

# WORK-LIFE BALANCE

## Negotiators' guidelines



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## Introduction

Amicus is committed to supporting our activists and workplace representatives with the resources, information and training to update work-life balance policies and address long working hours. With new legislation in the Work and Families Bill, there is an opportunity for Amicus to develop proactive negotiations in this area and work towards ending the long hours culture at work. This guide is designed to support these negotiations.

Amicus members can be confident that they will be treated with dignity and respect at work, and that where Amicus is organised, Amicus can deliver better terms and conditions for all members.

**Derek Simpson**  
**Amicus General Secretary**



The UK's long hours' culture and limited access to flexible working arrangements impacts adversely on many Amicus members. Often it is difficult for workers to carry out their job in contractual working hours. This not only affects work-life balance, but also can lead to poor health in the form of stress and other forms of illness.

Many workers would like to reduce their working hours and have more access to flexible working. Research has revealed that the number of workplaces offering flexible working opportunities has almost doubled in the last six years.<sup>1</sup> However, Government focus has concentrated on more flexibility and a reduction of working time for parents when clearly it is an issue for all workers.

If improved work-life balance is to be achieved then employees need to gain more control over their working hours. Long working hours and work-life balance are key issues for Amicus. Amicus continues to campaign and lobby Government for work-life balance for all workers. In particular, Amicus is campaigning for the end of the opt-out under the Working Time Regulations whereby employers are able to get employees to agree to work more than 48 hours per week. This defeats the whole objective of the Working Time Directive which is designed to ensure that employees are not forced to work long hours. Additionally, we must address this issue through collective bargaining and by sharing best practice.

This Amicus negotiating guide advises shop stewards and workplace representatives on how to work with employers to obtain a better work-life balance and gives information on the rights for members on this issue.

**Siobhan Endean**  
**Head of Equalities**



<sup>1</sup> *Workplace Employment Relations Survey 2004*

## ■ Benefits of work-life balance

Good employers recognise that it is good practice to provide opportunities for their employees to achieve a better work-life balance. Benefits to employers include:

- Improved employee morale
- Increased productivity
- Staff retention
- Employee flexibility
- Loyal and motivated employees in a less stressful environment
- Reduction of absenteeism, sickness and stress.

Equally, if work-life balance is implemented and managed properly there are benefits for employees:

- Greater control over their working lives
- The ability to strike a balance with life outside work
- Improved self-esteem, health, concentration and confidence
- Better relationships with colleagues and management.

An organisation that is committed to work-life balance:

- Recognises that effective practices to promote work-life balance will benefit the organisation and its employees
- Acknowledges that individuals at all stages of their lives work best when they are able to achieve an appropriate balance between work and all other aspects of their lives
- Highlights the employer's and the employee's joint responsibility to discuss workable solutions and encourages a partnership between individuals and their line manager
- Develops appropriate policies and practical responses that meet the specific needs of the organisation and its employees, having regard to:
  - fairness and consistency
  - valuing employees for their contribution to the business, not their working pattern
  - monitoring and evaluation
- communicates its commitment to work-life balance to its employees
- demonstrates leadership from the top of the organisation and encourages managers to lead by example.<sup>2</sup>



<sup>2</sup> *Creating a Work-Life Balance: a good practice for employers, DFEE, September 2000*

## ■ Elements of a work-life balance policy

The core component of all the work-life balance initiatives is a policy on flexible working. This can take many forms with the emphasis on finding solutions that will benefit both the employee and employer. A range of options are available, some of which an employee may opt for in combination. These include:

- Part-time working
- Voluntary reduction in working hours
- A compressed working week
- Term-time working
- Tailored working patterns
- Flexible shiftworking
- Flexitime
- Job-sharing
- Homeworking
- Career breaks
- Annual hours
- Child breaks

The key to an effective work-life balance policy is that it should apply to all staff. It should not be aimed at a particular kind of staff or only those employees with caring responsibilities. The ability to strike a balance with work and outside life should be available to all employees. It is essential that staff are not discriminated against for using these policies. Additionally, the Government, employers and unions need to work together to bring about the culture change to facilitate work-life balance and a reduction in UK working hours.

