

# **LONDON UNDERGROUND LIMITED**

## **MATERNITY INFORMATION**

### **HANDBOOK**



**Date of original issue  
19<sup>th</sup> March 2003  
Last amended April 2008**

**This handbook supersedes all previous versions.**

**It does not form part of an employee's contract of employment. This handbook will be amended and updated from time to time.**

**Updated versions will be published on the ER Website's policy section.**

**Note:** For the latest instruction and guidance go to [Maternity Leave](#) on Working at TfL and for recent legislation changes on shared parental leave read [LU family and Domestic leave scheme](#).

## CONTENTS

1.	ABBREVIATIONS USED IN THIS HANDBOOK.....	3
2.	INTRODUCTION .....	4
3.	BACKGROUND .....	4
3.1.	Statutory Maternity Rights.....	4
3.2.	Company Maternity Provisions In Brief.....	5
3.3.	Establishing Employee's Entitlements .....	5
4.	GENERAL INFORMATION - PRE-MATERNITY LEAVE .....	6
4.1.	Notification.....	6
4.2.	Health and Safety.....	7
4.3.	Alternative Duties.....	7
4.4.	Time Off For Antenatal Care.....	8
4.5.	Free Treatment.....	8
4.6.	Counselling and Trauma Service .....	8
4.7.	Uniforms.....	8
5.	WHILE ON MATERNITY LEAVE .....	9
5.1.	Maternity Leave.....	9
5.2.	Compulsory Maternity Leave.....	9
5.3.	Annual Leave.....	10
5.4.	Occupational and Statutory Maternity Pay.....	10
5.5.	Maternity Allowance.....	11
5.6.	Salary / Benefits.....	12
5.7.	Performance Related Pay.....	13
5.8.	Pension.....	13
5.9.	Travel Facilities .....	13
5.10.	Loans and Other Benefits .....	13
5.11.	Recruitment and Selection.....	14
5.12.	Regular Contact.....	14
5.13.	Early / Late Childbirth.....	14
5.14.	Stillbirth / Miscarriage.....	15
6.	RETURNING TO WORK .....	15
6.1.	Right to Return to Work.....	15
6.2.	Notification of Return to Work.....	15
6.2.1.	Returning Early .....	16
6.2.2.	Returning Late.....	16
6.3.	Change Of Mind.....	16
6.3.1.	Employees not returning after Maternity Leave .....	16
6.3.2.	Employees unable to continue to work .....	16
6.4.	Refresher Training.....	17
6.5.	Part-Time Work.....	17
6.6.	Post-Natal Management.....	17
6.6.1.	Breastfeeding.....	17
6.7.	Childcare Provision.....	18
6.8.	State Benefits.....	18
7.	SICKNESS .....	18
8.	OTHER POINTS TO CONSIDER.....	19
8.1.	Temporary Replacement.....	19
	APPENDIX A - WHO TO CONTACT FOR ADVICE OR HELP .....	21
	APPENDIX B - DATE CHART .....	22
	APPENDIX C - MEDICAL ADVICE - PREGNANCY.....	24

## 1. ABBREVIATIONS USED IN THIS HANDBOOK

AML	Additional Maternity Leave (all employees are entitled to 26 weeks)
EDC	Expected date of childbirth (the day the baby is due)
EWC	Expected week of childbirth (the week in which the baby is due)
KIT	'Keeping in Touch'
LUOH	London Underground Occupational Health department
MA	Maternity Allowance payable to employees by the Benefits Agency for those with less than 26 weeks service by the end of the 15th week before the expected week of childbirth or where Statutory Maternity Pay (SMP) is not applicable
MATB1	Maternity certificate issued by a doctor/midwife showing the date on which the baby is expected
ML	Maternity Leave
MPP	Maternity Pay Period is the 26 week period during which OMP / SMP might be payable
OML	Ordinary Maternity Leave (all employees are entitled to 26 weeks leave)
OMP	Occupational Maternity Pay (100% of contractual salary)
OSP	Occupational Sick Pay (LUL Sick Pay)
QW	Qualifying Week – This is the 15 <sup>th</sup> week before the EWC
SMA	Statutory Maternity Allowance
SMP	Statutory Maternity Pay
SSP	Statutory Sick Pay
SPL	Statutory Paternity Leave
SPP	Statutory Paternity Pay
SPLB	Statutory Paternity Leave (Birth)

## 2. INTRODUCTION

**Note:** For the latest instruction and guidance go to [Maternity Leave](#) on Working at TfL and for recent legislation changes on shared parental leave read [LU family and Domestic leave scheme](#).

