



Most businesses are anxious to ensure they manage their pregnant staff correctly but the maternity and adoption legislation are to become further complicated from 5th October 2008.

Employers of expectant mothers whose babies are due on or after October 5 this year, will find it is not just her that is starting out on a new journey. As a result of a ruling made by the High Court last year, October 5 also marks the due date of changes that employers must make to the contractual benefits entitled to staff on maternity leave.

In a landmark case brought last year by the Equal Opportunities Commission to bring UK law into line with EU requirements, the High Court has ruled that pregnant women whose babies are due on or after October 5 will enjoy an increased entitlement to contractual benefits during her maternity leave.

By 'benefits', the regulations mean perks such as gym membership, company car and mobile phone, as well as the accrual of contractual holiday entitlement.

Maternity leave is currently divided into two parts; 26 weeks of Ordinary Maternity Leave (OML) and 26 weeks of Additional Maternity Leave (AML). Prior to the ruling, an employer was only obliged to provide an employee's contractual benefits for the period covering Ordinary Maternity Leave. For all women whose babies are due on or after October 5, 2008, employers will be obliged to provide contractual benefits for the entire 52 weeks.

The ruling makes a clear differentiation between perks and wages. So, if a car allowance is paid as part of the wages package for example, a woman on maternity leave will not receive this. It also stresses that mothers may not take holiday entitlement during maternity leave, but must do so before it starts or after returning, regardless of whether they have opted to take the full entitlement of 52 weeks or not.

For more information or for further advice on maternity leave entitlement please contact the team on 0870 240 1919 or email us at <mailto:info@hrdept.co.uk>

Did you know?

The national minimum wage has now risen to £5.73 an hour!