## ■ Guidelines for negotiators

There is scope, via negotiations, to obtain concessions and deliver the best obtainable terms for our members, particularly where employers are committed to the whole concept of work-life balance. Whilst acknowledging that collective agreements are a key method for negotiating work-life balance policies, it should be noted that the following advice is for guidance and may not be achievable in all situations:

1. Work-life balance policies should be collectively agreed between the management and the union before commencement of the policy.
2. A joint union-management-working group should be set up to oversee the implementation and development of the work-life balance policy.
3. The management and union should jointly carry out a work-life balance/ working time audit to identify problems and scope for positive changes.
4. Work-life balance policies should not be imposed on staff and should be voluntary with a trial period of 3 to 6 months in which the employee has the right to return to their previous working arrangement.
5. If a contract change is required all staff should have the right to remain on their existing contract.
6. Use the opportunity to negotiate an overall reduction in working time.
7. If rosters are required it is important to ensure that all hours are accounted for by anticipating work loads and planning rosters in advance.
8. Test new ideas through a time-limited pilot.
9. Ensure that the policy is communicated clearly to all staff.
10. Ensure that the employer provides training to managers on the implementation and day-to-day running of the policy.
11. Although flexible working should be available to all staff consideration should be given to staff with caring responsibilities when drafting rosters.
12. If temporary staff are brought in, the situation should be monitored and where it is agreed that additional staff are required, they should be made permanent members of staff after a period equivalent to the probationary period.

## ■ Your rights to flexible working

This guidance is for working parents wanting to change to a more flexible-working pattern. Many employers provide better rights than the legal minimum and this will be set out in your employee's contract of employment or staff handbook. You should check with your Amicus Representative if you are entitled to improved terms.

### What is the right to request flexible working?

It is the right for parents to apply to an employer to work flexibly in order to care for a child. However, it is not an automatic right to work flexibly. The employer is under a duty to consider any application seriously and must provide good business reasons when an employee's request is refused.

### Who has the right to request flexible working?

To be eligible you must have:

- parental responsibility for a child under

6 or under 18 if the child is disabled.  
This applies to biological, adoptive and same sex partners

- completed 26 weeks continuous service with an employer at the date of the request to work flexibly.

### Some examples of flexible working

Flexible working hours

Part-time

Job sharing

Compressed working week

Term time working

Home Working



## How should you make a request for flexible working?

An application should be made in writing. Your employer may have a form or the government has produced a standard application which is available at <http://www.dti.gov.uk/employment/balancing-work-family-responsible/flexible-working/index.html>. Amicus recommends that you give any request careful thought and you may wish to seek advice from an Amicus Representative before making a request. You have a right to be accompanied at the meeting or any appeal by an Amicus Representative.

Only one application can be made per year and accepted applications will mean a permanent change to your terms and conditions of employment unless otherwise agreed by you and your employer.

You should state the flexible working pattern applied for and the date you would like to commence this.

You should explain the effect on your employer, if any and how in your opinion, any change can be accommodated by your employer.

Clarify how you satisfy the relationship requirements with the child.

State whether you have made a previous application to your employer and when.

## How should your employer respond?

Your employer should:

- Arrange a meeting within 28 days to discuss the request.
- Notify you in writing of the decision within 14 days of the date of the meeting. This should agree the new work pattern and a commencement date; or provide clear business reasons why the request has been refused.

## Can you appeal against the decision?

You can appeal in writing a refusal for any reason within 14 days of being



notified of your employer's decision. Your employer must arrange an appeal meeting within 14 days of receiving your notice to appeal and then inform you of their decision in writing within fourteen days of the meeting.

It should be noted that an employee can submit a claim to an employment tribunal under the Flexible Working Regulations on two grounds only, that the employer:

- gave incorrect facts as grounds for refusal.
- the employer did not apply the correct procedure.

However, it may be possible to make a tribunal claim under the Sex Discrimination Act for both women and men if a flexible working request is refused and you have followed your employer's grievance procedure.

Please seek advice from an Amicus representative before pursuing any claim.

