Before your employee begins her maternity leave and during her leave:

If there is a problem

What to do

You should talk to your employee as soon as possible if there is a problem. It’s likely that if there is a problem during the pregnancy, you will need to discuss it with the employee. It may be that your employee will have already discussed the problem with you, or she may not have. You should think about how you can help your employee if there is a problem.

Why

It’s better for you and your employee if you can resolve the problem at your earliest opportunity. If there is a problem, you must seriously consider your employee’s request. You must ensure that your employee’s request is fairly dealt with, including the possibility of a change to her working pattern.

When you have more information

There is more information about all these issues, including the rates of maternity and paternity pay and standard letters to help you respond to your employee’s notification at www.businesslink.gov.uk (in northern Ireland, www.nibusinessinfo.co.uk).

You can also get free confidential advice on these issues (apart from maternity and paternity pay) from Acas on 08457 47 47 47 or in northern Ireland the Labour Relations Agency on 028 9032 1442.

For more detailed information about SMP, including help with calculations and standard letters see www.hmrc.gov.uk or call the HMRC employer’s helpline on 0845 714 3143.

For more detailed information about health and safety for pregnant women and new mothers see www.hse.gov.uk or call HSE Info Line on 0845 345 0055.

Disability

The guidance on legal forms and cover every point and situation.
This leaflet summarises the rights of both pregnant employees and their employers and their responsibilities towards each other.

If you're the first thing you need to know
• your employee is pregnant, it's important to take appropriate steps to protect both her and your business.
• Your employer has a duty to make reasonable adjustments to the workplace or machinery, equipment, or processes to your pregnant employee's needs.

The leaflet also says what you should do or think about
• to help both of you manage your pregnancy, maternity leave and return to work.
• to make sure your employee receives the support she needs.

There is information at the end of this leaflet about where to look for more detailed and who to speak to for advice. It tells you where to look for information about managing your employee's maternity leave and other laws to support employees balancing work and family responsibilities and their employers, such as paternity leave and the right to ask for flexible working.

Before your employee begins her maternity leave and during her leave
You must
• tell her if you are going to make any changes to her job before her maternity leave.
• tell her if you plan to reallocate work or take on a temporary replacement for her role.
• give her a copy of the Health and Safety at Work, etc. Regulations 1996 and the latest Risk Assessment.

Within 52 days of receiving your employee’s dates for maternity leave (continued)

What to do
You must
• let your employee know that you have received her dates for maternity leave.
• make sure that you pass on the information to your payroll department so that you can make any arrangements to pay statutory maternity pay if she is eligible.

Why
• you must pay SMP to your employee if she is entitled to it and you have a duty to prevent unlawful discrimination.

If your employee is off work with a work-related injury or illness during her maternity leave
She must
• tell you when her maternity leave will end.
• give you at least 28 days’ notice, if it is not reasonably practicable for her to do so earlier, of when she expects to return to work.

Why
• you must allow your employee to return to work on the date you have received her notification or, if you receive less than 28 days’ notice, as soon as it is reasonably practicable for you to do so.

Within 39 weeks of receiving your employee’s dates for maternity leave

What to do
You must
• make sure your employee’s dates for maternity leave are correct.
• if you are unsure of the dates, you should request clear and accurate dates from your employee.

Why
• you must make sure your employee’s dates for maternity leave are correct as you need to pay SMP based on the dates you receive.

Within 28 days of receiving your employee’s dates for maternity leave (continued)

What to do
You must
• provide the information you need to use the HMRC calculator.
• if you need to make any arrangements to pay SMP, you should provide the information to your payroll department.
• if you are unsure of the dates, you should ask your employee for clarification.

Why
• you must provide the information to your payroll department so that they can make any arrangements to pay SMP to your employee.

How to do this
You can arrange to meet with your employee to discuss her plans in person or by phone. You could also offer to send her a letter which sets out what you need from her and what you will do with the information you receive.

When can you do this
You can ask your employee about her plans from an early stage. This will help you to manage your employee’s maternity leave and other laws to support employees balancing work and family responsibilities and their employers, such as paternity leave.

Who is responsible
You and your employee must both agree with her what arrangements you will make for her return to work. These arrangements should be agreed in writing.

Throughout the 52 weeks’ maternity leave
You cannot change your employee’s terms and conditions of employment during the 52 weeks’ maternity leave.

You must
• ensure your employee’s terms and conditions of employment are the same as before the start of her maternity leave.
• provide any notice of any change in terms and conditions of employment.

