

Introduction

This leaflet sets out your rights under the law. Your branch will be happy to assist you if you have any problems and you should always seek help from them if you feel that you are not being treated correctly by you employer. Part time workers have the same right as full-time workers.

Ante-natal and medical appointments

As a pregnant worker you have the right to paid time off for ante-natal or other medical appointments in connection with your pregnancy. Whether you are a full-time or part-time worker such appointments should not have to be scheduled outside of working hours. Consult your branch if you are placed under any pressure to make your appointment outside of working hours.

Sick leave during pregnancy

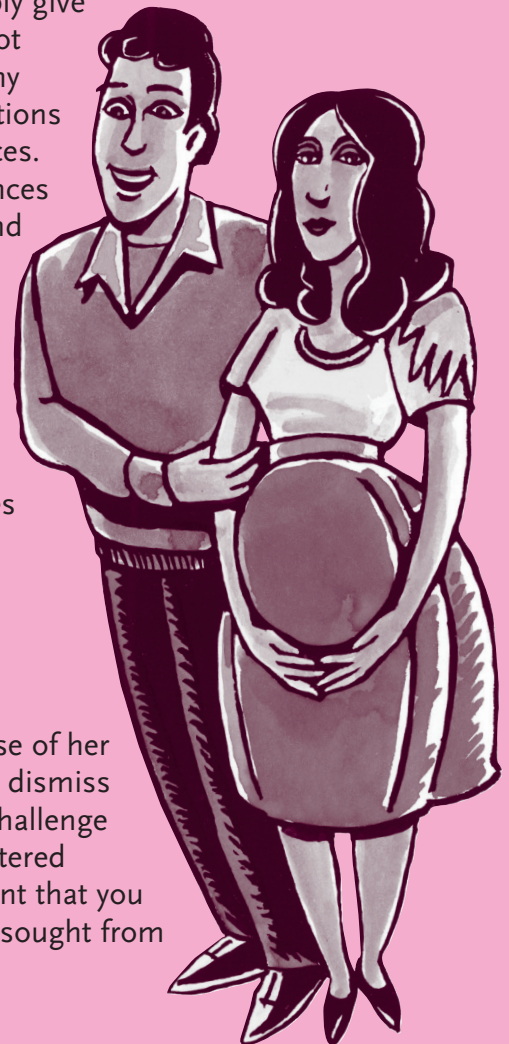
We hope that you will not have any complications or problems during pregnancy. However, if you are ill as a result of pregnancy, you are entitled to receive sick pay within the normal limits. It is important that you submit a Sick Certificate which clearly states what the complication is and does not simply give pregnancy as the reason for the absence. Since pregnancy cannot be used as a reason for dismissal, employers should not take any periods of sick leave incurred as a result of pregnancy complications into account for the purpose of any warnings about your absences. If you receive a warning because of sick absence and your absences are as a result of pregnancy complications, this is not correct and you should immediately seek assistance from your branch.

Health and safety protection during pregnancy

Included in this pack is a separate leaflet which sets out your rights to be protected from risks at work during pregnancy. This includes details of the employers duty to carry out risk assessment and the possibility of transfer from hazardous duties which may include shift working. Included in this leaflet are details of your rights once the baby has been born and you return to work.

Dismissal as a result of pregnancy

Any employer who dismisses a woman entirely or mainly because of her pregnancy is breaking the law. Should your employer attempt to dismiss you, immediately contact your union. You have a legal right to challenge dismissal at an Employment Tribunal and any claim must be entered within three months of the date of dismissal. It is most important that you exercise this right at the appropriate time and advice should be sought from your branch as quickly as possible.



Maternity leave

In this pack you will find a leaflet which details the maternity arrangements for the business in which you are employed. Different arrangements apply in different businesses. However, there are basic statutory rights for all pregnant workers to 26 weeks Maternity Leave, this is called ordinary maternity leave. This is conditional on complying with statutory notice requirements and these are detailed in the calendar which you will also find in your pack. If you have enough service you may also qualify for a further 26 weeks additional maternity leave.

