

Rights at work

discipline, grievances and dismissals

equality and discrimination

information and consultation

> *parents at work*

pay

time off

trade unions and representation

Acas can help *with your employment relations needs*

Every year Acas helps employers and employees from thousands of workplaces. That means we keep right up to date with today's employment relations issues – such as discipline and grievance handling, preventing discrimination and communicating effectively in workplaces. Make the most of our practical experience for your organisation – find out what we can do for you.

We inform

We answer your questions, give you the facts you need and talk through your options. You can then make informed decisions. Contact us to keep on top of what employment rights legislation means in practice – before it gets on top of you. Call our helpline **08457 47 47 47** or visit our website **www.acas.org.uk**.

We advise and guide

We give you practical know-how on setting up and keeping good relations in your organisation. Look at our publications on the website or ask our helpline to put you in touch with your local Acas adviser. Our Equality Direct helpline **08456 00 34 44** advises on equality issues, such as discrimination.

We train

From a two-hour session on the key points of new legislation or employing people to courses specially designed for people in your organisation, we offer training to suit you. Look on the website for what is coming up in your area and to book a place or talk to your local Acas office about our tailored services.

We work with you

We offer hands-on practical help and support to tackle issues in your business with you. This might be through one of our well-known problem-solving services. Or a programme we have worked out together to put your business firmly on track for effective employment relations. You will meet your Acas adviser and discuss exactly what is needed before giving any go-ahead.

Parents at work

What is this leaflet for?

This leaflet gives a brief outline of rights for parents at work. It includes basic information on:

- Who is entitled to the rights
- How people complain if they are denied a right they believe they are entitled to.

For detailed information about a particular right, visit **www.acas.org.uk**.

Rights covered

- Adoption leave
- Time off for antenatal care
- Time off for dependants
- Flexible working
- Maternity allowance
- Maternity leave
- Statutory maternity pay
- Maternity suspension
- Parental leave
- Paternity leave
- Written reasons for dismissal.

Visit the Acas website at www.acas.org.uk for further information on all the rights with links to detailed guidance on the Department of Trade and Industry (DTI) website. Printed versions of Acas publications are available from **Acas Publications** telephone 08702 42 90 90.

If you do not have easy access to the internet (world wide web) at home or at work try:

- your local library. Most medium-sized or large public libraries provide internet access including a limited period free of charge. In some areas other sources of free access are available.
- Internet cafes, which provide access to the internet for a fee.
- UK online centres. These were set up by the Department for Education and Skills to help people with no computer skills to access the internet. There are around 6,000 UK online centres. Call the free UK online helpline **0800 77 1234** to find your nearest centre.

This leaflet is one of a series which outlines individual employment rights – other titles include *Discipline, grievances and dismissals, Equality and discrimination, Information and consultation, Pay, Time off* and *Trade unions and representation*. Information on the law is for guidance only – you may need to seek legal advice on your particular circumstances.

Advisers on **Acas' helpline 08457 47 47 47** can **answer questions on most employment relations matters** including rights and duties, but cannot provide legal advice. Acas also offers a wide range of products and services for organisations of all sizes and the people who work in them. Our aim is to improve organisations and working life through better employment relations.

Rights for parents

Adoption leave

Adoption leave and pay are available to:

- individuals who adopt
- one member of a couple where a couple adopt jointly (the couple must choose which partner takes adoption leave).

The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity leave and pay.

Adopters are entitled to up to 26 weeks' ordinary adoption leave (normally paid leave) followed immediately by up to 26 weeks' additional adoption leave. To qualify for adoption leave, an employee must:

- be newly matched with a child for adoption by an adoption agency and
- have worked continuously for their employer for 26 weeks ending with the week in which they are notified of being matched with a child for adoption.

Time off for antenatal care

All pregnant employees are entitled to time off with pay to keep appointments for antenatal care made on the advice of a registered medical practitioner, midwife or health visitor. Antenatal care may include relaxation classes and parent craft classes.

Time off for dependants

All employees are entitled to a reasonable time off work without pay, to deal with an emergency involving a dependant. For example, if a dependant falls ill or is injured, if care arrangements break down, or to arrange or attend a dependant's funeral.

Flexible working

Parents of children under the age of six or disabled children under the age of 18 have the right to apply to their employer to work more flexibly. The request can cover hours of work, times of work and place of work and may include requests for different patterns of work, including:

- flexi-time
- home working
- term-time working
- shift working
- self-rostering
- annualised hours.

The request must be made in writing and the employer has a statutory duty to consider the request seriously and to refuse it only if there are clear business grounds for doing so. Employees making applications for flexible working have the right to be accompanied at a meeting by a fellow employee.

Maternity allowance

Women who do not qualify for Statutory Maternity Pay (SMP), see below, may be entitled to Maternity Allowance (MA), paid by the Benefits Agency, for up to 26 weeks. To qualify, they must have been employed or self-employed for 26 weeks out of the 66 weeks before the week when the baby is expected and have average weekly earnings of at least £30.