It is the intention of London Underground Limited (LUL) that all women should receive the best possible treatment with regard to their employment during pregnancy and following the birth of their child.

This handbook should be read in conjunction with LUL's Equality Standard, which states that all employees should receive equal treatment in promotion, training and in respect of Terms and Conditions of Employment. The responsibility for carrying out these aims, and for complying with legislative requirements, rests largely with HR Services and Managers.

This handbook has been produced to help Managers apply consistent, equitable and lawful treatment of female employees throughout pregnancy and the maternity period. It has also been produced to assist staff in understanding company maternity provisions, including Leave and Pay. It supersedes any previous information and advice given on maternity provisions and includes changes to the provisions under the Employment Rights Act 1996, the Employment Relations Act 1999, the Maternity and Parental Leave etc. Regulations 2002, the Employment Act 2002 and changes resulting from the Work and Families Act 2006.

## 3. BACKGROUND

### 3.1. Statutory Maternity Rights

Statutory Maternity Rights fall into four main categories:

- Time off for antenatal care.
- Protection against unfair dismissal and the right not to be victimised on the grounds of pregnancy, childbirth or maternity.
- Maternity leave and maternity absence.
- Maternity benefit.

### **3.2. Company Maternity Provisions In Brief**

#### **Maternity Leave (ML) Scheme**

- Open to all employees regardless of length of service.
- Does not apply to agency workers or to the self employed.
- Employees entitled to take 26 weeks Occupational Maternity Leave (OML) and further 26 weeks Additional Maternity Leave (AML) at the end of OML.
- Maximum of 52 weeks ML in total.

#### **Maternity Pay**

- Maternity Pay paid by LUL is dependant on length of service.
- Occupational Maternity Pay (OMP) is payable for the first 26 weeks of leave for employees who have been continuously employed by LUL for 26 weeks prior to the Qualifying Week (QW) and are employed by LUL during that week.
- Inclusive within OMP is all allowable Statutory Maternity Pay (SMP).
- The first 13 weeks of AML will be paid at SMP.
- The remaining 13 weeks of AML is to be taken unpaid.

#### **Occupational Maternity Pay (OMP)**

- OMP is based on contractual salary at the date of commencement of OML.
- Where applicable this includes shift allowance and overtime averaged over the previous 26 weeks.
- Back pay resulting from a pay award which includes this date is also used to calculate contractual salary at the date of commencement of OML.

#### **Statutory Maternity Pay (SMP)**

- For information, SMP is paid as part of OMP.
- If the employee decides to take AML, the first 13 weeks will be paid at SMP. This will be at the standard rate or at 90% of the employee's average weekly earnings, if this figure is lower than the standard rate.
- The standard rate is a fixed government rate which is reviewed every year.

#### **Statutory Maternity Allowance (SMA)**

- Where employees do not qualify for SMP/OMP (ie. they have not been continuously employed by LUL for 26 weeks prior to the QW) as outlined above, they may be entitled to SMA for up to 39 weeks. Employees who fall within this category are advised to contact their local Benefits Agency.

### **3.3. Establishing Employee's Entitlements**

HR Services will be able to offer advice to the employee or Line Manager regarding any queries relating to eligibility.

## **4. GENERAL INFORMATION - PRE-MATERNITY LEAVE**

### **4.1. Notification**

An employee is required to tell her Manager that she is pregnant as soon as possible, but at least 15 weeks before the EWC.

The following must happen:

- The Employing Manager must ask the employee how she wishes to handle the news of her pregnancy. Given that this can be a stressful time for a pregnant woman, she may wish to keep the news private for a period of time. If this is the case, then her wishes for confidentiality must be respected.
- The employee must inform her Employing Manager of the EWC and when she wishes to start her ML.
- The earliest date she can commence her ML is 11 weeks before the EWC.
- The Employing Manager should ensure that they are familiar with the maternity provisions and this handbook.
- The Employing Manager should arrange a meeting to explain the maternity arrangements, and ensure the employee has a copy of this handbook.
- When the employee receives her MATB1 form signed by her doctor or midwife (normally up to 20 weeks before the EDC), she must give the form to her Employing Manager, who will photocopy it and place the copy in the employee's staff file and then send a copy of it to HR Services. The employee will keep the original copy of the MATB1 form.
- The employee must also give her Employing Manager a copy of her Maternity Leave and Pay Application Form and Maternity Leave/ Adoption Pension Form (both of which are available on Source (click on 'Doing my Job' and then 'Forms')). The Employing Manager will then photocopy the forms and place copies in the employee's staff file, then send a copy to HR Services. The employee will keep original copies of the forms.
- HR Services will send an acknowledgement letter to the employee within 5 working days. This letter will confirm the employee's expected start date of ML, pay entitlements and the date of return to work (if stated by the employee), or, if no notification has been given, the date will normally be the first working day 52 weeks after her ML began.
- An employee can change the intended start date of her ML by informing her Employing Manager as follows:
  - By giving 28 days notice before the date she intends to start her ML, or
  - 28 days before the new date she intends to start (if this date is before her original ML start date).