## ■ Your right to maternity leave and pay

This guidance gives details of your statutory right to maternity leave and pay. Many employers provide better rights than the legal minimum and this will be set out in your employee's contract of employment or staff handbook. You should check with your Amicus Representative if you are entitled to improved terms.

There are five main categories of rights covering maternity which are:

- Time off for antenatal care
- Maternity leave
- Statutory maternity pay or maternity allowance
- Protection against unfair treatment or dismissal
- Health and safety protection.

### Time off for antenatal care

#### What time can be taken off?

All pregnant employees are entitled to time off for antenatal care, regardless of length of service with the organisation. This would include time off to keep appointments for antenatal care made on the advice of a doctor, midwife or health visitor. This can include medical appointments, relaxation and parentcraft sessions.

#### Should the time be paid?

Yes. You are entitled to be paid your full rate of pay for this time off.

#### What must I do to obtain paid time off?

You should notify your employer of your appointments. The employer can ask to see your appointment card or other evidence after the first visit and the certificate signed by your doctor or midwife stating that you are pregnant (MAT1).

#### What should I do if paid leave is refused?

If you consider that your employer has unreasonably refused time off you should contact your Amicus representative. It is recommended that you discuss this with your employer and you may have to take your grievance through your employer's grievance procedure. If you have exhausted the grievance procedure you can take a complaint to an employment tribunal, but you should seek advice from an Amicus representative before taking any action.



### Maternity leave

#### Who qualifies for ordinary maternity leave?

All employees regardless of length of service, are entitled to a period of 26 weeks ordinary maternity leave providing you meet certain notification requirements.

#### Who qualifies for additional maternity leave?

If you have 26 weeks' continuous service by the beginning of the 14th week before the expected week of childbirth,

you have the right to an additional period of maternity leave of 26 weeks. This leave follows straight on from ordinary maternity leave giving a total of 52 weeks maternity leave.

### **Compulsory maternity leave**

An employee may not work for her employer immediately after childbirth. This lasts for two weeks from the date of childbirth, or four weeks if you work in a factory.

### **What must you do to take maternity leave?**

You must notify your employer of your intention to take maternity leave by the end of the 15th week before your expected week of childbirth, unless this is not reasonably practicable. You must inform you employer that:

- You are pregnant
- The expected date of childbirth
- When you want maternity leave to start

An employer must respond within 28 days of your notice to take maternity leave. You can change your mind about when you want to start your maternity leave providing you give your employer 28 days notice unless this is not reasonably practicable.

### **When can ordinary maternity leave start?**

You may start your leave any time from the 11th week before the expected week of childbirth. If you are absent for pregnancy related reasons in the four weeks before the expected date of childbirth, your maternity leave will start automatically from the first date of absence.

### **What happens to my contract of employment during maternity leave?**

The contract of employment continues through ordinary maternity leave unless either party to the contract expressly ends it or it expires.

During ordinary maternity leave you are entitled to benefit from the terms and conditions of employment that would have applied to you had you been at work, except for the terms providing wages or salary. For instance, this means that holiday entitlement will continue to accrue, or you can retain your right to use a company car. You will not be able to

take holiday entitlement during maternity leave, but subject to arrangement with your employer, there is no reason why you cannot take a period of holiday immediately before or after your maternity leave.

Although, the contract of employment continues throughout additional maternity leave, you are not entitled to benefit from most of your normal terms and conditions of employment. However, there are some terms and conditions that do apply as set out below:

- You are entitled to benefit from your employer's implied obligation to you of trust and confidence.
- You are bound by your implied obligation to the employer of good faith.

You are bound by any terms in your contract relating to:

- disclosure of confidential information
- acceptance of gifts or other benefits
- participation in any other business.

You are entitled to receive your period of notice as specified in your contract of employment if your employment is terminated.

You are entitled to contractual rights to redundancy payments.

Any terms and conditions in your contract of employment relating to disciplinary or grievance will continue to apply.