Maternity leave (ordinary)

An employee is entitled to a period of 26 weeks' ordinary maternity leave, regardless of her length of service. To qualify, she must tell her employer by the end of the 15th week before the week when the birth of her child is expected:

- that she is pregnant
- the expected week of childbirth, by means of a medical certificate if requested

- the date she intends to start maternity leave. This can normally be any date which is no earlier than the beginning of the 11th week before the expected week of childbirth up to the birth.

An employer must then write to the employee, within 28 days of her notification, setting out her return date. The employee can change this date if she gives her employer 28 days' notice.

During the 26 weeks' maternity leave, she is entitled to benefit from all her normal terms and conditions of employment, except for remuneration (monetary wages or salary). At the end of it, she has the right to return to her original job. If a redundancy situation arises, she must be offered a suitable alternative vacancy if one is available. If the employer cannot offer suitable alternative work, she may be entitled to redundancy pay.

Maternity leave (additional)

Employees with 26 weeks' continuous service by the beginning of the 14th week before the expected week of childbirth are entitled to an additional 26 weeks' maternity leave. During this period their contract of employment continues but with limited terms and conditions. This means a woman can be away from her job on maternity leave for around 52 weeks in total.

When an employer writes to the employee – setting out her return date – they will assume that, if she is eligible for additional maternity leave, she will be taking it. If an employee wishes to change the return date she must give 28 days' notice.

At the end of additional maternity leave a woman is entitled to return to her original job or, if this is not reasonably practicable, to a suitable alternative job. If the employer cannot offer suitable alternative work, she may be entitled to redundancy pay.

Statutory maternity pay

A woman is entitled to Statutory Maternity Pay (SMP) if she has been employed by her employer for a continuous period of at least 26 weeks ending with the 15th week before the expected week of childbirth, and has average weekly earnings at least equal to the lower earnings limit for National Insurance contributions. SMP can be paid for up to 26 weeks. It is payable by the employer but partly (or, for small firms wholly) reimbursed by the state.

Maternity suspension

Employers must take account of health and safety risks to new and expectant mothers when assessing risks in work activity. If the risk cannot be avoided, the employer must take steps to remove the risk or offer suitable alternative work (with no less favourable terms and conditions). If no suitable alternative work is available, the employer must suspend the mother on full pay for as long as necessary to protect her health and safety or that of her baby.

Parental leave

Employees who have completed one year's service with their employer are entitled to 13 weeks' unpaid parental leave for each child born or adopted. The leave can start once the child is born or placed for adoption with the employee or as soon as the employee has completed a year's service, whichever is later. It may be taken at any time up to the child's fifth birthday (or until five years after placement in the case of adoption). Parents of disabled children can take 18 weeks up to the child's 18th birthday.

Employees remain employed while on parental leave and some terms of their contract, such as contractual notice and redundancy terms, still apply. At the end of parental leave they have the right to return to the same job as before or, if that is not practicable, a similar job which has the same or better status and terms and conditions as the old job. Where leave is taken for a period of four weeks or less, the employee is entitled to go back to the same job.

Paternity leave

Employees who:

- have or expect to have responsibility for the child's upbringing
- are the biological father of the child or the mother's husband or partner and
- have worked continuously for their employer for 26 weeks ending with the 15th week before the baby is due.

Can choose to take either one week or two consecutive weeks' paternity leave (not odd days).

This must be completed:

- within 56 days of the actual date of birth of the child, or
- if the child is born early, within the period from the actual date of birth up to 56 days after the first day of the expected week of birth.

Most employees are entitled to Statutory Paternity Pay (SPP) from their employers during their paternity leave (see leaflet on Pay in this series).

Written reasons for dismissal

An employee dismissed during her pregnancy or maternity leave is entitled to a written statement of the reasons regardless of her length of service and regardless of whether she has requested it.

Who has these rights?

Most people are entitled to the statutory rights listed in this leaflet, although, in many cases, qualifying conditions must be fulfilled before a right may be claimed. Some rights apply to all employees as soon as they start work; others depend on factors such as length of service, continuity of employment and activities in addition to the job (eg union work). For certain rights, various groups of people are excluded. Most rights apply only to employees but some apply to wider groups of workers. Always check detailed information on qualifying conditions using the links provided on the Acas website at www.acas.org.uk.

Employers and employees are free to agree better terms than those required by legislation in their contract of employment. A contract of employment is an agreement entered into by an employer and employee under which they have certain mutual obligations – for more information visit the Department of Trade and Industry website at www.dti.gov.uk/er.

Employers must give employees a **written statement of the main particulars of employment within two months** of the beginning of the **employment**. It should include, among other things, details of pay, hours, holidays, notice period and an additional note on disciplinary and grievance procedures.

