

Maternity leave

ALL PREGNANT EMPLOYEES can take up to 52 weeks' maternity leave around the birth of their child. This is to help you prepare, recover and care for the baby.

This statutory maternity leave (SML) is made up of 26 weeks' ordinary maternity leave followed immediately by 26 weeks' additional maternity leave.

During statutory maternity leave, you may be entitled to statutory maternity pay for up to 39 weeks of your maternity leave. Apart from wages, you keep your normal employment rights and benefits throughout all of your statutory maternity leave.

It is compulsory to take a minimum of two weeks' leave after the birth of a child, or four weeks if you work in a factory.

Time off for antenatal appointments

Before you go on maternity leave, you are entitled to paid time off during working hours to attend antenatal appointments, such as medical examinations and relaxation classes, if advised by a registered medical practitioner, registered midwife or registered nurse.

Fathers are entitled to 2 days off to attend antenatal appointments. The basic entitlement is to unpaid leave but your employer may well allow paid leave for these appointments.

Employees should notify their employer of the appointment and, if asked, provide proof of pregnancy (such as the MAT B1 form) and proof of the appointment.

If you are an agency worker you are also entitled to paid time off for antenatal appointments, provided that you have worked in the same role with the same hirer for 12 continuous calendar weeks, during one or more assignments.

Keeping in touch days

"Keeping in touch days" (KiT days) let you work up to ten days' during your statutory maternity leave, without losing maternity pay or maternity allowance or ending your leave. These may be used for any kind of work, including training or any activity undertaken for the purpose of keeping in touch with the workplace.

Legal disclaimer

The information contained within this article is not a complete or final statement of the law.

While Derbyshire UNISON has sought to ensure that the information is accurate and up to date, it is not responsible and will not be held liable for any inaccuracies and their consequences, including any loss arising from relying on this information.

If you are a Derbyshire UNISON member with a legal problem, please contact the branch office or your steward as soon as possible for advice.

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Parents using Shared Parental Leave have an additional entitlement to 20 KiT days each.

Notice periods before and after maternity leave

You must tell your employer (not necessarily in writing) that you are pregnant at least 15 weeks before your due date. You must also provide:

- the due date;
- evidence of the due date;
- the date you want to start maternity leave.

You do not have to give any notice to your employer that you intend to return to work after the end of maternity leave. If you do not wish to return, you must hand in your notice in the usual way before maternity leave ends.

Maternity leave and legal protection

It is unlawful discrimination for an employer to treat a woman unfavourably because of:

- being pregnant (if the discrimination occurs during the protected period);
- pregnancy-related illness (if the discrimination occurs during the protected period);
- exercising or seeking to exercise the right to ordinary or additional maternity leave.

The protected period starts when you become pregnant and lasts until the end of maternity leave or until you return to work (if earlier).

An employer must offer any suitable alternative vacancy to a woman whose job becomes redundant whilst on maternity leave ahead of any other employee who is similarly affected by the redundancy situation but who is not on maternity leave.