### **Returning to work**

#### **Is it necessary to give notice of return from maternity leave?**

No. Your employer will assume that you will take your full leave, either 26 or 52 weeks. Your employer must notify you of when your leave will end. If you want to return to work earlier you must give 28 days notice of the date that you wish to return. If you do not wish to return to work after maternity leave you must give your normal notice as per your contract of employment.

#### **Can you return to the same job after maternity leave?**

You have the right to return to the same job after ordinary maternity leave, with the same terms and conditions, unless a redundancy situation has arisen, in which

case you are entitled to a suitable alternative vacancy.

If you are returning after additional maternity leave you are entitled to return to the same job and the same terms and conditions, unless a redundancy situation has arisen, or there is another reason why it is not reasonably practicable for the employer to give you back your original job. In these circumstances you are entitled to be offered suitable alternative work.

If you are unsatisfied about any changes to your employment proposed by your employer on return from maternity leave please contact your Amicus Representative for advice.

### **What happens if I am sick and unable to return to work after maternity leave?**

If you are unable to return to work at the end of ordinary or additional maternity leave due to sickness, your normal contractual arrangements for sickness absence apply and you should notify your employer in the normal way.

If you cannot return to work because of a pregnancy related illness, e.g. post-natal depression, you should contact an Amicus Representative, as you may have protection under the sex discrimination legislation if you are disciplined or dismissed in such circumstances.

### **Can I return to work part-time after maternity leave?**

There is no automatic right to return to work part-time after maternity leave. However, you can make a request to work part-time (or in another flexible manner) under the Flexible Working Regulations. For more details please refer to the Amicus guidance to Flexible Working.

If you are refused any request please contact an Amicus Representative to check whether your employer has followed the correct procedure under the Flexible Working Regulations. Additionally, it may constitute sex discrimination if an employer refuses to allow you to work part-time after maternity leave, so it is important that you get advice from Amicus if you are in this situation.

## **Statutory maternity pay**

### **Who qualifies for statutory maternity pay?**

Employees, both full-time and part-time, who are pregnant or have just given birth, are entitled to a maximum of 26 weeks' statutory maternity pay (SMP) regardless of whether they intend to return to work. However you must meet the following conditions:

- You have worked for your employer for a continuous period of at least 26 weeks ending with the qualifying week of 15 weeks before the expected weeks of childbirth.
- Your average weekly earnings in the eight weeks up to and including the



qualifying week must have been at least equal to the lower earnings limit for National Insurance Contributions. If you do not qualify for SMP you may be entitled to Maternity Allowance instead, or Income Support or other benefits. Please contact your local Social Security/Jobcentre Plus Offices if you are in this situation.

### **How much will I be paid?**

The first six weeks of SMP are paid at 90% of your average weekly earnings. The remaining twenty weeks are paid at the SMP standard rate (currently £108.85 per week until April 2007). This will be paid to you by your employer.

If you decide not to return to work you do not have to pay back your SMP.

Many employers provide maternity pay above the statutory minimum so you should check with your Amicus representative if you are unsure about the level of payment that you will receive.

## **Protection against unfair treatment, redundancy and dismissal**

### **Can you be dismissed or treated unfairly because you are pregnant or taking maternity leave?**

It is unlawful for an employer to dismiss, or to treat you unfairly, because you are pregnant, or have given birth, or because you intend to take, are taking, or have taken advantage of any of your statutory maternity rights.

Additionally, it is unlawful to dismiss you if you do not return to work from maternity leave if you have been given insufficient, or no notice of when your maternity leave should end.

These rights apply regardless of length of service.

However, it is not unlawful to dismiss you on grounds unrelated to pregnancy or childbirth, unless the dismissal is unfair for some other reason on the grounds of sex or marriage.

This is a complicated area of the law and if you think you have been dismissed, or treated unfairly because of pregnancy related reasons, please contact your Amicus Representative.

### **Can I be made redundant?**

You can be made redundant during pregnancy or maternity leave, providing it is not related to your pregnancy, or to you taking advantage of any of your statutory maternity rights.

The law states that irrespective of length of service, or hours worked, you must not be selected for redundancy in these circumstances.

We would recommend that if you are being made redundant against your wishes that you contact your Amicus representative to get full advice on your legal rights.

