

Pregnancy and maternity at work

Your rights



Women. Men. Different. Equal.
Equal Opportunities Commission

Equality and
Human Rights
Commission

equalityhumanrights.com

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Your rights

You have special protection during pregnancy and whilst on maternity leave.

Because pregnancy is a special position requiring special protection, you do not have to compare yourself to the way anyone else has been treated at work, or to how you were treated before you were pregnant.

This means that your employer may have to treat you better than other employees, e.g. by letting you have additional toilet breaks or not asking you to do heavy lifting.

Statutory Maternity Leave

- You have the right to 26 weeks *Ordinary Maternity Leave* and 26 weeks *Additional Maternity Leave* – making one year in total.
- Provided you meet certain notification requirements, you can take this no matter how long you've been with your employer, how many hours you work or how much you're paid.
- You continue to be an employee throughout your ordinary and additional maternity leave.
- You are entitled to the same rights whether you are on ordinary or additional maternity leave and your employer should give you the same non-pay benefits such as a company car, mobile phone or gym membership.

Your rights

- You cannot be dismissed because you are pregnant or for reasons connected with your pregnancy or maternity leave.
- You should be offered the same training and promotion opportunities as other staff while pregnant.
- You should be allowed to keep the same duties and responsibilities while pregnant.
- You must be allowed to return to your own job unless this is genuinely not possible (e.g. redundancy situation) when you should be offered a suitable alternative.

Pay

- You will be paid for time off at antenatal classes.
- During maternity leave you should either be entitled to 39 weeks SMP (statutory maternity pay) paid by your employer or 39 weeks Maternity Allowance (paid by Social Security).
- You should continue to receive pay rises and most bonuses during maternity leave. Pension contributions should continue while you are receiving SMP.

A safe pregnancy

- You and your baby must be protected from risks to your health at work.
- Your employer needs to carry out a health and safety risk assessment.
- You should not have to put up with, for example:
 - Unduly stressful work
 - Working alone
 - Working in awkward work positions
 - Unnecessary travelling.
- You should have a suitable place where you can rest and later breast-feed.

The main Acts that give you rights during pregnancy and maternity are the Employment Rights Act (as amended by the Employment Act 2002), the Work and Families Act 2006, and the Sex Discrimination Act.

Important information

- To receive the full extent of your rights, you must tell your employer in writing that you are pregnant, preferably as soon as you know.
- Find out about your company's maternity policy. It may give you more than your basic rights.
- You can find detailed information about maternity rights at www.direct.gov.uk

If you think you have been unfairly treated at work because of your pregnancy, contact the Commission's helpline on 0845 601 5901 for information about what action you can take.

This leaflet can be downloaded from our website:
www.equalityhumanrights.com

If you require this leaflet in a different format, for example large print, contact our helpline.

This leaflet was originally produced by the Equal Opportunities Commission which, from 1 October 2007, became part of the Equality and Human Rights Commission.

While every effort has been made to ensure that the information in this reprinted publication is correct, the Equality and Human Rights Commission cannot guarantee its current factual or legal accuracy, and cannot take responsibility for any loss arising out of its use.

Contact us:

You can find out more or get in touch with us via our website at: www.equalityhumanrights.com or by contacting our helpline:

Telephone: 0845 604 6610

Textphone: 0845 604 6620

Fax: 0845 604 6630

Mon, Tue, Thur, Fri: 9am–5pm.

Wed: 9am–8pm

Free, confidential advice and information

Calls from BT landlines are charged at local rates, but calls from mobiles and other providers may vary. Calls may be monitored for training and quality purposes. Interpreting service available through Language Line, when you call our helpline.

Equality and Human Rights Commission

Great Britain

Arndale House, Arndale Centre,
Manchester, M4 3AQ

Telephone: 0161 829 8100

Textphone: 0161 829 8341

Fax: 0161 829 8110

Email:

info@equalityhumanrights.com

3 More London Riverside,
Tooley Street, London, SE1 2RG

Telephone: 020 3117 0235

Textphone: 020 3117 0238

Fax: 020 3117 0237

Email:

info@equalityhumanrights.com

Media enquiries

Telephone: 020 3117 0255

(out of hours mobile

07767 272 818)



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