

## Your maternity leave, pay and other rights

You have the right to up to 52 weeks' maternity leave if you're having a baby and are [legally classed as an employee](#).

You have this right from your first day of starting a job.

After the first compulsory 2 or 4 weeks, how many of the 52 weeks you take is up to you.

You get the same amount of maternity leave and pay even if you have more than one baby, for example twins.

### 1. Maternity pay

You might be entitled to maternity pay when you take maternity leave.

[Find out about maternity pay.](#)

## Shared Parental Leave

If you have a partner, you might be able to use Shared Parental Leave (SPL). This means you end your maternity leave early and what's left of your entitlement can be used more flexibly between you and your partner.

You must still take a minimum of 2 weeks' maternity leave (4 weeks if you do factory work) after your baby's born.

You can decide to take SPL after you have started maternity leave, but it's best to plan it and let your employer know as early as possible.

[Find out more about Shared Parental Leave.](#)

## Agency, freelance, self-employed and zero-hours workers

You must still stop work for a minimum of 2 weeks (4 weeks if you do factory work) after giving birth if you're:

- employed through an agency
- freelance
- self-employed
- on a zero-hours contract

You can choose to take more time off to look after your baby.

If you work through an agency, you need to tell them the dates you'll be off. You might be entitled to [maternity pay](#) for this time off.

[Find out more about your employment rights.](#)

## Dismissal during pregnancy or maternity

You're protected by law against unfair treatment and dismissal if it's because of your pregnancy and maternity, no matter how long you've worked for your employer.

This means if you're dismissed while pregnant or on maternity leave, your employer must put the reason for your dismissal in writing.

If your dismissal can be linked to your pregnancy or maternity, you could claim unfair dismissal and discrimination at an employment tribunal. It's usually best to [raise the issue with your employer](#).

[Find out more about dismissals.](#)

If you're entitled to paid maternity leave, you must tell your employer you're pregnant no later than the 15th week before your baby is due.

You must tell them:

- you're pregnant
- the date of the week your baby is due (your employer can ask to see a medical certificate or 'MAT B1 form' – you get this from your doctor or midwife once you're 20 weeks' pregnant)
- the date you want to start maternity leave

It's a good idea to put this in an email or letter, as your employer might want it in writing.

## 2. How your employer must respond

After you've told your employer, they should reply in writing and must:

- reply within 28 days
- confirm the date your maternity leave will run to

## If you're worried about telling your employer

It's against the law for your employer to sack ('dismiss') you or treat you unfairly just because you tell them you're pregnant.

## If you're pregnant when applying for a job

You do not have to tell the employer you're pregnant when applying for a job. If you do, by law they cannot treat you unfairly because of it.

For example, they cannot use your pregnancy as a reason for rejecting you for the job.

You can choose to either:

- start your maternity leave from up to 11 weeks before your baby is due
- work right up until you give birth

After your baby is born, by law you must:

- start your maternity leave (if you have not already)
- take off at least 2 weeks (4 weeks if you work in a factory) – this is known as 'compulsory maternity leave'
- take all your maternity leave in one go

Your maternity leave and pay ends when you go back to work.

### 3. Changing the date you start maternity leave

If you want to change the start date of your maternity leave, you must give your employer 28 days' notice, or agree a new date together.

### When maternity leave can start early

#### **If you're absent from work**

If you're off because of your pregnancy in the 4 weeks before your baby is due, your maternity leave starts automatically the day after your first day off.

#### **If your baby arrives early**

If your baby is born earlier than expected or is premature, your maternity leave starts straight away.

You'll need to let your employer know as soon as you can. You can ask your partner, a friend or a family member to do this if you need to.

You do not have to give your employer any formal evidence, but your workplace might have a policy that needs you to contact them as soon as possible.

### If your baby is late

#### **If you'd planned to take maternity leave from a specific date**

If your baby is late and you had told your employer a specific date you want to start maternity leave, you can still start the leave from that date.

You just need to tell your employer the date when you have given birth so you start compulsory maternity leave from then.

### **If you'd planned to work up to when your baby is born**

If you told your employer you want start maternity leave the day after your baby's born, you do not need to change anything.

If you want to start your maternity leave early, you can ask your employer.

If you have a partner, their paternity leave starts when the baby is born.

