

NEW MATERNITY AND ADOPTION RIGHTS FOR EMPLOYEES

The Government today announced increased parental rights in the form of draft legislation which will entitle all pregnant employees to take a guaranteed 12 months of maternity leave, regardless of their length of service with their employer. The same will apply to adoption leave. Employees currently must have at least six months' service to take an additional six months' leave.

Whilst the draft Maternity and Parental Leave etc and Paternity and Adoption Leave (Amendment) Regulations 2006 provide for the six month qualifying period of service for Additional Maternity and Adoption Leave to be removed, some distinctions will remain in terms of the current differences in employees' rights to return to work after six and 12 months' leave have elapsed. The Regulations will become law on 1 October 2006 if passed by Parliament, but will only affect employees whose expected week of childbirth or expected date of adoption is on or after 1 April 2007.

The draft Regulations also propose "keeping in touch" working days during the leave periods. These would allow employees on maternity or adoption leave to agree to work for up to 10 days during their statutory leave, whilst still retaining their rights to continue to take the leave until its end. The obvious advantage of this is that an employee on leave could be asked to work on a specific project, attend a key meeting or go on training courses. However, there will be no obligation on either the employer to offer or the employee to accept such work.

Employees will also be required to provide longer notice of when they intend to return to work following maternity or adoption leave. The current 28 day requirement will be increased to eight weeks, providing employers with more flexibility and planning time.

We shall keep you updated on the progress of the proposed legislation. If you have any queries on this, please call Dan Begbie-Clench on 020 7614 3577 or email dan.begbie-clench@parkerandcosolicitors.com.