



Who is entitled to take maternity leave?

Most women employees are entitled to take time off work to have a baby regardless of how long they have worked for their employer. This time off is called maternity leave.

How much maternity leave can you take?

Most women have the right to take up to 52 weeks' maternity leave regardless of how long you have worked for your employer.

The first 26 weeks of maternity leave are called Ordinary Maternity Leave (OML).

During OML, you will still get all the same rights under your contract of employment as if you were still at work. The only exception is that you will not get your normal pay unless your contract allows for it.

You can also take an additional 26 weeks' maternity leave called Additional Maternity Leave (AML). If you're taking AML, this must follow on directly after Ordinary Maternity Leave.

When maternity leave begins and ends

You can begin your maternity leave at any time from the 11th week before your baby is due. If you have an illness that's connected to your pregnancy in the four weeks before the baby is due, your maternity leave may have to start from that date.

When to tell your employer you want to take maternity leave

You must tell your employer, by the end of the 15th week before the baby is due, that:

- you are pregnant
- the date your baby is due
- the date you want your maternity leave to start.

You must give your employer a medical certificate called a MATB1. You can get this from your midwife or GP.

Pay during maternity leave

If you have worked for your employer for at least 26 weeks at the beginning of the 15th week before your baby is due earning at least £95 per week, you may qualify for Statutory Maternity Pay (SMP). You can get SMP even if you do not return to work after having your baby.

SMP is the minimum amount you should be paid and is paid up to 39 weeks. Your contract of employment may entitle you to more than SMP.

If you don't qualify for SMP, you may be entitled to Maternity Allowance (MA). You will qualify for MA if you earn an average of £30 per week or more and have worked for at least 26 weeks out of the 66 weeks before the week your baby is due. You do not have to have worked for the same employer during this time and the 26 weeks do not need to have been worked in a row. You may get MA if you are self-employed.

How much will you be paid

If you are getting SMP, for the first six weeks of maternity leave you will get 90% of your usual gross weekly pay (that is, before tax and national insurance contributions are taken out). For the next 33 weeks, you will be paid 90% of your gross weekly pay or £123.06 a week, whichever is the lowest amount.





If you're getting Maternity Allowance, you will receive either £123.06 a week or 90% of your average weekly earnings, whichever is lower. This will be paid for 39 weeks.

Your employer refuses to pay you during maternity leave

If your employer refuses to pay SMP, or does not pay you what you think you should get, you can ask your employer to give you a letter explaining:

- why they won't pay you, and
- how they have worked out the amount you will get, and
- what weeks they are paying you for.

If you are still not happy with their decision, you can ask an officer at the local HM Revenue and Customs office to decide who is right

Unfair treatment at work because of pregnancy or maternity leave

You should not be treated differently at work because you are pregnant, or have just had a baby. For example, you should not be denied opportunities for promotion or given different terms and conditions to those you had before. If you think you are being treated unfairly because you are pregnant or because of your maternity leave, you can make a claim to an employment tribunal for sex discrimination. You should raise a written grievance with your employer first. You should get help to do this from a trade union representative if you have one, or from an experienced adviser. There are strict time limits for making a claim to an employment tribunal, and you should check that these do not run out before you make your claim.

If you are dismissed from work because you are pregnant, have taken maternity leave or have just had a baby, you can make a claim to an employment tribunal for unfair dismissal and for sex discrimination. It does not matter how long you have worked for your employer.

You must have told your employer that you are pregnant and, where possible, have given them a certificate from your doctor or midwife as proof. You should raise a written grievance with your employer first.

Returning to work after maternity leave

In most cases, your employer must allow you to return to work after having a baby. All women must take at least two weeks off work after giving birth, or four weeks if you work in a factory.

If your employer refuses to let you return to work after maternity leave, this is a dismissal. You will be able to make a claim to an employment tribunal for unfair dismissal and/or sex discrimination.

If you are pregnant or have recently had a baby and your employer is refusing to grant you any of the aforementioned statutory rights – CAB can help. Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB, phone our Regional Office on 02890231120 or look under C in your phone book.

