



# Maternity Policy

## Reference: HR010

|                     |                                       |
|---------------------|---------------------------------------|
| Document Type:      | Policy                                |
| Status of Document: | Final                                 |
| Version:            | 5.1                                   |
| Date Approved:      | 29 <sup>th</sup> January 2021         |
| Approved By:        | Chief HR & Corporate Services Officer |
| Publication Date:   | 1 <sup>st</sup> February 2021         |
| Review Date         | 29 <sup>th</sup> January 2024         |
| Policy Owner        | HR Services Manager                   |
| Applies to:         | All Staff                             |
| Document Location:  | Sharepoint/ Website                   |
| Publication:        | Internal & External                   |

**DOCUMENT STATEMENT:**

All Translink Group Corporate Policies should be consistent in terms of development, approval, implementation, communication, control and review in line with these guidelines.



Do you need to print this document? If yes, please consider the environment; print double-sided copies and print only those pages you need using the 'Page Range' in Print Properties.

**Version Control Record**

| <b>Policy Owner:</b>                 |  | HR Services Manager                       |   |
|--------------------------------------|--|---|---|
| <b>Main Contributors/co-authors:</b> |  | HR Services Manager<br>HR Management team |   |
| <b>Executive Sponsor:</b>            |  | Chief HR & Corporate Services Officer     |   |
| <b>Version Reviewed</b>              | <b>Reviewed by / Consultation Sought from</b>  | <b>Date of Consultation</b>               | <b>Comments</b>   |
|                                      | HR Services Manager  | April 2008                                |   |
|                                      | HR Services Manager  | May 2010                                  |   |
|                                      | HR Services Manager  | May 2011                                  |   |
| 1.0                                  | HR Services Manager  | August 2011                               | Document reformatted  |
| 2.0                                  | HR Services Manager  | April 2012                                |   |
| 3.0                                  | HR Services Manager  | 4 <sup>th</sup> March 2013                |   |
| 3.1                                  | HR Services Manager; HR Management team; HR Business Support Advisor; HR Systems & Standards | 14 <sup>th</sup> March 2014               | Document reformatted to new version. Statutory rates amended. Inclusion of paragraph in Section 8 that Public Holidays will accrue during maternity leave and should be taken once maternity leave ends.  |
| 3.2                                  | HR Services Manager  | 08.08.15                                  | Statutory rates amended.<br>Transfer of Maternity Leave section (prev 6) removed and inclusion of new section (7) outlining Shared Parental Leave.<br>Section 17 added in relation to pension contributions<br>Section 18 amended with SPL Policy, Adoption Policy & Pension Policy Statement |

|     |                     |          |   |
|-----|---------------------|----------|---|
| 3.3 | HR Management team  | 18.09.15 | No changes  |
| 4.0 | HR Services Manager | 09.09.16 | Statutory Rates removed and replaced by 'rate applicable at that time'. |
| 4.1 | HR Services Manager | 20.06.20 | No changes made   |
| 4.2 | Stonewall           | 27.07.20 | Gender neutral language amended throughout                              |
| 4.3 | HR Management team  | 11.11.20 | No changes made   |
| 5.0 | HR Services Manager | 29.01.21 | ML1 Request for Maternity Leave form removed from policy                |

This is a controlled document. Whilst this document may be printed, the electronic version is maintained within the Corporate Records Centre within Sharepoint by the Policy Owner.

### 1. Introduction

Throughout this Policy, the words 'Translink' 'Company' and/or 'the Group' refer to all corporate entities under the ownership of the Northern Ireland Transport Holding Company (NITHC). This includes the parent company and each subsidiary either individually or taken together as a group.

### 2. Scope

All pregnant employees are entitled to take up to 52 weeks maternity leave made up of 26 weeks ordinary maternity leave and 26 weeks additional maternity leave, which follows on from the end of the ordinary maternity leave.

All rights outlined in this policy apply to full-time and part-time pregnant employees, no matter how many hours they work, or regardless of length of service (except for entitlement to Statutory Maternity Pay (SMP)).