## **Health and safety**

### **What are the duties of employers to new or expectant mothers?**

If you are a new or expectant mother employers have extra requirements to protect your health and safety at work regardless of length of service.

In any workplace where there are women of child-bearing age the employer should carry out risk assessments to find out if anything at the workplace could cause harm to new or expectant mothers and their unborn children, or children being breast-fed.

If a risk is identified the employer must inform their employees of any risk and that employees should notify them if they are pregnant as early as possible.

If the risk cannot be avoided or removed your employer should make further steps to protect your health and safety. This can include changes to your working conditions, or hours, or an offer of suitable alternative employment. If this is still not sufficient to remove the risk you must be suspended from work on full pay for as long as it is necessary to protect your health and safety.

# ■ Your rights to paternity leave and pay

This guidance gives details of parents' statutory rights to paternity leave and pay. Many employers provide better rights than the legal minimum and this will be set out in your employee's contract of employment or staff handbook. You should check with your Amicus Representative if you are entitled to improved terms.

## What is paternity leave and pay?

Paternity leave and pay is the right to take paid time off to care for a new-born baby or adoptive child and support the other parent. The same right applies to stillbirths if born after 24 weeks of pregnancy.

## Who has the right to paternity leave and pay?

To be eligible you must have:

- responsibility for bringing up the child. This can be the biological father, the mother's husband or partner, including same sex couples or one member of a couple who have jointly adopted a child.
- completed 26 weeks' continuous service by the end of the 15th week before the baby is due or the week in which a match is made with a child for adoption and continue to work for the employer until the baby's birth or child's placement for adoption.

## How long is paternity leave and when can it be taken?

If you meet the eligibility requirements you are entitled to two weeks' leave in either a single block of two weeks or single block of one week. Odd days and two separate weeks cannot be taken unless there is an enhanced policy with your employer.

Leave can be taken from the date of the baby's birth or child's placement or later as long as it is taken within 56 days of these events.

If the baby is premature you can take leave within 56 days of the expected date of birth.

## Is paternity leave paid?

Yes - providing you earn, on average, the Lower Earnings Limit to qualify for paternity pay.

Statutory paternity pay (SPP) is paid at the same rate as statutory maternity pay. £108.85 per week from April 2006 or 90% of average earnings if this is less than £108.85. Many employers offer

enhanced pay above SPP so you should check your employer's policy or seek advice from an Amicus representative to confirm your rate of SPP.

## Notice requirements

You must advise your employer of when you expect to start paternity leave and whether you wish to take one or two weeks leave, on or before the end of the fifteenth week before the expected date of childbirth or within 7 days of matching a child for adoption.

If this is not reasonably practicable, the employer must be notified as soon as is reasonably practicable.

Your employer may request that you complete a self-certificate as evidence of your eligibility for paternity leave and pay.

For paternity pay you must notify your employer at least 28 days before they expect their pay period to start or if that is not reasonably practicable, as soon as reasonably practicable.

## Contract of employment and returning to work

Your contract of employment continues during paternity leave, and you continue to receive all your contractual benefits as if you had not been away from work.

You are entitled to return to the same job on the same terms and conditions as if you had not been absent, unless a redundancy situation has arisen.

## Disputed entitlement to paternity leave

If your employer refuses you entitlement to paternity leave, contact your Amicus Representative. It is recommended that you first discuss this with your employer and you may have to take your grievance through your employer's grievance procedure. If you have exhausted the grievance procedure you may be able to take a case to an employment tribunal, but you should seek advice from an Amicus Representative before taking any action.

## ■ Your rights to parental leave

This guidance is for parents or prospective parents and details your rights to parental leave. Employers may provide better rights than the legal minimum. These will be set out in your employee's contract of employment or staff handbook. You should check with your Amicus representative to see if you are entitled to improved terms.

### What is parental leave?

Parental leave is a right to take time off work on an unpaid basis for working parents who want to spend time with their children.

