Paternity/Maternity Leave Policy

1. WHAT WE MEAN BY PATERNITY/MATERNITY LEAVE POLICY

* All SKW Construction Ltd employees are entitled to:  
  paid time off for ante-natal care,
* 52 weeks' maternity leave, consisting of 26 weeks' ordinary maternity leave ("OML") and 26 weeks' additional maternity leave ("AML"), regardless of the length of employment,
* • statutory maternity pay for 39 weeks, provided the employee has worked for SKW Construction
* for 26 weeks by the 15th week before the employee’s baby is due. The employee may qualify for maternity allowance if they do not qualify for SMP,
* • protection from detrimental treatment or dismissal, including redundancy, on any grounds partly or wholly related to pregnancy,
* • 18 weeks' unpaid parental leave until the child’s 18th birthday, and • dependents’ leave, where appropriate

Except for terms relating to pay, the employee’s terms and conditions of their employment contract remain in force during OML and AML. After AML, the employee is entitled to return to the same job unless it is not reasonably practicable for the employee to do so. In such circumstances, the employee will be entitled to return to a different job which is suitable and appropriate to the employee. If the employee returns to a different job, the employee’s remuneration, seniority, and status will be maintained. In some cases, the employee or the employee’s spouse/partner may be eligible to opt into the SPL scheme, which gives the employee more flexibility to share the leave and pay available in the first year after birth. The employee’s partner/spouse should check with their employer if they are eligible.

1. THE POLICY CONCEPT

The employee would need to give SKW Construction Ltd at least eight weeks' written notice to end their maternity leave and opt into SPL. the employee can give this notice before or after the birth, but the employee must remain on maternity leave until at least two weeks after birth. The employee would then be able to share any remaining leave with their partner.

1. IMPLEMENTATION

All the terms and conditions of the employee’s employment remain in force during OML and AML, except for the terms relating to pay, in particular: • benefits in kind shall continue, • annual leave entitlement under the contract shall continue to accrue, • pension benefits shall continue, and

• additionally, as the employer, SKW Construction Ltd must not discriminate against the employee while they are on any part of the maternity leave. Starting maternity leave the earliest an employee can start the maternity leave is 11 weeks before the expected week of childbirth, which is around 29 weeks of pregnancy. To ensure that the employee’s rights are upheld, they should use the due date given on the MAT B1 pregnancy certificate provided by the midwife or GP. To work out when the 11th week before the expected week of childbirth falls, the employee should find the Sunday before the date which the certificate states the baby is due, or the due date if it is a Sunday, and count back 11 Sundays from that date. The earliest date on which the employee can start the leave is that Sunday. If it does not fall before the 11 weeks before the baby is due, it is generally up to the employee as to when the maternity leave begins. The employee can even choose to work right up to the date that the baby is born. Employees should note that the start of the maternity leave might be triggered automatically if:

• they have a pregnancy related illness or absence in the last four weeks of their pregnancy, in which case the employee must inform SKW Construction Ltd of the illness and that relates to the pregnancy.

Upon this, SKW Construction Ltd can insist that the employee starts their maternity leave, even if they are off sick for only one day. However, SKW Construction Ltd may allow the employee to carry on working until they had planned to start their leave, especially if the employee has only been away for a short time, and

• the baby is born before the day on which the employee was planning to start the maternity leave. In this situation, the employee’s leave starts automatically on the day after the day of the birth.

The employee must notify SKW Construction Ltd as soon as it is reasonably practicable that they have given birth, as well as noting the date of the birth. If the employee should wish to change the commencement date of their maternity leave, the employee must provide SKW Construction Ltd with 28 days prior notice as soon as possible, unless this is not reasonably practicable. Having been notified of the employee’s intention to take maternity leave and the date on which it will begin, SKW Construction Ltd will give the employee notice of the date that their maternity leave period shall end.

SKW Construction Ltd will provide the employee with this information within 28 days of being informed of the date on which the maternity leave period will start, or on which it has started. Additional maternity leaves the second 26 weeks of maternity leave are deemed additional maternity leave. This leave starts on the day after the ordinary maternity leave period finishes.