### 3. Entitlement to time off

Pregnant employees are entitled to the following time off, regardless of their length of service:

- paid time-off to attend ante-natal care
- a period of up to 26 weeks ordinary maternity leave, which cannot commence before the 11<sup>th</sup> week of the expected week of childbirth unless childbirth occurs
- a further 26 weeks additional maternity leave, which starts directly at the end of the ordinary maternity leave period.

### 4. Notification Requirements

To take advantage of the right to maternity leave a pregnant employee must notify their Manager/Supervisor in writing no later than the end of the 15<sup>th</sup> week before the week their baby is due or as soon as is reasonably practical:

- that they are pregnant
- when the expected week of childbirth (EWC) will be, by means of a medical certificate from a registered medical practitioner or registered midwife
- when they intend their maternity leave to start that they intend to return to work for the company if that is their wish

### 5. Statutory Maternity Leave

The start of maternity leave must be no earlier than the 11<sup>th</sup> week before the expected

date of childbirth, unless the birth takes place prior to this date.

Once a pregnant employee has provided the necessary notice of the intended start date of their leave, HR will notify them of the date on which the leave will end, which will be 52 weeks from the start of maternity leave unless the employee has stated an alternative date. The HR notification letter will be sent within 28 days of the employee's notification unless they have since changed the date their leave will start. In that case, they will be notified of the end date within 28 days of the start of their leave.

A pregnant employee can change their expected maternity leave start date provided they give their Manager/Supervisor either 28 days written notice before the date the maternity leave was originally due to commence, or 28 days' notice before the new start date for maternity leave, whichever is the earliest.

### 6. Statutory Maternity Pay (SMP)

Statutory Maternity Pay (SMP) will be paid for 39 weeks. During ordinary maternity leave, SMP will be paid at 90% of average earnings for 6 weeks and the statutory flat rate per week applicable at that time (or 90% of average weekly earnings if they are less than the statutory flat rate) for 20 weeks. Pregnant employees who do not qualify for SMP may be able to claim Maternity Allowance from the Social Security Agency.

To qualify for Statutory Maternity Pay (SMP) a pregnant employee must:

- give at least 28 days' notice of the date they expect their SMP to start
- provide medical evidence of pregnancy
- have worked for the Company for a continuous period of at least 26 weeks ending with the qualifying week
- have average earnings at least equivalent to the lower earnings level for National Insurance Contributions in the 8 weeks up to and including the qualifying week.

Additional maternity leave follows on from ordinary maternity leave and during this time a pregnant employee will receive a further 13 weeks SMP at the statutory rate applicable at that time (or 90% of average weekly earnings if this is less than the statutory flat rate). Should the employee wish to remain on additional maternity leave, the remaining 13 weeks will be unpaid.

### 7. Shared Parental Leave

The Work and Families Act (N.I.) 2015 and associated regulations now provide eligible parents to choose how to share the care of their child during the first year of birth or adoption by utilising Shared Parental Leave. Up to 50 weeks can be shared between parents and up to 37 weeks of this can be paid.

Shared Parental Leave is a new entitlement for eligible parents of babies due on or after 5<sup>th</sup> April 2015, or children placed for adoption on or after 5<sup>th</sup> April 2015. The Shared Parental Leave Policy provides further details on eligibility, entitlement and notification. If a pregnant employee chooses to avail of Shared Parental Leave, the

terms of the Maternity Policy will no longer apply and the terms of the SPL policy will apply thereafter.

### **8. Annual Leave and Maternity**

Employees on maternity leave retain their entitlement to statutory annual leave and contractual annual leave during both OML and AML.

It is not possible for an employee to take annual leave at the same time as maternity leave although it will usually be possible for them to use any untaken annual leave either before they start their maternity leave or once their maternity leave has finished. This should be in agreement with the employee's Manager/Supervisor. However, if the baby is born early during the period of annual leave, the maternity leave must start from that point.

