

MATERNITY RIGHTS FLOWCHART

GP confirms employee is expecting a baby.

Employee is entitled to paid time off for antenatal care. **See Section 2**

Employee is entitled to 26 weeks ordinary maternity leave (OML) regardless of length of service. **See Section 4**

And;
If they have completed 26 weeks continuous employment by the 14th week before EWC, they are also entitled to 26 weeks additional maternity leave (AML). This is usually unpaid and starts immediately after OML. **See Section 4**

And;
Average weekly earnings at or above Lower Earnings Limit.
Entitled to 26 weeks Statutory Maternity Pay. **See Section 5**

NO?

May be entitled to MA or other benefits.
See Section 5

Pregnant employee must tell their employer of their intention to take maternity leave by the 15th week before EWC, unless this is not reasonably practical. She will need to tell employer:

- That she is pregnant
- The week that her baby is expected to be born
- When she wants her maternity leave to start (in writing if employer requests it).

Employee qualifying for SMP must give her employer at least 28 days' notice of when she wants it to start and medical evidence of EWC (maternity certificate Mat B1 can be used for this purpose). **See Section 6**

Employee must give 28 days notice of any change of dates.
See Section 6

Employer must respond to employees' notification within 28 days, setting out when they expect the employee to return to work if they take their full leave entitlement. **See Section 6**

Earliest start date for maternity leave is the beginning of the 11th week before EWC. **See Section 6**

If employee is absent from work with a pregnancy related illness during the four weeks before the start of EWC, maternity leave starts automatically regardless of when she actually wants her maternity leave to start. **See Section 6**

If baby born before the date employee has notified (or before any notification), maternity leave period starts automatically and employee must give employer notification as soon as is reasonably practicable. **See Section 6**

Employee continues to benefit from all terms and conditions during ordinary maternity leave except pay, and some of them during additional maternity leave. **See Section 4**

Employee returns to same job after OML as if she hadn't been away. **See Section 8**

Employee returns to same job after AML as if she hadn't been away, unless not reasonably practicable and then should be offered similar job on terms and conditions no less favourable than original job. **See Section 8**