



If their job is made redundant during the first 52 weeks of maternity leave and there is a suitable alternative vacancy available then they must be offered that role.

**Paid**  
time off for  
antenatal  
care

**Protection**  
against unfair  
treatment  
or dismissal

## 4 legal rights that apply to New & Expectant Mothers

An employer must be told about a pregnancy at least **15 weeks** before the baby's due date for the mother to be eligible for maternity pay.

**Maternity  
Leave**

All employees are entitled to take up to 52 weeks Maternity Leave. Employees can work up to 10 days during their Maternity Leave

without losing Maternity Pay. If a woman is off sick because of her pregnancy in the last 4 weeks before the baby's due, Maternity Leave will start from the first day of the absence.

**Statutory Maternity Pay** is paid for up to 39 weeks. Working women who don't qualify may still be eligible for **Maternity Allowance** which is paid by the Government. Maternity Allowance is tax free and will be paid for up to 39 weeks.

**Maternity  
Pay**

### Other Situations...

**Paternity  
Leave**

The baby's father can take 1 or 2 weeks paid leave to spend time with their new baby. The father

is allowed to take unpaid time off to go to 2 antenatal appointments. The baby's parents can share up to 50 weeks of parental leave, after the initial two weeks of compulsory maternity leave.

**Adoption  
Leave**

#### Adoptive Parents

are entitled to up to 52 weeks of Parental Leave. This can be taken as Shared Parental Leave or the 'main adopter' may choose to take a longer period of Adoption Leave whilst the other claims Paternity Leave. The family may be eligible for up to 39 weeks of Statutory Adoption Pay. This applies when parents have a child matched and placed for adoption through an agency.

Some parents who have a child through a surrogacy arrangement are able to take

Adoption Leave and claim Statutory Adoption Pay. To be eligible, they must be eligible for a Parental Order. They must intend to apply for the Parental Order within 6 months of the birth and it must be expected to be granted.

**Surrogate  
Parents**

**Deciding  
not to  
return**

If a woman decides not to return to work after Maternity Leave, they must resign and give the amount of notice specified

in their contract. If they delay giving notice until they are due back at work, they will need to physically work their notice period. Women who resign whilst on Maternity Leave may still be entitled to Statutory Maternity Pay as long as their job ends after the 15th week before the baby's due date. Employers cannot ask women to pay back Statutory Maternity Pay if they resign, but where employers provide any additional pay they can ask for this to be repaid.

Women who have taken 26 or fewer weeks of Maternity Leave have the right to return to the same job. Where more Maternity Leave has been taken, women still have the right to return to the same job unless that isn't 'reasonably practicable.'

**Returning  
to work**

### What if...

**Postnatal  
Illness**

Woman may be able to extend their Maternity Leave for up to a maximum of 52 weeks. They may be able to take some annual leave, or, it may be possible to take some unpaid Parental Leave, although employers do have the right to refuse this if they feel it will unduly disrupt the business.