Employees will accrue Public Holidays during OML and AML and these can be taken at a convenient time once maternity leave ends.

### **9. Absence from work due to Childbirth Before the EWC**

If childbirth occurs before the date notified, the maternity leave period starts automatically on the day after the birth, even if this should be before the 11<sup>th</sup> week before the birth was originally expected. The employee should inform their Manager as soon as reasonably practicable so that their maternity leave period and maternity pay (if applicable) can commence.

### **10. Absence from Work due to a Pregnancy-related Illness Before the EWC**

Should an employee be absent from work due to a pregnancy related reason after the beginning of the 4<sup>th</sup> week before the expected date of birth they have notified, their maternity leave period begins automatically on the day after the first day of absence.

### **11. Dismissal or Resignation before the Intended Start Date**

If the employee resigns or is dismissed before the date they have notified, or before they have notified a date, they lose the right to maternity leave, but they will still be eligible for SMP if they are employed after the 15<sup>th</sup> week before the EWC.

### **12. Company Maternity Pay**

To qualify for company maternity pay a pregnant employee must have had at least one years continuous service with the company at the beginning of the 14<sup>th</sup> week before the expected week of childbirth, must declare to the company prior to commencing maternity leave that they intend to return to work after maternity leave and they must actually return to work after maternity leave.

Company maternity pay is payable for 12 weeks directly following the first 6 weeks of SMP at the rate of 50% of the employee's basic rate of pay or salary, and will not include

any additional elements of remuneration.

Company Maternity Pay is payable in addition to Statutory Maternity Pay provided that the combined sums of Company Maternity Pay and Statutory Maternity Pay will not exceed normal earnings.

For the purpose of this clause “return to work” means that an employee must return to their job with the company at the end of their maternity leave and must maintain a normal attendance level for at least the next 3 months. Normal attendance level means the normal level of attendance acceptable to the company for staff in its reasonable discretion.

If an employee does not return to work after maternity leave within the provisions of this clause then they must refund to the company their company maternity pay on the following basis:-

- in the event that they do not return to work at the end of maternity leave – repayment in full
- if they return but leave their employment within 3 months or do not maintain a normal attendance level for a period of 3 months – amount proportionate to the remaining balance of the 3 month period i.e. the period not worked

Pregnant employees who are employed on term time contracts will not be allowed to use the two months summer break as part of their 3 months return to work period.

### 13. Relationship with the Company Sick Pay Scheme

Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of sick leave entitlement in accordance with the Sick Pay Scheme.

Absence on account of illness due or attributable to the pregnancy or the confinement which occurs before the beginning of the 11<sup>th</sup> week before the expected week of confinement shall be treated as absence on sick leave provided it is covered by a doctor's statement and shall be subject to the provisions of the Sick Pay Scheme.

**If an employee fails to return to work on the notified date and submits a doctor's statement, the provisions of the sick pay scheme shall apply to their absence. In accordance with normal practice, an appointment will be made with the Company Doctor.**

### 14. Returning to work after Maternity Leave

An employee may return to work at any stage during the ordinary maternity leave or additional maternity leave periods, except for the 2 weeks following the birth of the child (compulsory maternity leave). However, their return to work date will be taken as the end of the 26 weeks additional maternity leave period, i.e. the first working day 52 weeks after the start of the maternity leave period began. Where they wish to return prior to that

date, they must give the company at least 8 weeks written notice of their date of return.

If the required notification is not given by the employee, the company may postpone their return to work until the full 8 weeks' notice has been given, although this will not exceed the end of the maternity leave period. The company's notification will be made before the notified date of return and shall give the reasons for postponing their return until the later date.

The employee may similarly postpone their return to work after the end of the 26-week period of additional maternity leave, by submitting a doctor's statement before the expiry date of that period.

An employee who does not wish to return at the end of their maternity leave must give their Manager/Supervisor the notice of termination required by their contract of employment. However, it is beneficial if they are able to provide as much notice as possible – by doing so will not automatically end maternity leave or pay.

