

# FIS factsheet

## YOUR RIGHTS AT WORK

May 2011

The following information is an overview of the law and is taken from information supplied by the Working Families charity. However this area of the law is complicated and you should get up-to-date advice before making any decisions.

The Family Information Service can provide you with basic information regarding your rights but if you require more in-depth legal advice and ongoing support in negotiating with your employer, we suggest that you contact the free Working Families legal helpline on **0800 013 0313** or visit [www.workingfamilies.org.uk](http://www.workingfamilies.org.uk)

<b>Maternity Rights</b>	
<b>Health &amp; Safety</b>	All pregnant workers who have given written notice of their pregnancy are entitled to have their job assessed for risks. Risks should be removed where possible. When this is not possible, employees have the right to alternative work or, as a last resort, to be signed off on full pay.
<b>Time off for ante-natal appointments</b>	All pregnant workers have the right to time off for ante-natal appointments. Employees have the right to be paid for the time off.
<b>Maternity Leave</b>	All employees are entitled to 52 weeks maternity leave, regardless of length of service or the number of hours worked. Your maternity leave is divided into 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML). Your rights may be slightly different during each period of leave. For example, your employer must continue to pay full pension contributions during OML and some of AML. They are not legally entitled to pay pension contributions during the second part of AML once maternity pay ends. If you return to work after OML you have the right to return to exactly the same job. If you return during AML, you can be offered a suitable alternative if it is not reasonably practicable for you to return to your old job.

**Warwickshire Family Information Service: 0845 090 8044 or 01926 742274**

<b>Maternity Rights</b>	
<b>Statutory Maternity Pay (SMP)</b>	Employees and some agency workers who have worked for the same employer since before they were pregnant and who earn enough are entitled to Statutory Maternity Pay. SMP is paid for a total of 39 weeks.
<b>Maternity Allowance (MA)</b>	Women who do not qualify for SMP may be able to get Maternity Allowance if they have worked for 26 weeks in the 66 weeks before the baby's due date and have earned enough. This includes self-employed women. MA is paid for up to 39 weeks of leave. You can claim MA from your local Jobcentre Plus on form MA1.

<b>Paternity Rights</b>	
<b>Paternity Leave</b>	Employees who have worked for the same employer since before their partner became pregnant are entitled to 1 or 2 consecutive weeks' paternity leave, which must be taken within 56 days of the birth or due date.
<b>Statutory Paternity Pay</b>	Most employees who are entitled to paternity leave should also be entitled to Statutory Paternity Pay (SPP). It is paid at a set flat rate or at 90% of average weekly earnings if this is less. Your employer may give you better rights to paternity leave and pay under your contract, which is more than the amount they have to give you by law. Your employer can not however, give you less than the statutory minimum if you are entitled to it. You are also required to give 28 days notice of the date from which you want your SPP to start.
<b>Additional Paternity Leave and Pay</b>	If you qualify for Paternity Leave and Pay, it is likely that you qualify for Additional Paternity Leave (APL) and Additional Paternity Pay (APP). APL and APP can only be taken from 20 weeks after the birth and must end by the baby's 1st birthday and only where the mother has returned to work and any relevant maternity payment has stopped. APL can run for a minimum of 2 weeks to a maximum of 26 weeks. APP is paid for a maximum of 19 weeks at a set flat rate or at 90% of average earnings whichever is the lower. You must give 8 weeks notice of the date from which you want your APL to start. You have the right to return to the same job.

Adoption	
<b>Adoption Leave and Pay</b>	Employees who have worked for their employer for 26 weeks in the week they are notified of a match are entitled to one year's Adoption Leave. Depending on earnings, workers are entitled to Statutory Adoption Pay, which is paid for 39 weeks.
<b>Paternity Leave (Adoption)</b>	The partner of the employee taking adoption leave can take paternity leave provided he/she has worked for his/her employer for 26 weeks in the week he/she is notified of a match.
<b>Additional Paternity Leave and Pay (Adoption)</b>	You will qualify for Additional Paternity Leave and Pay if you have been with your employer for at least 26 weeks by the end of the week you are notified of a match (if adopting within the UK).

Time Off	
<b>Annual Leave</b>	All workers are entitled to 5.6 weeks' paid annual leave per year. This includes casual and agency workers.
<b>Parental Leave</b>	Employees with one year's service and a child under 5 (or under 18 if disabled*) are entitled to unpaid parental leave. Each parent can take up to 13 weeks parental leave for each child (max of 4 weeks per child per parent in one year). If your child is claiming DLA, the entitlement is up to 18 weeks. You can take the leave in long or short blocks depending on what has been agreed with your employer.
<b>Time off for dependants ("Emergency Leave")</b>	All employees are entitled to reasonable unpaid time off to deal with an emergency involving a dependant, e.g. when a child is sent home ill from school.

Money	
<b>Child Benefit</b>	Child Benefit is paid to the parents of every child under 16, or under 19 if in either full-time "non advanced" education or in approved training.
<b>Tax Credits</b>	Most families qualify for Tax Credits. Call the Tax Credits helpline on <b>0845 300 3900</b> to find out how much, or go to the Tax Credit calculator at <a href="http://www.diect.gov.uk">www.diect.gov.uk</a>
<b>Sure Start Maternity Grant</b>	Families who receive certain benefits, or tax credits may receive the one-off Sure Start Maternity Grant when they have, or adopt, a baby.
<b>Healthy Start</b>	Some families on a low income can get Healthy Start vouchers when pregnant or have a child under 4. These can be used for milk, vegetables, fruit and infant formula.

<b>Family Friendly Hours/ Flexible Working</b>	
<b>Right to Request</b>	Employees with a child under 17 (or under 18 if disabled*) who have worked for their employer for 26 weeks, have the right to make a formal request for flexible working. To find out how the procedure works, and for advice on applying, call <b>0800 013 0313</b> .
<b>Sex Discrimination Act</b>	Women denied flexible working may have a claim under the Sex Discrimination Act. Men who are denied flexible working where women are allowed it may also have a sex discrimination claim.
<b>Disability Discrimination Act</b>	If you are disabled or care for a disabled person then there are additional rights which may help you get flexible working. If you are a disabled person then your employer has a duty to make reasonable adjustments to help you work. If you care for a disabled person then you may be able to argue that you have been unlawfully discriminated against on the grounds of disability (even if you yourself are not disabled) if your employer treats you unfairly as a result.

*\*Note: \* defined as children entitled to Disability Living Allowance. There are Working Families factsheets about the specific entitlements of parents of disabled children, available as detailed below.*

### Useful Contacts:

#### Working Families

For information on your rights at work.

Tel: 0800 013 0313

Web: [www.workingfamilies.org.uk](http://www.workingfamilies.org.uk)

#### ACAS

For free employment law advice.

Tel: 0845 747 47 47

Web: [www.acas.org.uk](http://www.acas.org.uk)

#### Community Legal Advice

For free legal advice and help with finding a Community Legal Service solicitor or legal adviser in your area.

Tel: 0845 345 4 345

Web: [legaladviserfinder.justice.gov.uk](http://legaladviserfinder.justice.gov.uk)