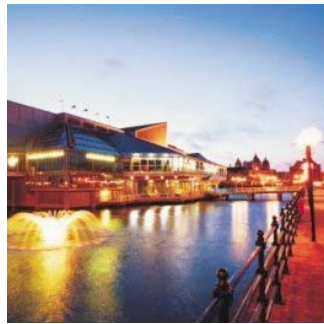


Rights for Working Parents & Carers

Factsheet 10
September 2006



INTRODUCTION

The legislation with regards to working parents and their rights has changed on a number of occasions in recent years. This factsheet will highlight the key changes to the law in recent years and future changes that are yet to come into effect.

CURRENT LEGISLATION DURING PREGNANCY

Working whilst pregnant - rights for pregnant women

- Paid time off for ante-natal care no matter how long they have been working for the company
- At least 26 weeks maternity leave
- Maternity pay benefits (Statutory Maternity Pay/Maternity allowance and in some cases a Sure Start Maternity grant if the pregnant woman meets certain conditions)
- Protection against unfair treatment or dismissal
- A risk assessment of the job must be carried out to ensure there are no risks to the pregnant woman or her unborn child
- Source www.businessseye.org.uk/516185.file.dld

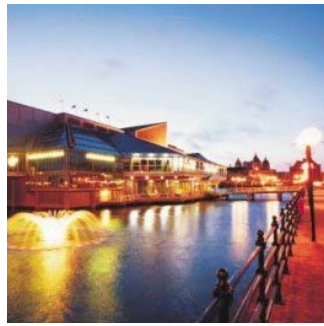
Discrimination during pregnancy

It is unlawful for an employer to discriminate against an employee on the grounds of pregnancy or because of maternity leave. Such discrimination could occur through;

- Cutting hours without the employee's permission
- Suddenly receiving poor staff reports
- Being given unsuitable work
- Redundancy because of pregnancy (other issues could be deemed acceptable)
- Treating days off due to pregnancy related issues as a disciplinary issue
- Source www.businessseye.org.uk/516185.file.dld

Rights for Working Parents & Carers

Factsheet 10
September 2006



Other Pregnancy Related Issues

- If 4 weeks before the baby is due the employee has a pregnancy related illness, maternity leave will start automatically
- If the employee decided not to take Statutory Maternity leave, they must take 2 weeks off after the baby is born or 4 weeks if they work in a factory
- If when a risk assessment of the job is carried out yet the employee still has concerns or disagrees with the findings then the employee can talk to their Health & Safety representative or trade union official or go directly to their employer. If action is still refused then the employee may contact their doctor of Health & Safety Executive helpline on 08745 345 0055

LEGAL RIGHTS FOR WORKING PARENTS

Maternity Leave

- Currently women are allowed ordinary maternity leave of 26 weeks and they have an option of additional maternity leave of a further 26 weeks after the ordinary maternity leave has finished. Additional maternity leave only applies if they have worked for their employer for 26 weeks by the end of the 15th week before the estimated week of childbirth. The employee has the right not to be dismissed, the right to return to work and the right to return to work part-time (an employer can only refuse this on the basis of business or economic reasons). **As of 1st October 2006, if the expected week of childbirth is on or after 1st April 2006, Statutory Maternity/Adoption pay will be paid for upto 39 weeks of leave.**

Paternity Leave

- Fathers, or those who are responsible for bringing up a child, are entitled to paid time off at or around the time of the child's birth - 1 week or 2 continuous weeks within 56 days of the birth or the estimated week of childbirth if it is a premature birth

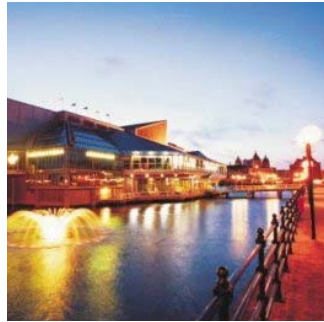
Adoption Leave

- Those who adopt a child are entitled to 26 weeks paid adoption leave (same pay rate as maternity leave) if they have worked for an employer for at least 26 continuous weeks. An employee also can take an additional 26 weeks. The other parental partner may be entitled to paternity leave as well.

Cont. next page

Rights for Working Parents & Carers

Factsheet 10
September 2006



Parental Leave

- Mothers and Fathers are entitled to have time off to take care of their children
- Their entitlement is 13 weeks unpaid leave per child, which must normally be taken before the child's fifth birthday
- In adoption cases the entitlement is within the five years after the placement or before the child's 18th birthday if it comes sooner
- Parents qualify for this entitlement if they have worked for the employer for 1 year continuously
- Reasonable notice is required for parental leave to be taken
- Leave must be agreed between the employer and employee but if unsuccessful then there is a fallback option of not more than four weeks per child
- Employers are able to postpone leave for up to six months after birth or adoption if it will seriously affect business

Time Off for Dependents

- Employees have the right to ask for 'reasonable' time off in emergency situations to care for dependents.
- They are not entitled to pay unless contracts state otherwise
- This applies if the problem is unforeseen and if the dependent is a child, parent, close family member or a frail neighbour that the employee may care for
- 'reasonable' time is considered to be days rather than weeks

Sources of Information

<http://www.direct.gov.uk>

www.busesseye.org.uk/516185.file.dld

www.workingfamilies.org.uk

This is the second in a series of business factsheets on diversity and cohesion issues, which reflect priorities in ONE HULL's new Community Strategy.