An employee who returns to work after Ordinary Maternity Leave (i.e. 26 weeks) is entitled to return to the same job on the same terms and conditions of employment as if they had not been absent, unless a redundancy situation has arisen, in which case they are entitled to be offered a suitable alternative vacancy.

An employee who returns to work after Additional Maternity Leave (i.e. more than 26 weeks maternity leave) is entitled to return to the same job on the same terms and conditions of employment as if they had not been absent, unless there is a reason why it is not reasonably practicable for them to return to their old job, in which case they should be offered a similar job on terms and conditions which are no less favourable than their original job.

### **15. Contact during Maternity Leave**

During the maternity leave period the employee's Manager/Supervisor may make reasonable contact with them, and in the same way the employee can make contact with their Manager/Supervisor. The Manager/Supervisor should discuss with them prior to their maternity leave period arrangements for staying in touch.

### **16. Keeping in Touch (KIT) Days**

An employee may, by agreement with their Manager/Supervisor, work up to 10 "keeping in touch" days, under their contract of employment during the maternity leave period. Such days are different to the reasonable contact explained above as the employee may actually carry out work, for which they will be paid. These will allow them to attend work in order to keep in touch with developments, training etc.

Availing of "keeping in touch days" will not bring maternity leave to an end, nor will the employee lose out on maternity pay.

Basic daily rate will be paid for any day worked and will be offset against SMP. Days



must be agreed between the employee and their Manager/Supervisor but there is no obligation on either party to avail of “keeping in touch days”.

**17. Pension Scheme**

During any period of relevant child related leave the pensionable pay figure used to work out the employee’s pension is the assumed pensionable pay (where this is higher than the pay the employee receives). This means that the employee continues to build up a pension as though they were working normally and receiving pay. They will continue to pay their Scheme contributions on any pay that they receive.

Any period of unpaid additional maternity leave will not count for pension unless the employee elects to pay Additional Pension Contributions (APCs) to buy the amount of pension lost during that period.

If the employee wishes to buy the amount of lost pension and makes their election within 30 days of returning to work then the cost of the APC is split between the employee and the Company. The employee will pay 1/3rd of the cost and the Company will pay 2/3rd of the cost. They can pay these contributions as a one-off lump sum or by regular payments.

If the employee has a Keeping in Touch (KIT) day during a period of unpaid maternity leave they will build up pension for the day or days that they are paid.

**18. Definitions**

For the calculation of SMP, a week’s pay is an employee’s weekly earnings taken over the 8 weeks up to and including the last pay day before the end of the qualifying week (or equivalent period if paid monthly) as defined in the Statutory Pay Regulations.

Confinement means birth of a living child, or the birth of a child living or dead after 24 weeks of pregnancy.

Nothing in the above provisions shall be construed as providing rights less favourable than statutory rights.

**Glossary of Terms**

|                            |   |
|----------------------------|---|
| OML                        | Ordinary Maternity Leave (26 weeks)   |
| AML                        | Additional Maternity leave (26 weeks)   |
| Childbirth                 | the live birth of a child, or still birth after a pregnancy lasting at least 24 weeks   |
| EWC                        | Expected Week of Childbirth – the week beginning with midnight between Saturday and Sunday during which it is expected that the baby will be born |
| Qualifying Week            | the 15 <sup>th</sup> week before childbirth   |
| Compulsory Maternity Leave | a minimum period of 2 weeks maternity leave which the law requires an employee takes after the birth of   |

---

|         |                         |
|---------|-------------------------|
| SMP     | the child               |
| SPL     | Statutory Maternity Pay |
| KIT Day | Shared Parental Leave   |
|         | Keeping in Touch Days   |

### 19. Related Policies

Employees may find it useful to review other related policies in conjunction with the Maternity Policy. These include:

- Parental Leave Policy
- Time off for Dependants Policy
- Flexible Working Policy
- Paternity/Partners Leave Policy
- Shared Parental Leave Policy
- Adoption Leave Policy
- Pension Policy Statement