Returning to work after having a baby

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 return to work
- leave shortly after maternity leave

This should be clearly set out in your contract’s written terms.