1. REPORTING ON PATERNITY/MATERNITY LEAVE POLICY
2. The employee’s employment contract continues during additional maternity leave. Employees are entitled to return to the same job on the same terms and conditions. If, exceptionally, this is not possible (for example, if the job no longer exists), employees are entitled to suitable alternative employment on terms that are not substantially less favourable. The contractual rights of women on additional maternity leave are maintained, except those rights related to pay, as they are during ordinary maternity leave. The only difference between ordinary maternity leave and additional maternity leave is in relation to pension rights.
3. SKW Construction Ltd will maintain employees’ contributions to the pension scheme, if such applies, throughout ordinary maternity leave and throughout a period of paid additional maternity leave, based on the salary the employee would have received if they weren’t on leave.
4. SKW Construction Ltd is not obliged to maintain our contributions for any period of unpaid maternity leave. This means if the employee is paid for 39 weeks of maternity leave, and takes the full 52 weeks entitlement to leave, the employer contributions may not be made for the final 13 weeks. If this is any different, it will be shown in the employee’s contract. Employee contributions to the pension scheme, if applicable, will be based on their actual pay for the period of the maternity pay period (39 weeks). Compulsory maternity leave It is compulsory for employees to take 2 weeks of maternity leave following the birth of the baby for health and safety reasons. All employment entitlements and conditions that apply during the maternity leave period will also apply during the period of compulsory maternity leave. Notice of maternity leave Employees must notify SKW Construction Ltd of their intention to take ordinary maternity leave by the end of the 15th week before the child is due, or as soon as reasonably practicable, and must give SKW Construction Ltd the information in writing, if requested. Employees can notify SKW Construction Ltd earlier than this and may find it helpful to do so to ensure that their health and safety rights are observed, and that they have time off for antenatal care.

In writing, the employee’s notice must state:

• that they are pregnant,

• the expected week of childbirth, and

• the date on which the employee intends the ordinary maternity leave to start.

SKW Construction Ltd can request a copy of the employee’s MAT B1 certificate which will be provided by either the GP or midwife around 20 weeks of pregnancy and which will state the week that the child is due. This is required as medical evidence of the expected week of childbirth, as well as evidence of the employee’s entitlement to SMP. SKW Construction Ltd can request that all the notice that the employee gives is in writing.

Notice of return to work

The employee does not need to give any notice that they returning to work at the end of the maternity leave. However, they might find it helpful to contact and inform SKW Construction Ltd that they are coming back. On the other hand, if the employee wishes to return to work earlier than the 52 weeks’ entitlement, the employee must give SKW Construction Ltd 56 days’/8 weeks’ notice of the intention to return early. If the employee fails to do so, SKW Construction Ltd reserves the right to postpone the return.

Entitlement to Statutory Maternity Pay

An employee must meet the following three conditions to be entitled to SMP:

• the employee must have worked for SKW Construction Ltd for at least 26 weeks by the end of the qualifying week (i.e., by the end of the 15th week before the week the baby is due),

• the employee must still be in the job in the qualifying week, and

• the employee must have been paid at least the lower earnings limit on average in the 8 weeks (if they are paid weekly) or the two months (if they are paid monthly) up to the last before the end of the qualifying week. The lower earnings limit is set by the government each year. SMP is payable for 39 weeks provided the employee meets the eligibility criteria. The first six weeks of SMP are paid at 90% of the employee’s average earnings and the remaining 33 weeks are at a rate set by the government each year. To receive SMP, the employee must SKW Construction Ltd 28 days’ notice of the date on which the employee wants the pay to start and the employee cannot change their mind about this date. SMP can start on any day of the week chosen by the employee, and in most cases it will start on the same day as the maternity leave period starts. To claim SMP, the employee must give SKW Construction Ltd a copy of the MAT B1 form, the maternity certificate which states the expected week of childbirth, provided by the midwife or GP at around 20 weeks of pregnancy. The employee might find it easier to give the notice for the leave and pay together in the 15th week before the baby is due. However, if the employee decides to do this, then they must remember that they cannot change the date on which the pay starts, even if they decide to vary the date on which the leave begins.

Workers If the employee is a worker rather than an employee, for example, because the employee obtained work through an agency, or is a freelancer, the employee will not get the full set of maternity rights, but will still receive protection, such as health and safety risk assessments that SKW Construction Ltd must carry out, and the right to claim sex discrimination or pregnancy/maternity discrimination if the employee is subject to any detriment as a result of their pregnancy.

