

Employment E-Brief No 19

MATERNITY AND PARENTAL LEAVE

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November saw the introduction of draft Regulations dealing with Maternity and Parental Leave.

The Maternity and Parental Leave (Amendment) Regulations 2002, if approved by Parliament, are expected to come into force on 24 November 2002. They:

- extend ordinary maternity leave from 18 to 26 weeks;
- extend additional maternity leave so that it ends 26 weeks from the end of ordinary maternity leave, rather than 29 weeks after the week of childbirth;
- reduce the qualification period for additional maternity leave from 1 year to 26 weeks;
- provide that notification of the date on which an employee intends to commence her ordinary maternity leave must be given to the employer before the end of the fifteenth week before the expected week of childbirth. A new provision allows the employee to subsequently change the date leave commences provided that her employer is given 28 days' notice;
- provide that absence from work on account of pregnancy will cause employee's ordinary maternity leave to begin automatically if it is after the beginning of the fourth week before the expected week of childbirth.

The Social Security, Statutory Maternity Pay and Statutory Sick Pay (Miscellaneous Amendments) Regulations 2002 make various amendments to statutory maternity pay, including:

- the extension of the maternity pay period to 26 weeks;
- the increase of the prescribed rate of statutory maternity pay to £100 per week;
- the increase of the period of notice a woman must give her employer from 21 to 28 days.

The provisions relating to maternity leave and pay take effect only in respect of women whose expected week of childbirth commences on or after 6 April 2003.

Employers should check their current policies and practice to ensure compliance with the new rules.