

dohr:

Making the workplace a better place to be
with Donna Obstfeld (Chartered FCIPD)



WHAT YOU NEED TO KNOW ABOUT PARENTAL LEAVE

I've put together some of our most commonly asked questions from employers concerning parental leave along with my answers.

Q A member of staff has asked for parental leave, do I need to grant it?

Parents with children under the age of five have a legal entitlement to time off to care for their child or children. This entitlement has just increased from 13 weeks to 18 weeks and therefore if the employee, male or female has more than one child under 5, they are entitled to 36 (for 2 children) or even 54 weeks (for 3 children). In practice very few parents actually use this entitlement as it is unpaid and many people cannot afford to take four weeks unpaid. As an employer, you are able to limit the time taken to 4 weeks per year per child and you have the right to postpone the leave if absolutely necessary to the business. The employee must have been employed by you for at least a year and parental leave entitlement is not re-set if an employee changes employer.

Q A member of staff wants to return from maternity leave early, can we allow her to do this?

When a member of staff takes maternity leave, they must take a minimum of two weeks off after the birth of their child. In total a new mother is entitled to 26 weeks ordinary leave and 26 weeks additional leave. If a mother wishes to return to work before the end of additional leave, she needs to provide her employer with eight weeks written notice. She then has the right to return to work, either into her original role, or into

one of equal pay, grade and standing within the business.

Q A member of staff has told me they have been matched for adoption, what leave and pay are they entitled to?

This will depend on whether they are the primary carer. As the law stands at the moment, the primary carer has the same rights as a mother on maternity leave and the secondary carer has the same rights as the father / partner on paternity leave. Proof of matching and dates must be provided (like a MATB1), but an employer is not allowed to discriminate against an adopting parent as they are afforded the same protections as a pregnant employee. If you provide enhanced leave or pay for maternity / paternity, then the same must apply to adoption.

For more information on any of these issues, please contact us on 01923 504100 or visit us at www.dohr.co.uk



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