### Who can take parental leave?

You qualify for parental leave if you:

- have been continuously employed for a year or more; and
- are the parent named on the birth certificate of a child who is under five years older up to age 18 if the child is disabled; or
- have adopted, on or after 15 December 1999, a child under the age of 18. This leave can be taken up to the fifth anniversary of the date of placement or the child's 18th birthday if that is sooner;
- or acquired formal parental responsibility for child who is under five years old.

### Length of parental leave

You are entitled to 13 weeks leave for each child (e.g. 26 weeks for twins). Longer leave of 18 weeks is available for each child entitled to a disability living allowance.

### How parental leave is taken

You have to take the leave in blocks or multiples of one week. If you take less than a week off you will lose a week of the 13-week entitlement. This does not apply to parents of disabled children who can take leave in blocks or multiples of one day.

You cannot take more than four weeks in any one year in respect of any individual child unless you are entitled to take more leave by agreement with your employer.

### Giving notice and postponement

You must give 21 days notice of taking parental leave. Although it is not required, we recommend that you put this information in writing and keep a

copy. Notice must state when you want the leave to begin and end. If you are an adoptive parent who wishes to take leave from the date of the child's placement, the notice period is 21 days before the week of the placement. If this is not practicable you must tell your employer as soon as is reasonably practicable.

Your employer can postpone your leave for a period of up to six months if taking leave at a particular time would cause undue disruption. Your employer must give you notice of the postponement in writing within seven days from the day you gave notice that you wished to take the leave. Your employer must also give you a reason for the postponement and set out new dates for parental leave. The length of leave should be equivalent to your original request. However, your employer cannot postpone the leave if the request for leave is immediately after the child is born or after your child is placed with you for adoption.

### Returning to work after parental leave

If you take four weeks or less parental leave you can go back to your old job. If you take more than four weeks you should get your old job back unless it is not "reasonably practicable." In this case your employer has to give you another suitable alternative job on similar terms and conditions as your previous job.



# ■ Your right to adoption leave and pay

This guidance is for members who wish to adopt. Some employers provide improved rights above the legal minimum. These will be set out in your contract of employment or staff handbook. You should check with your Amicus representative to see if you are entitled to improved terms.

## What is adoption leave and pay?

Adoption leave and pay is a right for employees to take paid leave when a child is newly placed with them for adoption.

## Who can take adoption leave and pay?

You qualify for adoption leave and pay if you:

- Have been continuously employed for at least 26 weeks by the week in which you are being matched with a child for adoption.
- Are an adoptive parent of a child newly placed for adoption. This does not apply to step-family adoption or adoption by a child's foster carers.
- Are an employee who adopts a child from overseas.

## Are both adoptive parents entitled to adoption leave?

No – where a couple adopts a child, (including same sex couples) only one parent is entitled to take the adoption leave. They can choose who takes adoption leave and who takes paternity leave.

## Length of adoption leave

You are entitled to 26 weeks ordinary adoption leave followed by 26 weeks additional adoption leave. Only one period of leave is available regardless of whether more than one child is placed for adoption as part of the same arrangement.

## Amount of pay

You will be paid for the first 26 weeks of adoption leave if you earn above the Lower Earnings Limit. This payment is fixed at the same rate of statutory maternity pay which is currently £108.85 per week or 90 per cent of weekly earnings if lower. There is no pay if you opt to take additional adoption leave.

## Starting leave

The leave can start from the date of a

child's placement or from a fixed date 14 days before the placement.

## Notice

You must inform your employer that you wish to take adoption leave, the dates for placement, and the start of adoption leave, within seven days of being notified that you have been matched with a child. If this is not reasonably practicable, then as soon as reasonably practicable.

You can change your mind about the date on which you want to take leave providing you give your employer 28 days notice.

Your employer must respond to you within 28 days in writing, setting out the date on which they expect you to return to work if you are using your full entitlement to adoption leave.

## Matching certificate

Your employer will require documentary evidence in the form of a matching certificate and you should ask for this from your adoption agency.

## What terms and conditions apply during adoption leave?

During the 26 weeks of ordinary adoption leave, all your contractual rights will continue, including holiday entitlement and benefits such as a company car. During additional maternity leave, the employment contract continues and some contractual benefits remain in force, for example compensation in the event of redundancy and notice periods.