Right to return to work

All pregnant workers regardless of length of service or hours worked have a right to return to work after the statutory period of Maternity Leave. These rights also apply to temporary workers and agency workers. If you are in any doubt regarding your rights, consult your branch secretary.

Other rights

As well as your statutory rights at work, there are other benefits which you are entitled to as a pregnant woman.

Free prescriptions – Dental charges

As soon as you find out you are pregnant you are entitled to free prescriptions. You should ask your GP or midwife to give you Form FW8 and send it to your Local Family Practitioner Committee. You will then be issued an Exemption Certificate. You will also be entitled to free dental treatment during pregnancy and for one year after the birth of your child. Tell your dentist when you go for treatment and you will be issued with an Exemption Certificate.

Post-natal care

When you return to work after your pregnancy, you may require some time off for post-natal care. You have a statutory right to time off for this care and should not be placed under any pressure by the employer should you need to exercise this right.

Sick leave following pregnancy

If following your Maternity Leave you are unable to return to work because of illness, you should submit a Medical Certificate detailing why you are unable to return to work. Providing this is done, you should be entitled to receive sick pay within the normal sick pay limits. If your illness is as a result of pregnancy, you are protected for a period following the birth of your child in the same way as you are during the period of pregnancy. This means that you should not be disciplined as a result of this sick absence and if you are given any warnings, you should consult your branch secretary.

Right to return to work part-time on a job share basis

Many women find after having a baby that they wish to work part-time or on a job share basis. In certain circumstances an employer's refusal to allow an employee to return on a part-time or job share basis may amount to Sex Discrimination. If you are denied the right to return on a part-time or job share basis, you should consult your branch who may if necessary, seek assistance from CWU headquarters regarding your right to work reduced hours as a result of your care commitments.

Access to jobs and promotion

A woman who is on Maternity Leave should not be excluded from access to any job or promotion which might have been available to her had she not been on Maternity Leave. No woman should be denied the right to attend an interview even though she is on Maternity Leave and the employer should continue to provide any information on available jobs to her whilst she is on Maternity Leave. If you feel these rights are not being afforded to you or you believe that you are being denied promotion because of pregnancy, you should consult your branch. In certain circumstances, denial of promotion may amount to Sex Discrimination and you will have the right to challenge this at an Employment Tribunal. Any claim to a Tribunal must be made within three months of the act complained of.

Tax and benefits

Don't forget that you are now eligible for child benefit and don't forget to check with the tax people about tax credits.

Parental Rights

The union has a booklet about parental rights which should have come with this pack.

BEFORE the birth of the child

Maternity Calendar

Week

1 Represents the first week of pregnancy.

25 “Qualifying Week” – To qualify for Statutory Maternity Pay (SMP) you must have 26 weeks continuous service with the same employer at the end of the 15th week before the expected week of childbirth.

You must have average earnings at or above the lower earnings limit for the payment of National Insurance Contributions. Women who qualify for Maternity Allowance will get the higher rate of Maternity Allowance. You are required

to notify your employer of your intention to take maternity leave, unless this is not reasonably practicable. You need to tell your employer:

- that you are pregnant
- the week your baby is expected to be born
- when you want your maternity leave to start.

You can change your mind about when you want to start your leave providing you tell your employer at least 28 days in advance (unless this is not reasonably practicable).

28 You can stop work at the end of this week.

29 If you notified your employer at week 25 they have until this date to advise you of your rights.

34 Six weeks before the baby is due, if you are still away from work due to a pregnancy related sickness, you may be automatically transferred to Maternity Leave.

39 At the end of the week Maternity Leave may commence. If you qualify for Statutory Maternity Pay, the first 20 weeks will be paid at 90% of average weekly earnings, followed by a flat rate for a further twelve weeks. Women who qualify for maternity allowance will be paid by the Department of Social Security for 26 weeks and will receive the higher rate of maternity allowance.

