

### 33) MATERNITY RIGHTS - The latest in a series of articles by Iain Gregory of Caithness CAB

Last week we saw a sickening and wicked attack targeted against children and young people who were out enjoying themselves at a concert in Manchester. People from all over the UK came together to have fun and listen to the music but, as we all know, the evening ended in tragedy. Youngsters and their parents from all over Scotland, England, Wales and Northern Ireland, and no doubt from other countries as well, have been killed or injured and families left devastated. The criminals – and that is all that they are – who commit such acts want to spread misery and destroy lives and it seems to me that we need to celebrate life to show that we will not be cowed by those who seek to prevent us doing so. So this week we are going to talk about a happy subject and what can be more happy than bringing a new life into the world?

At Caithness CAB we work closely with our local NHS Midwives, and expectant mums have the option of referral to CAB to get advice on all the entitlements, rights and benefits available to them. If you prefer you can come to us directly – all you need to do is phone or drop in – and we will make sure that you get all the information and help that you need. So where do we start?

Well, first of all let's have a look at employment rights and maternity leave. Maternity Leave is separate from Maternity Pay, which we will talk about shortly. You have a right to take up to a year of maternity leave. It doesn't matter how long you've worked for your employer, how much you're paid or how many hours a week you work – you are entitled to maternity leave if you're an employee. You're probably an employee if you do regular work with fixed hours set by your employer. To get your leave you should tell your employer that you're pregnant at least 15 weeks before baby is due, tell them the due date and say that you want to take maternity leave. You can also say when you want your maternity leave to start and end (you can change these dates later). It's best to tell your employer in writing so you have a record and the employer should confirm the end date of your maternity leave. We can quickly work out the exact dates of entitlement for you at CCAB – 5 minutes is all it takes. Just remember that you do not have the same rights if you are a "worker" (perhaps someone on a "zero-hours" contract) or if you are classed as "self-employed". We have noticed a tendency for one or two employers to try and claim staff are "self-employed", perhaps with a view to avoiding giving women their rights, so give CCAB a call – we will sort this out for you. And do not be frightened of "losing your job" if you take your lawful leave. Rightly, there are laws to protect you and CCAB will make very sure that these laws are enforced if you are discriminated against for being pregnant or having a baby.

So Maternity Pay: There are two areas to look at – Statutory Maternity Pay (SMP) and Contractual Maternity Pay (CMP).

SMP is the type of maternity pay that most women get. Your employers have to pay you this if you work for them in the 15th week before your baby is due

and the 25 weeks before that (we can work the dates out for you in seconds) and if your average pay, before tax, is at least £113 a week. Your average pay is worked out over 8 weeks, finishing roughly 15 weeks before your due date. (Contact us if you're close to the minimum pay and need to work out your exact average). And If your employer is taken over by another business your weeks of work will include time working for both employers so do not be told anything different. Your statutory maternity pay lasts up to 39 weeks, made up of 6 weeks getting 90% of your average weekly pay (before tax) and 33 weeks getting either £140.98 a week or 90% of your average weekly pay (before tax) - whichever is less. You may have to pay some tax and national insurance on this. Your average pay includes any sick pay, holiday pay, back pay, bonuses, and statutory maternity pay from a previous pregnancy. And again, fear not – CCAB can work it all out for you. Statutory Maternity Pay is slightly different but all this means is that some employers offer CMP instead of SMP - your contract or company maternity policy should tell you if yours does and often you get enhanced benefits over the basics provided by SMP.

So what about your rights when you are pregnant and still at work? You have legal protection while you're pregnant at work. These rights protect you from unfair treatment, make sure your work is safe, and give you time off for antenatal appointments - you can take paid time off work for appointments your doctor, nurse or midwife recommends. This might include parenting or relaxation classes as well as medical appointments. You have a right to this time off if you're entitled to maternity leave and it doesn't matter how long you've been working for your employer or what hours you work. (You can also take this time off if you're an agency worker and you've been working for the same hirer for at least 12 weeks in a row). You should get your usual pay on a day when you go to an appointment and you cannot be made to work extra hours to make up for the time you're away. You should always get your employer's permission - you might need to show them your appointment card – and it would be a very rare case when your employer could refuse to let you go and they have to be reasonable. It won't usually be reasonable for them to question medical advice you've had from a doctor, nurse or midwife, but on the other hand it can be reasonable to ask you to book some appointments outside working hours if possible, but they should accept that you might not have much choice over when your appointments are.

And if you cannot get Maternity Pay then you might be able to get Maternity Allowance. This comes from the government rather than your employer and you can usually get this if you've been employed or self-employed for 26 weeks in the 66 weeks before your due date. You'll need to have earned at least £30 a week for at least 13 of those weeks. You might also be able to get Maternity Allowance if you haven't been employed or self-employed but your spouse or civil partner runs a business and you've been helping them. The rates are similar to SMP.

A lot of expectant mums do not realise what help is available to them so come and see us and we will work it all out from you – and please do not forget that

you will be entitled to Child Benefit, and quite possibly Child Tax Credit, and if you are on benefits we can sort all that out and can look at Maternity Grants and the Healthy Start scheme as well.

So there we have the basics. Having a baby is a happy time and happiness is what life is all about so let's enjoy it.