## Returning to work after adoption leave

Your employer will have notified you of the date that your leave will end. You should return to work on this date. If you decide to return to work before this date you must give your employer, at least, 28 days notice of your date of return and we would recommend that you do this in writing. If you do not give this notice your

employer may postpone your return until 28 days notice has been given.

If you return to work immediately after ordinary adoption leave you have the right to return to the same job. If you return

after additional adoption leave, you will be entitled to return to the same job, or, if that is not reasonably practicable, a suitable alternative job on similar terms and conditions as your previous job.

## ■ Your right to dependant's leave

This guidance gives details of your statutory right to dependant's leave. Many employers provide better rights than the legal minimum and this will be set out in your employee's contract of employment or staff handbook. Your employer may also provide compassionate leave. You should check with your Amicus representative if you are entitled to improved terms.

### What is dependant's leave?

Dependant's leave is a right for all employees, regardless of length of service, to take reasonable time off work to deal with an emergency involving a dependant.

### Who counts as a dependant?

- a spouse
- a child
- a parent
- someone who lives in the same household (other than an employee, tenant, lodger or boarder)
- anyone who relies on you either for assistance or to make care arrangements in the event of illness or injury
- it can also include partners or elderly relatives living with the family.

### When can time off be taken?

You are entitled to reasonable time off to:

- help, or make care arrangements when a dependent falls ill, gives birth or is injured or assaulted
- make arrangements following the death of a dependent
- deal with a disruption or breakdown in care arrangements for a dependent, e.g. when a childminder or nurse fails to arrive
- to deal with an incident involving a dependant child during school hours, or on a school trip or in circumstances when the school has responsibility for the child.

### Giving notice

You must tell your employer, as soon as you can, why you are absent and how long you are likely to be absent. There may be times when you return to work before it is possible to contact your employer, but you should still explain the reason for your absence.

### How much time can I take off?

You are entitled to take as long as is needed to deal with the emergency. For example, if your child is ill you can take enough time off to deal with their initial needs, such as taking your child to the doctor and arranging for their care. But you may need to make other arrangements if you want to stay off work longer to care for a dependant yourself.

### Will I be paid?

There is no legal obligation for an employer to pay you, but many employers allow some period of paid dependant's leave. You should refer to your contract of employment or staff handbook.

### Can leave be refused?

If you consider that your employer has unreasonably refused time off you should contact your Amicus representative. It is recommended that you discuss this with your employer and you may have to take your grievance through your employer's grievance procedure. If you have exhausted the grievance procedure you can take a complaint to an employment tribunal, but you should seek advice from an Amicus representative before taking any action.

## The Work and Families Bill

The Work and Families Bill is being introduced by Government with the aim of improving work life balance, enabling a better balance of caring responsibilities between partners and for parents to spend more time with their baby in the first year of life. The Bill will

- Extend the period of maternity and adoption pay from 26 weeks to 39 weeks initially with a commitment to extend to 52 weeks. The pay period will be extended to 39 weeks in April 2007.
- Create a new right for fathers to take up to 26 weeks' additional paternity leave, if the mother has returned to work before her maternity leave has expired, in addition to the current 2 weeks paternity leave.
- Enable the father to claim additional paternity leave pay at the statutory rate, where the mother's entitlement to statutory maternity pay has not expired and she has returned to work.
- Extends the right to request flexible working arrangements to employees caring for sick or disabled adult dependents.

Amicus will provide full details of this new legislation when the different aspects of the Bill come into force.