The employee may qualify for Maternity Allowance, which is paid by the government through the local JobCentre Plus office, rather than through SKW Construction Ltd. Benefits for those not entitled to SMP If the employee is not entitled to receive SMP because they are a worker or because they do not satisfy the eligibility criteria, the employee may qualify for Maternity Page 5 of 6 Allowance (MA) and should seek advice from the local JobCentre Plus office or Citizens Advice Bureau about their eligibility.

Sickness during pregnancy, maternity leave, or when the employee is due to return to work If the employee is absent through sickness during pregnancy, this will not automatically trigger their maternity leave and the employee will be treated as every other member of staff who is off sick. The employee will usually be paid sick pay in the same way as other staff. However, if the employee is sick during the last four weeks of the pregnancy, then SKW Construction Ltd can insist that the maternity leave starts, although SKW Construction Ltd may overlook occasional days of absence. Once the maternity leave has started, the employee cannot claim sick pay from SKW Construction Ltd if they become ill. If the employee is sick when the maternity leave is due to end SKW Construction Ltd’s usual sickness procedures will apply to the employee.

Time off work to attend antenatal classes If the employee is pregnant, the employee is entitled to take reasonable time off during working hours to receive antenatal care. This includes appointments with the GP, midwife, or health visitor. There will be no deduction from the employee’s salary for attendance at authorised appointments. The employee has the right to reasonable paid time off for antenatal appointments, and this includes the time spent travelling to an appointment and waiting. It does not include entitlement to pay for time where the employee could reasonably attend work beforehand or return to work afterwards.

The employee must give SKW Construction Ltd as much notice as possible of the appointment. SKW Construction Ltd may ask the employee to provide the following, unless it is the first appointment:

• a certificate from the doctor, midwife or health visitor stating that the employee is pregnant, and

• an appointment cards.

The employee is not under any obligation to make up the time spent at the antenatal appointment later.There is no qualifying period that the employee has to have worked for SKW Construction Ltd in order to be eligible to claim time off for antenatal care.

Antenatal rights for fathers and partners

An employee is entitled to unpaid leave to accompany an expectant mother to antenatal care appointments, irrespective of their length of service. To be eligible to take this leave, the employee must have a qualifying relationship with the expectant mother. The employee must be one of the following:

• the baby's father,

• the expectant mother's spouse or civil partner,

• living with the expectant mother in an enduring family relationship and not a relative of the expectant mother,

• expecting or are entitled to apply for a parental order in respect of the child; or

• in a same sex relationship and are to be treated as the child's other parent under assisted reproduction provisions.

Fathers and partners can take unpaid time off work to accompany a pregnant woman to see a midwife or obstetrician. The right is to time off on up to two occasions for a maximum of 6.5 hours each. The employee should complete the antenatal appointment request form if they are an expectant father or the partner of the expectant mother and plan to accompany the mother to an antenatal appointment. Termination of employment and SMP As long as the employee is employed in the ‘qualifying week’, then the employee is still entitled to receive SMP, provided they meet all of the other conditions outlined above. It does not matter if the employee is off sick or on holiday in the qualifying week. Once the employee has qualified for SMP, they are entitled to receive it for the full 39 weeks. This is the case even if the employee is made redundant, they leave the job, or a fixed-term contract comes to an end at any time after the 15th week before the baby is due or during the maternity leave.

Part-time working

The maternity rights of part-time employees are the same as those of a full-time employee. More than one part-time job and SMP If the employee works for a second employer, the employee is allowed to exercise their rights regarding maternity pay and leave with both employers, on a pro rata basis, for each job. However, the employee must ensure that they have worked for both organisations for 26 weeks by the qualifying week (15th week before the baby is due), and that the employee gives the correct notification of when the maternity leave will start to both organisations. In total, the employee is entitled to receive the same amount of maternity pay as someone who works in a full-time job.

Keeping in Touch (KIT) Days

To enable the employee to keep in touch with SKW Construction Ltd, the employee may agree with SKW Construction Ltd that the employee may undertake work, training or activities for a limited number of up to ten days during the leave period, without bringing that leave period to an end or losing their entitlement to SMP or maternity allowance.

Signed 

Date: 06/07/2022

Date to be reviewed: 06/07/2023