



Changes to maternity rights

New rights are being introduced for women with an expected week of childbirth (EWC) on or after 1st April 2007. These important changes include additional maternity leave, the extension of the period of Statutory Maternity Parent Pay and the removal of the qualifying period of service for “Additional Maternity Leave”. In addition to improving work-life balance for employees expecting children, the new rights also provide a good opportunity for further branch organising and recruiting of new members. See below for further suggestions on how this can be achieved.

WHAT ARE THE NEW RIGHTS?

The following changes in maternity rights were introduced for all women with an expected week of childbirth (EWC) on or after 1st April 2007. Where changes also apply to adoptive parents, this is stated:

- The period of Statutory Maternity/Adoptive Pay has been extended from 26 weeks to 39 weeks for employees who qualify (those who have 26 weeks service by the 15th week before EWC; and have average earnings above the prescribed threshold.)
- The qualifying period of service for “Additional Maternity Leave” (the optional 26 weeks an employee can take on top of 26 weeks “Ordinary Maternity Leave”) has been removed entirely.
- The required notice period of early return from maternity leave (given by the employee to the employer) has been increased from 28 days to 8 weeks
- The law has been clarified so that all women have a right to return to work after maternity leave, under the same pay and conditions, regardless of the size of the employer.
- Optional keeping in touch days have been introduced enabling a woman to work for up to 10 days during her maternity leave period



MATERNITY RIGHTS AFTER APRIL 2007

The table below covers the main areas of maternity rights as they stand after the changes described above.

	Rights from 1st April 2007
Ordinary Maternity Leave	Women are entitled to 26 weeks Ordinary Maternity Leave. This can start any time after the 11th week before the EWC, right up to the week in which the baby is due.
Additional maternity leave (AML)	Women are entitled to 26 weeks Additional Maternity Leave (AML) from the end of the Ordinary Maternity Leave period. The combined maximum leave entitlement is 52 weeks. No qualifying period of service for AML will apply.
Statutory Maternity Pay (SMP)	Women are entitled to 39 weeks Statutory Maternity Pay: The rate is 90% of a woman's average weekly earnings for the first six weeks, followed by the lesser of a flat rate of – From 6 th April 2008, £117.18 a week (or 90% of average weekly earnings if this is lower) for the remaining 33 weeks. The flat rate is subject to review every April.
Notice of maternity leave	Notice of maternity leave must first be given by the 15th week before the EWC but may be changed on 28 days' notice. There is a duty on the employer to reply to employee's notice and to inform them of the date her maternity leave will end.
Notice of early return from maternity leave	Employees will be required to give 8 weeks notice before early return from maternity leave.
Paternity leave (fathers and partners) - birth and adoption	Paternity leave will remain at 2 weeks leave. To qualify the partner must have 26 weeks' service at the 15th week before EWC or date the adoptive parent is matched with child for adoption. Note: The Government has stated its intention to increase paternity leave to 26 weeks to be taken in the second half of the maternity leave period to be introduced by end of this Parliament.
Adoption leave (Ordinary and Additional)	Ordinary Adoptive Leave (OAL) and Additional Adoptive Leave (AAL) total is 52 weeks.
Statutory Adoption Pay	The length of Statutory adoption pay has been extended to 39 weeks. If average weekly earnings are £90 or more (before tax), Statutory Adoption Pay is paid at £117.18 or 90 per cent of your average weekly earnings if this is less.
Antenatal appointments	All pregnant employees are entitled to take a reasonable amount of paid time off work on medical advice to attend antenatal appointments. An employee can be asked to produce a medical certificate or appointment card, except in the case of the first request for time off. Managers cannot ask employees to work additional hours to make up for any time spent at antenatal appointments.



ORGANISING

Not all workers will be aware of the changes, or even their existing maternity rights. New rights are an excellent opportunity for organising and involving members in the process of implementing better working conditions in the workplace. This can be done by sending newsletters, producing posters for notice boards or holding meetings to spread the word.

Clearly branches should ensure that workplace agreements with employers incorporate the minimum statutory requirements set out above. But in workplaces where agreements already go beyond statutory maternal rights, why not use these most recent changes to negotiate further improvements? The argument on providing more generous maternity and paternity rights in the workplace is being won, with more and more employers realising the importance of assisting and retaining staff through the challenges presented by pregnancy and raising young children.

Negotiations with employers on these issues can be used as a focus for recruiting and organising for branches. It's not only a matter of getting an agreement with the employer but of raising the profile of the union and showing members that it is listening; of encouraging non-members to join; and of getting existing members more involved.

Have you considered surveying members to see what they think of maternity rights in your workplace? By developing projects like this you can draw more members into becoming involved in the union, possibly to be stewards or branch officers.

BEST PRACTICE

Wirral Hospital NHS Trust have taken advantage of the new provision for optional "Keeping in Touch Days" (KITDs). Employees can agree to working up to 10 days (under contract of employment) during maternity leave. Employees cannot be compelled to do any KITDs during maternity leave, but some employees are now able to keep contact with their work place including doing mandatory workplace training during maternity leave. Before the agreement mothers working any day of their maternity leave would lose a weeks statutory maternity pay.

University of Warwick asks employees to fill out a "Maternity Leave Plan Form" when the employee notifies them that they are pregnant. The plan gives the employee an opportunity to summarise their chosen maternity leave and pay options to give both them and the University a clear plan for their maternity requirements.

British Gas and Energy Services employees taking maternity leave are paid full pay (or at least 90%) for a period of 26 weeks, followed by 13 weeks on statutory maternity pay.

WORKING TOGETHER

A crucial further step once you have reached a maternity rights agreement with employers is letting UNISON know about it. By sharing information your branch can help the union to spread best practice, identify obstructive employers and monitor the implementation of employment rights. The way to do this is to fill out the Bargaining Information System (BIS) questionnaire and return it to Bargaining Support at the address below. This information



will then be entered on to the system to help provide a more detailed picture of conditions in the workplace. The maternity rights agreement questionnaire can be found below as an appendix to this factsheet. The address for the Bargaining Support Group is: 1, Mabledon Place, London, WC1H 9AJ, or e-mail: bsg@unison.co.uk.

FURTHER INFORMATION

Information on the flexible working, the new maternity rights and other family friendly issues is available on the UNISON Bargaining Zone – www.unison.org.uk/bargaining/zone

The Department of Trade and Industry has brief and detailed advice on maternity rights at <http://www.dti.gov.uk/employment/workandfamilies/maternity-leave-pay>

The Labour Research Department produces “Working parents - a guide to the new rights”, available via their website www.lrd.co.uk or direct on 020 7928 3649.