40 Expected week of childbirth.

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6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
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31	32	33	34	35
36	37	38	39	40

All pregnant workers irrespective of hours worked, or length of service are entitled to 26 weeks Maternity Leave provided they properly notify their employer. Maternity Leave period can start from the end of Week 28 (11 weeks before the week of childbirth) and up to the 40th week (expected week of childbirth).

Women who do not qualify for Statutory Maternity Pay, i.e. recently employed, must have worked and paid at least 26 standard rate National Insurance contributions in the 66 weeks before her baby is expected to qualify for maternity allowance.

AFTER the birth of the child

Maternity Calendar

Week

1 First week after the birth – claim for child benefit as soon as possible. Check with the Inland Revenue about tax credits.

6 If you started your Maternity Leave at the end of the 39th week of the expected week of childbirth, you will now go on to the lower rate SMP.

20 If you were automatically transferred to Maternity leave 6 weeks before the baby was due, your 26 weeks Ordinary Maternity Leave comes to an end at the end of the 20th week. Your Statutory Maternity pay will also come to an end.

25 If you started maternity leave at the last possible moment this is the last week of ordinary maternity leave and statutory maternity pay.

41 If you started your Maternity Leave on the 11th week before the expected week of child birth and are entitled to Additional Maternity Leave this will be the last week of that leave.

51 If you started your Maternity Leave at the end of the 39th week of the expected week of childbirth, and you are entitled to Additional Maternity leave this is when the leave will end. You are entitled to an additional 4 weeks unpaid parental leave if you give proper notice to your employer.
There is no legal obligation to advise your employer if you wish to return to work at the end of your maternity leave but if you wish to return before the end of your maternity leave you must give 4 weeks notice.

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51	52			

Note:

Maternity Leave may commence anytime during the course of the week depending on attendance of work or work schedule.



Health & Safety for pregnant women

All workers have a right to be protected from hazards at work and employers have a duty to care for the health and safety of their employees. However, pregnant women have specific rights to protection at work, for themselves and their unborn child.

Employers have three specific duties:

1

To carry out a risk assessment. As soon as it is known that an employee is pregnant, a risk assessment should be carried out on their job.

Risk assessment should:

- ▶ Identify all significant hazards to health and safety
- ▶ Assess the risks they pose
- ▶ Implement necessary effective control systems
- ▶ Inform, instruct and train employees
- ▶ Check the system works
- ▶ Review the system controls and plans

2

To make temporary changes to working conditions and/or working hours to avoid exposure to health risks. If, having assessed a duty, the employer identifies a risk to a pregnant woman or an unborn child, they must provide alternative work which does not present any risk. Where a risk is identified as being the result of shift-working, the employer must provide alternative working patterns which do not present a risk to the mother or unborn child.

3

To send an employee home on full pay if suitable alternative work cannot be provided. If suitable alternative work is offered, it is expected that an employee will undertake such work. Should a woman refuse to do so unreasonably, she would forfeit her rights to be sent home on full pay.

The directive also covers new mothers, which means for a period after the baby is born women are still covered by the act.

If a woman feels that her health is being in any way put at risk, by any work she is being asked to undertake, or if she feels that anything she is being asked to do may pose a danger to her new child, she should consult her branch.

German Measles

Pregnant women should be aware that they must be protected from contracting German Measles during the early months of pregnancy. If a woman has not been told by her ante-natal clinic that she is immune it is most important that she advises her manager as soon as possible in order that precautionary measures may be taken without delay.

Should there be an outbreak of German Measles, arrangements must be made for her to work away from any source of infection and, if this is not possible, she should be sent home on full pay. For any woman reading this before becoming pregnant, it is worth having blood tests done by the GP to check immunity to German Measles.

Breast Feeding

After the baby is born and the new mother has returned to work, she may wish to continue breast feeding. The employer has a duty to provide appropriate facilities for her to express milk during the day and to store it in hygienic conditions.

Many employers have not fully complied with this part of the legislation and if there are any problems, assistance should be sought from the branch.