Why
• you must maintain your employee’s terms and conditions of employment during her maternity leave.

Before your employee begins her maternity leave and during her leave

You must
• agree with your employee what arrangements you will make for her return to work.
• provide any notice of any change in terms and conditions of employment.

Why
• you must agree with your employee what arrangements you will make for her return to work.

Talking to your employee about her plans from an early stage will help you to manage your employee’s maternity leave and other laws to support employees balancing work and family responsibilities and their employers, such as paternity leave.

As soon as your employee tells you she is pregnant

What to do
You must
• make an appointment with your employee to discuss her plans.
• make sure your employee’s dates for maternity leave are correct.

Why
• you must make sure your employee’s dates for maternity leave are correct as you need to pay SMP based on the dates you receive.

Within 52 weeks’ of receiving your employee’s dates for maternity leave

What to do
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• if you need to make any arrangements to pay SMP, you should provide the information to your payroll department.
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• ensure your employee’s terms and conditions of employment are the same as before the start of her maternity leave.
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Why
• you must maintain your employee’s terms and conditions of employment during her maternity leave.
This leaflet summarises the rights of both pregnant employees and their employers and their responsibilities towards each other. It sets out the key things you can do to benefit from the provisions there are to help you, such as paid time off for ante-natal appointments, maternity leave and pay and the right not to be treated unfairly because of your pregnancy, childbirth or maternity leave. It helps you understand your responsibilities towards your employee. For example, making sure they have the right to return to their former job on the same terms.

Talking to your employee about her plans from an early stage will help you both, so this is an important part of business planning.

As soon as your employee tells you she is pregnant

You must do the following:

- Tell your employee that she is entitled to Statutory Maternity Pay (SMP) if she has worked for you 15 months during the previous 26 weeks, including by other colleagues.
- If your employee is returning during or at the end of her maternity leave, offer her a form SMP1, which will help her apply for Statutory Maternity Pay (SMP). There is a HMRC calculator and standard letters, the maternity certificate (MATB1). There is information at the end of this leaflet about where to look for more detail and who to speak to for help with working out if you need to pay Statutory Maternity Pay and how to claim it back.
- If your employee is off work with a pregnancy related illness, you must also help with any reasonable adjustments your employer needs to make to help both of you manage her absence.
- If your employee has returned to work and then has to leave again while pregnant, you must consider any reasonable adjustments your employer needs to make to help both of you manage her absence.

Within 28 days of receiving your employee's dates for maternity leave

- What to do
- You must provide your employee with a return-to-work statement.
- If you take on a temporary member of staff, you must give your employee eight weeks' notice of the change so that she can make alternative arrangements with her. For example, she could work at home. The reason you must give your employee is that you wish to change her role.
- If you and your employee agree that she works for up to 26 weeks into the 15th week before her due date, she is entitled to statutory sick pay (SSP) for 26 weeks into the 15th week before her due date. She is also entitled to SMP for 26 weeks into the 15th week before her due date. If you and your employee agree that she works for 26 weeks into the 15th week before her due date until the end of the 15th week before her due date, she is entitled to SMP for the 26 weeks into the 15th week before her due date until the end of the 15th week before her due date.
- If you are entitled to SSP, you can use the MCR1, the maternity continuation of SSP (MCRI) and the maternity continuation of SSP (MCR2) to keep the employee informed and also protect the employee's job. They aren't limited to her usual job.
- She must give you at least 28 days' notice of any change to her plans about starting maternity leave.

This leaflet summarises the rights of both pregnant employees and their employers and their responsibilities towards each other. It sets out the key things you can do to benefit from the provisions there are to help you, such as paid time off for ante-natal appointments, maternity leave and pay and the right not to be treated unfairly because of your pregnancy, childbirth or maternity leave. It helps you understand your responsibilities towards your employee. For example, making sure they have the right to return to their former job on the same terms.

Talking to your employee about her plans from an early stage will help you both, so this is an important part of business planning.

As soon as your employee tells you she is pregnant

You must do the following:

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- If your employee is off work with a pregnancy related illness, you must also help with any reasonable adjustments your employer needs to make to help both of you manage her absence.
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Within 28 days of receiving your employee's dates for maternity leave

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- She must give you at least 28 days' notice of any change to her plans about starting maternity leave.
This leaflet summarises the rights of both pregnant employees and their employers and their responsibilities towards each other. It tells you what you must do under the law and your employees must do under the law. This percentage is not intended to be a complete reference work. You should look at the documents referred to if you have problems or questions. If you have problems with this leaflet, you could try the leaflet on the back. There is a version of this leaflet available for your employee.

