



## ***Rights at work - Parents at work***

### ***What is this leaflet for?***

*This leaflet gives a brief outline of rights for parents at work.*

It includes basic information on:

- *Who is entitled to the rights*
- *How people complain if they are denied a right they believe they are entitled to.*

For detailed information about a particular right, visit [www.acas.org.uk](http://www.acas.org.uk).

### ***Rights covered***

- **Adoption leave**
- **Time off for antenatal care**
- **Time off for dependants**
- **Flexible working**
- **Maternity allowance**
- **Maternity leave**
- **Statutory maternity pay**
- **Maternity suspension**
- **Parental leave**
- **Paternity leave**
- **Written reasons for dismissal.**

Visit the Acas website at [www.acas.org.uk](http://www.acas.org.uk) for further information on all the rights with links to detailed guidance on the Department of Trade and Industry (DTI) website. Printed versions of Acas publications are available from **Acas Publications** telephone 08702 42 90 90.

If you do not have easy access to the internet (world wide web) at home or at work try:

- your local library. Most medium-sized or large public libraries provide Internet access including a limited period free of charge. In some areas other sources of free access are available.
- Internet cafes, which provide access to the internet for a fee.
- UK online centres. These were set up by the Department for Education and Skills to help people with no computer skills to access the internet. There are around 6,000 UK online centres. Call the free UK online helpline **0800 77 1234** to find your nearest centre.

This leaflet is one of a series which outlines individual employment rights – other titles include *Discipline, grievances and dismissals*, ***Equality and discrimination, Information and consultation, Pay, Time off and Trade unions and representation***. Information on the law is for guidance only – you may need to seek legal advice on your particular circumstances.

Advisers on **Acas' national helpline 08457 47 47 47** can answer questions on most **employment relations matters** including rights and duties, but cannot provide legal advice. Acas also offers a wide range of products and services for organisations of all sizes and the people who work in them. Our aim is to improve organisations and working life through better employment relations.

## ***Rights for parents***

### ***Adoption leave***

Adoption leave and pay are available to:

- **individuals who adopt**
- **one member of a couple where a couple adopt jointly**

(the couple must choose which partner takes adoption leave).

The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity leave and pay.

Adopters are entitled to up to 26 weeks' ordinary adoption leave (normally paid leave) followed immediately by up to 26 weeks' additional adoption leave. To qualify for adoption leave, an employee must:

- **be newly matched with a child for adoption by an adoption agency and**
- **have worked continuously for their employer for 26 weeks ending with the week in which they are notified of being matched with a child for adoption.**

### ***Time off for antenatal care***

All pregnant employees are entitled to time off with pay to keep appointments for antenatal care made on the advice of a registered medical practitioner, midwife or health visitor. Antenatal care may include relaxation classes and parent craft classes.

### ***Time off for dependants***

All employees are entitled to a reasonable time off work without pay, to deal with an emergency involving a dependant. For example, if a dependant falls ill or is injured, if care arrangements break down, or to arrange or attend a dependant's funeral.

### ***Flexible working***

Parents of children under the age of six or disabled children under the age of 18 have the right to apply to their employer to work more flexibly. The request can cover hours of work, times of work and place of work and may include requests for different patterns of work, including:

- **flexi-time**
- **home working**
- **term-time working**
- **shift working**
- **self-rostering**
- **annualised hours.**

The request must be made in writing and the employer has a statutory duty to consider the request seriously and to refuse it only if there are clear business grounds for doing so. Employees making applications for flexible working have the right to be accompanied at a meeting by a fellow employee.

### ***Maternity allowance***

Women who do not qualify for Statutory Maternity Pay (SMP), see below, may be entitled to Maternity Allowance (MA), paid by the Benefits Agency, for up to 26 weeks. To qualify, they must have been employed or self-employed for 26 weeks out of the 66 weeks before the week when the baby is expected and have average weekly earnings of at least £30.

### ***Maternity leave (ordinary)***

An employee is entitled to a period of 26 weeks' ordinary maternity leave, regardless of her length of service. To qualify, she must tell her employer by the end of the 15th week before the week when the birth of her child is expected:

- **that she is pregnant**
- **the expected week of childbirth, by means of a medical certificate if requested**
- **the date she intends to start maternity leave. This can normally be any date which is no earlier than the beginning of the 11th week before the expected week of childbirth up to the birth.**

An employee must then write to the employer, within 28 days of her notification, setting out her return date. The employee can change this date if she gives her employer 28 days' notice.

During the 26 weeks' maternity leave, she is entitled to benefit from all her normal terms and conditions of employment, except for remuneration (monetary wages or salary). At the end of it, she has the right to return to her original job. If a redundancy situation arises, she must be offered a suitable alternative vacancy if one is available. If the employer cannot offer suitable alternative work, she may be entitled to redundancy pay.

### ***Maternity leave (additional)***

Employees with 26 weeks' continuous service by the beginning of the 14th week before the expected week of childbirth are entitled to an additional 26 weeks' maternity leave. During this period their contract of employment continues but with limited terms and conditions. This means a woman can be away from her job on maternity leave for around 52 weeks in total.

