With a new royal baby on the way, I thought it would be timely to talk about Pregnancy and Maternity Leave in the workplace.

When an employee tells you they are pregnant, sometimes as an employer you are frightened to do or say anything as you are worried that you may unwittingly break some employment law that you know nothing about. As am employee, you can feel sick hormonal and frightened that the world is against you when you first find out you are pregnant – and then when you return and you are juggling your job; your baby; your childcare; and your baby brain!

All in all, a tricky time. Yes, employees are very well protected by employment law, you would not expect any different – so the best way to support your employee is to have a fair framework, be familiar with it, and ensure that you use it. Provided you understand the minimum legal requirements, the best way to show support as an employer is through excellent communication. The more your employee feels they can be open about their preferences and intentions, the better placed you will be to respond.

**Can I ask my employee how long they will be away?**

Managers are often afraid of asking this question for fear of putting pressure on the employee to return. Be aware that all employees are entitled to 52 weeks leave, regardless of how long they have been with you. Equally, employees don’t have to tell you their plans. However, not everyone wants to take a full year and they might want to take shared parental leave, so by being open and talking to them regularly can be helpful for everyone.  Be sensitive to when you ask what their plans are (and perhaps not the instant your employee tells you their news) be mindful that they might not have firmed up their plans you can’t hold the employee to any decisions at this stage, but by having the conversation you will, at least have an idea what they are thinking about and it makes it easier to revisit their return date later down the line.

**What happens to the employee’s holiday entitlement?**

Holiday entitlement continues to accrue throughout the entire period of maternity leave and the employee will be entitled to carry over any unused holiday to use when they are back at work. Usually, employees will want to tack on a block of holiday at the end of their maternity leave (not least because it is paid) or you may want to consider whether holiday might be used to phase their return to work. Be aware, though – if an employee tacks on a block of annual leave then her protected maternity leave status would end. This could be important if you were making redundancies. As a woman on maternity leave, the employee would be entitled to preferential treatment over any vacancies that might exist. As an employee on holiday, she would be treated in the same way as everybody else. Be clear about the status of her absence to determine your obligations.

**How often should we be in touch when an employee is on leave?**

Women on maternity leave can often feel isolated from what is happening at work so it is important to make sure your employee still feels part of the team. However, clearly, there’s a balance to be struck.  Have a discussion before the employee leaves about how much contact they would like, as preferences will vary. As a minimum, send newsletters and invitations to social events and make sure you keep them informed of any important business decisions. However, if you want to ask them to contribute to business projects or attend training then do so via ‘keep in touch’ days if they are interested.

**How can I plan for an employee’s return?**

The legal position differs depending on the situation. For example, an employee who is returning after 52 weeks’ leave need not give you notice of their return. However, if an employee wants to return early, they need to give at least eight weeks’ notice of their early return. Equally, an employee who does not intend to return should give their contractual notice. However, most employers and employees will want to have discussions around any return date regardless of timing – for example, there may be flexible working requests to consider or a request for holiday. If you’ve been keeping in regular contact, these conversations are much easier to hold.

Should you wish to develop a Maternity Policy and Procedure to follow – please get in touch and we can chat about how I can help you sarah@peopletower.com 07765 369396