## **Holiday**

You still build up ('accrue') your holiday entitlement during maternity leave. It's a good idea to talk with your employer before you go on leave.

You cannot take holiday during maternity leave as this would end your maternity leave and pay.

You could arrange whether to take your holiday entitlement before or after your maternity leave.

[Find out more about holiday entitlement.](#)

## **If your contract is due to end**

If you have a temporary or fixed-term contract due to end while you're on maternity leave, your employer does not have to renew it.

It's against the law for the reason not to renew it to be your sex, pregnancy or maternity.

You can ask your employer to give you the reason in writing. If you do not think it's fair, you can [raise a formal complaint \('grievance'\)](#).

[Download our guide to redundancy rights when pregnant or on maternity leave](#) (PDF, 299KB, 13 pages).

## **If there's a stillbirth, miscarriage or your baby dies**

You still get maternity leave and pay if:

- your baby is stillborn after the 24th week of pregnancy
- your baby only lives for a short time after birth at any stage of pregnancy

If you're eligible for [parental bereavement leave and pay](#), you have the right to take this after you finish your maternity leave.

If you have a miscarriage or stillbirth before 24 weeks, you're not entitled to maternity leave and pay. You could talk with your employer and they might offer you other support, for example time off or flexible working.

You'll need to tell your employer as soon as you can. You can ask your partner, a friend or a family member to do this if you need to.

You do not have to give your employer any formal evidence, but your workplace might have a policy that needs you to contact them as soon as you can.

Find help and support with [Child Bereavement UK](#).

When you have a baby, you might be eligible for one of the following:

- Statutory Maternity Pay (SMP)
- enhanced ('contractual') maternity pay
- Maternity Allowance

## 4. Statutory Maternity Pay (SMP)

### Checking you're eligible

You get Statutory Maternity Pay (SMP) if all the following apply:

- you've been working continuously for 26 weeks for the same employer before your 'qualifying week'
- you earn at least £120 a week on average for 8 weeks before your qualifying week

If you have more than one employer, you might be able to get SMP from each one, if you're eligible.

Workers might also be able to get SMP.

If you're not eligible for SMP, you might be able to get Maternity Allowance.

[Find detailed guidance on SMP and Maternity Allowance on GOV.UK.](#)

### Your qualifying week

You need to work out when your 'qualifying week' is so you know:

- when you need to give notice to your employer to get maternity leave and pay
- whether you'll get either Statutory Maternity Pay (SMP) or Maternity Allowance

To work out your qualifying week, use a calendar to count 15 weeks back from the week you're due to have your baby.

You can also use the [maternity calculator on GOV.UK](#).

# How much Statutory Maternity Pay you get and how long for

Statutory Maternity Pay (SMP) is paid for 39 weeks.

## For the first 6 weeks

You get 90% of your average weekly earnings.

## For the following 33 weeks

You get whichever is lower:

- SMP – currently £151.20 a week
- 90% of your average weekly earnings

You get the same amount of maternity pay even if you have more than one baby, for example twins.

## How much is unpaid

If you take the full 52 weeks' maternity leave, the last 13 weeks are unpaid unless your contract offers enhanced maternity pay.

## Enhanced maternity pay

Some employers offer enhanced ('contractual') maternity pay that's more than SMP. It cannot be less than SMP.

For example, you might get 26 weeks of full pay followed by 13 weeks of SMP.

You should check your contract or talk to your employer to find out:

- if you're entitled to enhanced maternity pay
- the amount of pay you get
- how long you get it for

If your employer offers enhanced maternity pay, you might have to repay some or all of the enhanced amount (anything more than SMP) if you:

- do not to return to work
- leave shortly after maternity leave

This should be clearly set out in your contract.

By law, you have the right to reasonable time off with full pay for pregnancy-related ('antenatal') appointments and care before you have your baby.

You have this right:

- from your first day of employment if you're an employee
- whether you work full time or part time

The antenatal appointments need to be on the advice of a doctor, nurse or midwife and can include:

- scans
- pregnancy health checks
- relaxation classes, for example pregnancy yoga
- parent craft classes

## 5. If you work through an agency

You can get paid time off for antenatal appointments if you've worked through the same agency for at least 12 weeks.