Talking to your employee about her plans from an early stage will help you both, so this leaflet also sets out what you should do or think about to help both of you manage your pregnancy, maternity leave and your responsibilities.

There is information at the end of this leaflet about where to look for more detail and who to speak to for help.

You must ensure that your employee knows your key responsibilities under the law and what your employee must do. These protections apply as soon as you know your employee is pregnant. As with sick leave, pregnancy-related illness is likely to affect your employee's performance and work in a similar way. These protections apply as soon as you know your employee is pregnant.

As soon as your employee tells you she is pregnant

Within 28 days of receiving your employee’s dates for maternity leave

Before your employee begins her maternity leave and during her leave

Within the first two weeks of receiving your employee’s dates for maternity leave

What to do

You must write to your employee telling her:

• How will you manage her absence?
• Why you need to know her absence details.

Your employee must tell you:

• When her baby is due
• Whether she will be taking the full time

Within 28 days of revealing your employee’s dates for maternity leave

What to do

You must:

• Decide on a temporary member of staff to take on your employee’s role. You must tell them whether you will be paying them for the whole of the 52 weeks or only part of it. If you don’t, they may be treated unfairly if you’ve failed to offer them the 'Keeping in Touch Days' entitlement

Within 10 days of your employee notifying you

What to do

You must ensure that your employee knows your key responsibilities under the law and what your employee must do. These protections apply as soon as you know your employee is pregnant.

Talking to your employee about her plans from an early stage will help you both, so this leaflet also sets out what you should do or think about to help both of you manage your pregnancy, maternity leave and your responsibilities.

There is information at the end of this leaflet about where to look for more detail and who to speak to for help.

You must ensure that your employee knows your key responsibilities under the law and what your employee must do. These protections apply as soon as you know your employee is pregnant. As with sick leave, pregnancy-related illness is likely to affect your employee's performance and work in a similar way. These protections apply as soon as you know your employee is pregnant.
If your employee begins her maternity leave and during her leave

continued

• If there is a problem

Before your employee returns to work

What to do

Why

Planning will help to make the return to work as smooth as possible and will make sure that you are able to discuss any practicalities. If you took on temporary staff before your employee returned to work and think about the practicalities, you should talk to your employee to plan her return to work.

Before your employee begins her maternity leave and during her leave

What to do

Why

You should ask your employee as soon as she is due to return to work whether she will be breastfeeding your or to her child. If she says yes, you must carry out a risk assessment and remove any risk assessments. The risk assessment identifies any health and safety risks to your employee and how you can ensure that she can breastfeed. You must provide facilities for your employee to rest and to store expressed breast milk. The risk assessment identifies any health and safety risks to your employee to rest and to store expressed breast milk. The risk assessment identifies any health and safety risks to your employee and how you can ensure that she can breastfeed. You must provide facilities for your employee to rest and to store expressed breast milk.

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Before your employee begins her maternity leave and during her leave

What to do

You should ask your employee to give her return to work and about the type of work she would like to do. If you need her to give the notice that is required, you should agree the arrangements you will need to make, including whether you will be removing any risk

Why

Planning will help to make the return to work easier for you and your employee.

If your employee has taken additional maternity leave and there is a good reason why your employee cannot return to her original job, you must offer her a suitable job on the same terms and conditions as her original job. You should offer your employee the most suitable job on the same terms and conditions as her original job if she is not given any. If a job is not suitable, you must give your employee notice of that and of any alternative job if there is one.

If your employee is in a job that you provide as part of an arrangement

You must offer your employee any other suitable job if there is one that is available at the same pay.

Before your employee returns to work

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What if there is a problem

When you want more information

There is more information about all these issues, including the rates of maternity and paternity pay and standard letters to help you respond to your employee's notification at www.businesslink.gov.uk (in northern Ireland, www.nibusinessinfo.co.uk). For more detailed information about SMP, including help with calculations and standard letters to help you respond to your employee any suitable alternative vacancy.

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Refer to the links in the text for more information from Acas on 08457 47 47 47 or in northern Ireland the Labour Relations Agency on 028 9032 1442.

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You must offer your employee any other suitable job if there is one that is available at the same pay.

If you are unhappy about the decision or the way it was made, you can ask Acas or your local Labour Relations Agency on 028 9032 1442 for advice. You can ask Acas for advice.

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