## Useful websites

Amicus website for guidance and information for working parents

<http://www.amicustheunion.org/Default.aspx?page=118>

Amicus Equal Rights website with information covering all equality issues

<http://www.amicustheunion.org/Default.aspx?page=39>

Amicus campaigns website

<http://www.amicustheunion.org/Default.aspx?page=19>

The DTI website which gives information for your rights as a working parent

<http://www.dti.gov.uk/employment/balancing-work-family-responsible/flexible-working/index.html>



# USE THIS CHART TO PRESERVE YOUR MATERNITY RIGHTS

**BOX 1**  
28 day's Notice

**BOX 2**  
Leave to Start

**BOX 3**  
Date of Birth

**BOX 4**  
28 day's notice  
of early return

**BOX 5**  
Date you intend  
to return to  
work

- A. Write in Box 3 the expected date of birth of your baby:
- B. Now decide when you want your maternity leave to begin. The earliest date is 11 weeks before the date in Box 3 and the latest date is the week of the expected date of birth. Write the date in Box 2. (Remember to correct this date if your plans are altered because you are absent from work due to pregnancy-related reasons and your employer insists that the maternity leave begins then or if you change your planned start date).
- C. After that, immediately write in Box 1 the date which is the 15th week (include Saturdays and Sundays) before the date in Box 2. This is the date by which you must write to your employer.
- D. Write in Box 5 the date at which your maternity leave ends or an earlier date by which you wish to return to work. (Remember it is 26 weeks from start to finish of your maternity leave, if you have less than 26 weeks' service and up to 52 weeks after the birth if you have 26 weeks' service or more).
- E. If the date in box 5 is earlier than your total entitlement, write the date which is 28 days before this in box 4. You must write to your employer by this date to state when you intend to return to work.

Letter Number	Description	Date Sent
Letter 1	This letter is to be sent to reach your employer by the 15th week before you intend to start maternity leave.	
Letter 2	If you change your mind about the start date for maternity leave send this letter to reach your employer by 28 days before you intend to start your maternity leave – or – use it to inform your employer that you are giving 28 days notice of wanting your maternity pay to start.	
Letter 3	<b>Returning to Work</b> If you intend to return to work before the end of your maternity leave, this letter must be sent to your employer to arrive 28 days before your return. Otherwise you need do nothing except return to work at the end of full maternity leave entitlement.	
Letter 4	(For those taking parental leave immediately following maternity leave) You must send this letter to reach your employer 21 days before you intend to start parental leave.	
Letter 5	If you wish to take paternity leave at the time of the birth of your child, you must send this letter on or before the end of the fifteenth week before the expected date of childbirth or within 7 days of matching a child for adoption.	
Letter 6	Use this letter to give 21 days notice of your wish to take parental leave.	

## Letter 1

Your name: .....

Address: .....

Date: .....

To: .....

Dear Sir/Madam

Re: Maternity Leave

I write to inform you that I am pregnant and that the expected week of childbirth is .....

I am giving you formal notice, by the 15th week before my due date, that I intend to start my maternity leave period from .....

I enclose\*/ have previously sent\* a photocopy of my MAT B1 for your records.

Yours faithfully,

Signature

Full Name: .....

\*cross out the one that does not apply

## Letter 2

Your name:.....

Address: .....

Date: .....

To: .....

Dear Sir/Madam

Re: Maternity Leave

I write to give you at least 28 days formal notice that I have altered the start for my maternity leave and intend to start my leave period from .....

Yours faithfully,

Signature

Full name .....

## Letter 3

Your name: .....

Address: .....

Date: .....

To: .....

Dear Sir/Madam

Re: Maternity Leave

I write to confirm my intention to return to work after my maternity leave at a date earlier than my full entitlement. I intend to return on .....

Yours faithfully,

Signature

Full Name .....

## Letter 4

Your name:.....

Address: .....

Date: .....

To: .....

Dear Sir/Madam

Re: Parental Leave

I write to inform you that I intend to take ..... weeks parental leave immediately following my additional maternity leave. The date will be from ..... to ..... and I am therefore giving you notice in order that you may make arrangements to cover my work for this period.

Yours faithfully,

Signature

Full Name .....

## Letter 5

Your name:.....

Address:.....

Date: .....

To: .....

Dear Sir/Madam

Re: Paternity Leave

I am writing to inform you that I intend to take paternity leave to coincide with the birth of my child. The expected date of child birth is ..... and I intend to take leave from ..... to ..... I am therefore giving you notice in order that you may make arrangements to cover my work for this period.

Yours faithfully,

Signature

Full Name .....



## **Work-life balance - negotiators' guidelines**

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