council.

4. THE RIGHT TO RETURN TO WORK AFTER MATERNITY LEAVE

- 4.1 Employees have the right to return to work to the position, or a similar position in which they were employed, on terms and conditions which are not less favourable than those which would have been applied had the employee not been absent.
- 4.2 Where due to a redundancy situation it is not practicable for an employee to return to her original position, the Council will attempt to ensure that, where a suitable alternative vacancy exists, this will be offered to the employee.
- 4.3 In exceptional circumstances other than redundancy, e.g. re-organisation, the employee may be offered suitable alternative employment. This work should be suitable to the employee and her circumstances. The terms and conditions of the new

position must not be less favourable than those of the position in which the employee was originally employed.

4.4 Return *Before* the End of the Maternity Period

a. Employees who qualify for Ordinary Maternity Leave of 26 weeks only

If wishing to return before the end of the 26 week period, the employee must notify the Council in writing at least 7 days before the day on which she proposes to return. Where the notice given is less than 7 days, the Council may postpone the return to ensure 7 days notice, but not beyond the end of the maternity leave period.

b. Employees who qualify for Additional Maternity Leave of a Further 26 weeks

If an employee takes a period of Additional Maternity Leave, she must notify the Council in writing at least 21 days before the day on which she proposes to return, if this is before the end of the Additional Maternity Leave period. Where the notice given is less than 21 days, the Council may postpone the return to ensure 21 days notice, but not beyond the end of the maternity leave period

5. SICKNESS AFTER THE MATERNITY LEAVE PERIOD

- 5.1 Employees who are unfit to return to work at the end of the maternity leave period due to illness can access the Council's Sickness Payment Scheme.

6. RELATIONSHIP WITH SICKNESS AND ANNUAL LEAVE

- 6.1 Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sickness leave.
- 6.2 Ordinary maternity leave and additional maternity leave shall be regarded as continuous service for the purposes of the National Joint Council's sickness and maternity schemes and annual leave. Annual leave continues to accrue during both ordinary and additional maternity leave.

7. TERMS OF THE MATERNITY POLICY

- 7.1 The terms of this policy are subject to employees adhering to the notification requirements as set out in the Employee Guide. The onus is on employees to make themselves aware of these requirements and provide the appropriate information timely.

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MATERNITY PROCEDURE

Employees who are pregnant must make themselves conversant with the Council's Maternity Policy.

In order to qualify for the maternity rights outlined in the Maternity Policy employees must comply with all steps laid down in this procedure.

1. ANTE-NATAL CARE

- 1.1 Employees who are pregnant and wish to attend ante-natal care must provide their line manager with evidence of their ante-natal appointment.

2. ADVISING THE COUNCIL OF MATERNITY LEAVE

- 2.1 Employees must verbally inform their Manager that they are pregnant. The Line Manager will then issue the Employee Guide to Maternity and Parental Leave.

(NB A pregnant employee must notify the Council at least 28 days before her absence begins, or as soon as is reasonably practicable:

- That she is pregnant
- Of the Expected Week of Childbirth
- Of the date of the beginning of her absence

The Employee Guide to Maternity and Parental Leave contains the notification procedures, as outlined above.)

- 2.2 The employee will then complete a Maternity Rights form (included in the Employee Guide), and forward it to their Line Manager no later than the 15th week before the Expected Week of Confinement. This form should be forwarded by the Line Manager to the Human Resources section.

- 2.3 The Line Manager will then write to the employee to confirm the date that she will be expected to return from maternity leave, using the pro forma included in the Manager's guide.

- 2.2 Employees must also forward to their Line Manager, a MATB1 form signed by a registered medical practitioner or certified midwife within 14 weeks of their Expected Week of Confinement (EWC). This form confirms the pregnancy and the EWC. This form should be forwarded by the Line Manager to the Human Resources section.

4. EXTENDED ABSENCE DUE TO SICKNESS

- 4.1 Employees requiring access to the Council's Sickness Payment Scheme must submit a doctor's statement stating that they will be incapable of work before the notified date of return.

- 4.2 Where an employee is unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.
- 4.3 For an employee where, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect her to return on the due date, she may instead return when the work resumes, or as reasonably practicable thereafter.

6. DEFINITIONS

6.1 A Week's Pay

The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the Council to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the past 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

6.2 Childbirth

Childbirth means the live birth of a child, or a still-birth after pregnancy lasting 24 weeks.

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HUMAN RESOURCE SECTION - MATERNITY PROCEDURE

1. To ensure that confidentiality is maintained at all levels, the Human Resource Section will not act on the knowledge that an employee is pregnant until official notification has been received to confirm same.
2. Notification must be received via the Council's Notification Form in the Employee Guide, which are available from the employee's immediate Line Manager.
3. Upon receipt of the Maternity Notification Form, the Human Resource Section will forward the following information to the employee's home address:
 1. The standard letter of response to receipt of Maternity Notification Form (Appendix A).
4. The Human Resource Section will receive the completed Maternity Leave Form from the employee's Line Manager. Upon receipt of this form the Human Resource Section will issue to the employee:
 1. The Standard Response Form (Appendix B).
 2. The Confirmation of Return to Work Form (Appendix C).
5. The Human Resource Section will forward the completed Maternity Leave Form to the Salaries & Wages Section who will directly confirm dates and salary rates with the employee.
6. Upon receipt of the Confirmation of Return to Work Form from the employee the Human Resource Section will advise the Departmental Manager and the Salaries and Wages Section of the employee's return to work date through the Wages Procedure.