When an employer writes to the employee – setting out her return date – they will assume that, if she is eligible for additional maternity leave, she will be taking it. If an employee wishes to change the return date she must give 28 days' notice.

At the end of additional maternity leave a woman is entitled to return to her original job or, if this is not reasonably practicable, to a suitable alternative job. If the employer cannot offer suitable alternative work, she may be entitled to redundancy pay.

## ***Statutory maternity pay***

A woman is entitled to Statutory Maternity Pay (SMP) if she has been employed by her employer for a continuous period of at least 26 weeks ending with the 15th week before the expected week of childbirth, and has average weekly earnings at least equal to the lower earnings limit for National Insurance contributions. SMP can be paid for up to 26 weeks. It is payable by the employer but partly (or, for small firms wholly) reimbursed by the state.

## ***Maternity suspension***

Employers must take account of health and safety risks to new and expectant mothers when assessing risks in work activity. If the risk cannot be avoided, the employer must take steps to remove the risk or offer suitable alternative work (with no less favourable terms and conditions). If no suitable alternative work is available, the employer must suspend the mother on full pay for as long as necessary to protect her health and safety or that of her baby.

## ***Parental leave***

Employees who have completed one year's service with their employer are entitled to 13 weeks' unpaid parental leave for each child born or adopted. The leave can start once the child is born or placed for adoption with the employee or as soon as the employee has completed a year's service, whichever is later. It may be taken at any time up to the child's fifth birthday (or until five years after placement in the case of adoption). Parents of disabled children can take 18 weeks up to the child's 18th birthday.

Employees remain employed while on parental leave and some terms of their contract, such as contractual notice and redundancy terms, still apply. At the end of parental leave they have the right to return to the same job as before or, if that is not practicable, a similar job which has the same or better status and terms and conditions as the old job. Where leave is taken for a period of four weeks or less, the employee is entitled to go back to the same job.

## ***Paternity leave***

Employees who:

- **have or expect to have responsibility for the child's upbringing**
- **are the biological father of the child or the mother's husband or partner and**
- **have worked continuously for their employer for 26 weeks ending with the 15th week before the baby is due can choose to take either one week or two consecutive weeks' paternity leave (not odd days).**

This must be completed:

- **within 56 days of the actual date of birth of the child, or**
- **if the child is born early, within the period from the actual date of birth up to 56 days after the first day of the expected week of birth.**

Most employees are entitled to Statutory Paternity Pay (SPP) from their employers during their paternity leave (see leaflet on Pay in this series).

## **Written reasons for dismissal**

An employee dismissed during her pregnancy or maternity leave is entitled to a written statement of the reasons regardless of her length of service and regardless of whether she has requested it.

## **Who has these rights?**

**Most people are entitled to the statutory rights listed in this leaflet, although, in many cases,** qualifying conditions must be fulfilled before a right may be claimed. Some rights apply to all employees as soon as they start work; others depend on factors such as length of service, continuity of employment and activities in addition to the job (e.g. union work). For certain rights, various groups of people are excluded. Most rights apply only to employees but some apply to wider groups of workers. Always check detailed information on qualifying conditions using the links provided on the Acas website at [www.acas.org.uk](http://www.acas.org.uk).

Employers and employees are free to agree better terms than those required by legislation in their contract of employment. A contract of employment is an agreement entered into by an employer and employee under which they have certain mutual obligations – for more information visit the Department of Trade and Industry website at [www.dti.gov.uk/er](http://www.dti.gov.uk/er).

Employers must give employees a **written statement of the main particulars of employment within two months** of the beginning of the **employment**. It should include, among other things, details of pay, hours, holidays, notice period and an additional note on disciplinary and grievance procedures.

## **What happens if there is a dispute about rights at work?**

If employers and employees have a dispute about any of the rights listed in this leaflet they have the following options:

1. **Settle the dispute.** Employees should always try to resolve a problem or dispute with their manager or employer first. This might be through the organisation's own grievance procedure. Both sides can also come to Acas for advice, either from the helpline or an Acas adviser.
2. An employee can make a **complaint to an employment tribunal** if he or she believes an employment right has been denied or infringed. In most cases, people who are treated detrimentally for exercising their rights may also complain to a tribunal. Complaints normally must be made within three months of the date of the alleged infringement – although there are exceptions (follow the links on the Acas website for details). For nearly all types of complaint, once an application is received an Acas conciliator will contact both parties to see if a settlement can be reached before the case reaches a hearing.
3. **Acas Arbitration Scheme.** For cases of alleged unfair dismissal and complaints under the right to request flexible working only, both parties can choose to have their case heard by an independent arbitrator appointed by Acas. The hearing is private, informal, non-legalistic, quick and confidential and the arbitrator's decision final. The remedies are the same as through an employment tribunal.
4. A **tribunal hearing** has various remedies and awards it can make, depending on the type of case. For example, if the tribunal decides an employee has been unfairly dismissed, the remedy could be re-instatement, re-engagement or monetary compensation, depending on the circumstances. Costs can also be awarded. A tribunal hearing is public.