### What counts as reasonable time for an antenatal appointment

'Reasonable' time off for an antenatal appointment includes:

- the length of the appointment or class
- travel to and from it

If you have an appointment in the middle of a working day or shift, it's a good idea to talk with your employer about how long it'll take.

They might agree to flexible working, for example they might allow you to:

- work from home for the rest of the day if it'll take too long to get back to work
- change your start and finish times

Your employer cannot make you change an antenatal appointment to a different time if you do not want to.

### If you do not want to tell your employer you're pregnant

If you're not ready to tell your employer you're pregnant yet, you can choose to take the antenatal appointment time as you would another medical appointment, for example to go to the doctor or dentist.

If your employer does not know it's a pregnancy-related appointment, they'll treat that time off as they would any other medical appointment. This means you might not get paid for it or you have to make up the time later, depending on your contract.

### When your employer can ask for proof

After your first antenatal appointment, your employer can ask you for proof, for example an appointment card or an email confirming a class booking.

## When your partner can get time off to come with you

Your partner has the right to time off work to come with you to 2 antenatal appointments. This time off is usually unpaid and is for a maximum of 6.5 hours for each appointment.

## 6. Health and safety assessments

By law, your employer must have a general health and safety risk assessment for all employees in their workplace.

This risk assessment should also specifically cover any risks for employees of childbearing age. These include people who are pregnant and new mothers.

Find out more from the [Health and Safety Executive \(HSE\)](#).

## Changing your work duties for your pregnancy

If your job has a health and safety risk to you and your unborn baby, your employer must remove the risk for you.

This might include temporarily changing your job to something more suitable.

For example, if your job involves heavy lifting or handling dangerous chemicals, your employer might be able to move you to a desk-based job in the office.

The terms of your contract should not change, for example your pay needs to be the same.

If it's not possible to remove the health and safety risk to you and your unborn baby, your employer might have to suspend you on full pay until the risk is removed or until your maternity leave starts.

If the suspension runs into the 4 weeks before you're due to give birth, your maternity pay and leave will start automatically the day after your first day off.

### **If you work through an agency**

If the job you're doing is not suitable for health and safety reasons while you're pregnant, your agency should find you another job or give you paid time off for the length of the original assignment.

## If you're having a difficult pregnancy

You should talk with your employer if you're having difficulties in your pregnancy and it's affecting your work, for example:

- severe morning sickness
- pain
- mental health issues

You could ask for a change to your working arrangements, for example:

- different start and finish times
- an occupational health assessment
- time working from home
- extra breaks for when you're feeling unwell

If you want to make more permanent changes to your job, you can [make a flexible working request](#).

You can also get advice and support from your health and safety representative or trade union representative, if you have one.

## If you're off sick

It's against the law for your employer to treat you unfairly because of any time off you need to take for your pregnancy.

If you're off work because of your pregnancy in the 4 weeks before your baby is due, by law your maternity leave and pay will start automatically the day after your first day off. If you do not want this to happen, you can talk with your employer.

If you're off sick and it's not related to your pregnancy, it's treated the same as any other [sickness absence](#).

If you become pregnant through IVF, you have all the same pregnancy and maternity rights as non-IVF pregnancies.

There's no legal right for time off work for IVF treatment or related sickness. But your employer should treat your IVF appointments and any sickness the same as any other medical appointment or sickness. You can check your contract for this.

You could talk with your employer about any time off you need during your IVF treatment. They might agree to you using:

- flexible working
- paid time off, unpaid time off or holiday

## 7. When you have pregnancy protection rights

You have pregnancy rights once you've had the last part of the IVF process ('embryo transfer') and might become pregnant.

You do not have to tell your employer at this stage, but you might find it helpful as they could offer support.

If your employer knows you might be pregnant, you're protected against unfair dismissal and unfair treatment related to your possible pregnancy.

### If you find out you're pregnant

You continue to have the same rights throughout your pregnancy and maternity as with non-IVF pregnancies.

### **If the IVF was unsuccessful**

You're still protected by law against pregnancy discrimination for 2 weeks after finding out an embryo transfer was unsuccessful.

Find information about [IVF support on the NHS website](#).

## **8. Keeping in touch with work**

Before you go on maternity leave, your employer or manager should have a meeting with you to talk about how you'd like to stay in touch.