What happens if there is a *dispute about rights at work?*

If employers and employees have a dispute about any of the rights listed in this leaflet they have the following options:

1. **Resolve the dispute.** Employees should always try to resolve a problem or dispute with their manager or employer first. This should be through the organisation's own grievance procedure. If an employee wishes to use a grievance as the basis of a complaint to an employment tribunal they must first inform the employer of their grievance in writing. Both sides can also come to Acas for advice, either from the helpline or an Acas adviser.
2. An employee can make a **complaint to an employment tribunal** if he or she believes an employment right has been denied or infringed. In most cases, people who are treated detrimentally for exercising their rights may also complain to a tribunal. Complaints normally must be made within three months of the date of the alleged infringement – although there are exceptions (follow the links on the Acas website for details). For nearly all types of complaint, once an application is received an Acas conciliator will contact both parties to see if a settlement can be reached before the case reaches a hearing.
3. **Acas Arbitration Scheme.** For cases of alleged unfair dismissal and complaints under the right to request flexible working only, both parties can choose to have their case heard by an independent arbitrator appointed by Acas. The hearing is private, informal, non-legalistic, quick and confidential and the arbitrator's decision final. The remedies are the same as through an employment tribunal.
4. A **tribunal hearing** has various remedies and awards it can make, depending on the type of case. For example, if the tribunal decides an employee has been unfairly dismissed, the remedy could be re-instatement, re-engagement or monetary compensation, depending on the circumstances. Costs can also be awarded. A tribunal hearing is public.

Acas Publications

*Book time with your
Employment specialist*

Whether you need to know how to write a contract of employment, how much holiday you are entitled to or about the latest employment legislation, our range of booklets and leaflets give practical information and advice for both employers and employees on employment matters.

You can choose from our handbooks offering comprehensive guidance to the modern workplace or our Getting it Right pocket guides, providing vital checklists to help small firms run their business.

View and order online at www.acas.org.uk or call Acas Publications on 08702 42 90 90.

Other Acas material on this subject includes:

- Acas Advisory Booklet – *Parents at work*
- Acas Advisory Booklet – *Changing patterns of work*
- Acas Advisory Leaflet – *Flexible working*

Acas Training

Our training is carried out by experienced Acas staff who work with businesses every day. They will show you the value to your business of following good practice in employment matters and how to avoid the common pitfalls. We also run special training sessions on new legislation.

Look at the Acas website for up-to-date information about all our training or if you want to book a place online.

Training sessions are specially designed for smaller companies and our current programme includes:

- Managing discipline and grievances at work
- Managing absence at work
- Dealing with bullying and harassment at work
- Employing people: an overview
- The written statement and contracts of employment
- New employment legislation

We also have free online learning to help you – just go to www.acas.org.uk and click on **e-learning** to look at the topics covered.

inform

advise

train

work
with you

Information in this booklet has been revised up to the date of the last reprint - see date below.

Legal information is provided for guidance only and should not be regarded as an authoritative statement of the law, which can only be made by reference to the particular circumstances which apply. It may, therefore, be wise to seek legal advice.

Acas aims to improve organisations and working life through better employment relations. We provide up-to-date information, independent advice, high quality training and we work with employers and employees to solve problems and improve performance.

We are an independent, publicly-funded organisation and many of our services are free.

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Helpline 08457 47 47 47

08456 06 16 00

helpline for textphone users

08702 42 90 90

for ordering Acas publications

08456 00 34 44

for questions on managing
equality in the workplace

Acas main offices

Acas National

Brandon House,
180 Borough High Street,
London SE1 1LW

East Midlands

Lancaster House, 10 Sherwood Rise,
Nottingham NG7 6JE

East of England

Acas House, Kempson Way, Suffolk
Business Park, Bury St. Edmunds,
Suffolk IP32 7AR

London

22nd & 23rd Floors, Euston Tower,
286 Euston Road, London NW1 3JJ

North East

Cross House, Westgate Road,
Newcastle upon Tyne NE1 4XX

North West

Commercial Union House,
2-10 Albert Square, Manchester M60 8AD

Pavilion 1, The Matchworks, Speke Road,
Speke, Liverpool L19 2PH

Scotland

151 West George Street, Glasgow G2 2JJ

South East

Westminster House, 125 Fleet Road,
Fleet, Hampshire GU51 3QL

Suites 3-5, Business Centre,
1-7 Commercial Road, Paddock Wood,
Kent TN12 6EN

South West

The Waterfront, Welsh Back,
Bristol BS1 4SB

Wales

3 Purbeck House, Lambourne Crescent,
Llanishen, Cardiff CF14 5GJ

West Midlands

Warwick House, 6 Highfield Road,
Edgbaston, Birmingham B15 3ED

Yorkshire & Humber

The Cube, 123 Albion Street,
Leeds LS2 8ER

www.acas.org.uk



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