

Maternity Leave – Q&A Part 2

Gill Wilkinson continues to answer some tricky questions from employers regarding employment procedures and maternity leave:

What do I do about bonuses during an employee's maternity leave?

This is a difficult area and the answer depends on the reason for the bonus. If it is to reward work done, payment only has to be made on a pro rata basis for the weeks when the employee was at work plus the two week compulsory maternity leave period immediately after the birth. Other types of bonus – such as a loyalty bonus or a Christmas bonus – will be payable in full.

What happens if I need to make a woman on maternity leave redundant?

This is permitted but an employee who is at risk of redundancy while on maternity leave has the right to be offered any suitable alternative employment that is available, either with the employer or with an associated employer. Employees cannot be selected for redundancy based on pregnancy or maternity leave, as this would be sex discrimination.

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A woman wants to come into work for a team training day before she returns to work. Is this allowed?

Yes. A woman can work or undergo training for up to 10 days during her maternity leave without losing any statutory maternity pay and these are known as 'keeping in touch' days. The rate of pay is as agreed between the parties and you should clarify this before the training day.

Does a woman have the right to work part-time when she comes back from maternity leave?

She has the right to apply for flexible working and you will need to consider her application carefully and follow the correct procedure. This involves holding various meetings and only rejecting her application for a permitted business reason. If you refuse a request, this can constitute sex discrimination (for which the compensation is unlimited), as well as a breach of the rules on flexible working.

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Contact us

Ware & Kay's specialist, Gill Wilkinson, has extensive experience in all aspects of employment law. Contact her on 01904 716000 or gillian.wilkinson@warekay.co.uk.

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