Your employer has the right to a reasonable amount of contact with you during your maternity leave.

While you're on maternity leave, they should tell you:

- if jobs are being advertised
- of any promotion opportunities
- if they're planning redundancies or reorganisation

You can also agree with them:

- what else you'd like to hear about, for example staff bulletins or news on social events
- how you'd like to communicate, for example by email, phone or keeping in touch (KIT) days
- how often you'd like to be in touch

### **Keeping in touch days**

You can agree with your employer to work for up to 10 days during your maternity leave to help you stay in touch with your workplace. These are called keeping in touch (KIT) days.

It's up to you to agree with your employer:

- if you want to work KIT days
- how many KIT days you want
- what type of work you'll do on the days
- how much you'll be paid for the work

It still counts as a full KIT day even if you only work part of it (for example a half day).

If you work more than 10 KIT days, your maternity leave and pay automatically end by law.

## Redundancy

It's against discrimination law for your employer to make you redundant just because you're pregnant or on maternity leave.

[Download our guide to redundancy rights when pregnant or on maternity leave](#) (PDF, 299KB, 13 pages).

## Holiday

You still build up your holiday entitlement as normal during maternity leave.

This means you could return to work with a lot of holiday to take. Before you go on maternity leave, it's a good idea to agree with your employer when you're going to take your holiday.

You cannot take holiday during maternity leave as this would end your maternity leave and pay.

[Find out more about holiday entitlement.](#)

## 9. The right to return to work

### If you've taken 26 weeks or less

The first 26 weeks of maternity leave are called 'ordinary maternity leave' under the law.

You have the right to return to the same job after ordinary maternity leave.

### If you've taken more than 26 weeks

More than 26 weeks' maternity leave is called 'additional maternity leave' under the law.

If you use additional maternity leave, you still have the right to return to your job on the same terms as before you left. But if it's not possible because there have been significant changes to the organisation, you could be offered a similar job.

In this case, the job cannot be on worse terms than before. For example, the following must be the same:

- pay
- benefits
- holiday entitlement
- seniority
- where the job is

## Changing the date you want to return

You must tell your employer at least 8 weeks before you're due to return to work if you want to:

- stay on maternity leave longer than planned
- return to work sooner than planned

## Taking holiday

You still build up ('accrue') your holiday entitlement during maternity leave.

This means you could return to work with a lot of holiday to take. It's a good idea to agree with your employer before you go on maternity leave how you're going to take your holiday.

For example, if you take a year of maternity leave and did not use any holiday before you went off, you could have a year's worth of holiday accrued when you go back to work.

Whether you'll need to carry over any holiday depends how far through the holiday year you return to work. For example, if you take 6 months' maternity leave and return to work with 6 months left of the holiday year, you might have time to take your holiday.

[Find out more on holiday entitlement.](#)

## Health and safety when you return to work

Your employer has to have a workplace [health and safety assessment](#) for employees of child-bearing age, including new mothers.

### Breastfeeding

Your employer should provide somewhere suitable for you to rest if you're breastfeeding.

They're not legally required to provide somewhere for you to breastfeed or express milk at work, but you could ask if they can organise something for you. For example, a private room and a fridge to store the milk.

[Find out more on health and safety for new parents on the HSE website.](#)

## If you want to change your hours or job

If you want to change your hours or duties when you return from maternity leave, you might be able to [make a flexible working request](#).

## Redundancy

It's against the law for your employer to make you redundant just because you've been on maternity leave or have requested flexible working to care for your child.

Find out more about:

- [your redundancy rights while pregnant or on maternity leave](#) (PDF, 299KB, 13 pages)
- [making a flexible working request](#)
- [pregnancy and maternity discrimination](#) (PDF, 512KB, 25 pages)

## If you decide to leave your job

If you decide you want to leave your job during or after maternity leave, you follow the usual process for resigning from a job, including the same notice period.

It's a good idea to consider any handover that might be needed and you could use your [keeping in touch \(KIT\) days](#) for this.

If your employer offers [enhanced maternity pay](#), you might have to repay some or all of the enhanced amount (anything more than Statutory Maternity Pay) if you:

- do not to return to work
- leave shortly after maternity leave

This should be clearly set out in your [contract's written terms](#).