## **4.2. Health and Safety**

### ***The Employing Manager's Statutory Duty***

It is important to consider whether or not an employee is capable of carrying out work because of her pregnancy. Employers would be in breach of their statutory obligations if they allowed pregnant employees to expose themselves or their babies, to injury or disability or to expose others to unnecessary danger. If there is any doubt as to the employee's fitness to continue in her present employment, the Employing Manager should discuss the issue with the employee in the first place to seek her views and then with HR Services and London Underground Occupational Health (LUOH).

The Employing Manager must also do a risk assessment (with the relevant Health and Safety Advisor) in accordance with the Health and Safety Standard on women who are pregnant, have given birth within the last six months or are still breastfeeding. Please note that if it is considered that a new or expectant mother would be exposed to health hazards in carrying out her normal work, steps should be taken to avoid such risks. This may involve, on a temporary or permanent basis as agreed:

- (a) changing working conditions or hours of work;
- (b) offering suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- (c) suspension from duties, which will be on full pay unless suitable alternative work has been unreasonably refused.

Managers should note that if they are aware of members of staff who are pregnant and are attending training, then the Manager should notify the trainers/ training organisation. This is to enable appropriate risk assessments to be carried out.

Further advice is available from your Safety, Quality and Environment (SQE) Manager and LUOH (please see Appendix A for contact numbers and Appendix C for medical advice on pregnancy related issues).

## **4.3 Alternative Duties**

It may be necessary to consider alternative duties while the employee is pregnant. It should be borne in mind that they must be appropriate and not "substantially less favourable" to the employee's present duties. LUOH should be consulted on the question of medical suitability. Factors related to pregnancy should be fully considered. Matters should be discussed with the employee to seek her views. The Terms and Conditions of Employment of her substantive post will continue to apply, regardless of grade of post or type of duties being offered.

There may be cases where, despite the matter having been discussed with the employee, she does not feel that the alternative duties are suitable. It is up to the employee to give good reasons as to why the work is unsuitable. If the employee declines the post or the new duties the matter should be referred to HR Services in the first place.

If no suitable alternative employment can be found and, in the opinion of LUOH the individual is temporarily unfit to continue in her current duties, she should be placed on special leave at contractual pay. Where alternative employment cannot be found and the employee remains on special leave, this will be until the beginning of the fourth week before the EWC or until the Sunday after the baby is born, whichever is earlier. After this date, the ML and MPP should commence. Whilst the employee is on special leave, the Employing Manager will continue to review the availability of suitable alternative duties with assistance from LUOH.

#### **4.4 Time Off For Antenatal Care**

All pregnant employees are entitled to reasonable time off with pay to attend antenatal appointments, which may include, for example, relaxation classes. A Manager can request confirmation from an employee's doctor, midwife or health visitor that she is pregnant and ask for a copy of the appointment card. The employee should try to give as much notice as possible of the appointment.

#### **4.5 Free Treatment**

Employees may be eligible for some NHS treatments free of charge. Employees should obtain an exemption certificate to claim free medical prescriptions from the NHS during pregnancy and for a year after the baby's birth. Employees are also entitled to free NHS dental treatment during pregnancy. Employees can ask the local Benefits Agency for advice and guidance on obtaining vouchers for glasses.

#### **4.6 Counselling and Trauma Service**

If the employee has domestic or other problems for which she needs professional counselling, LUL's Counselling and Trauma Service in the LUOH department is available to offer support and guidance.

#### **4.7 Uniforms**

Managers should advise uniformed employees that maternity slacks, dresses or blouses (long or short sleeve) may be purchased from high street stores, reasonable costs of which will be reimbursed to employees via expenses. Employees should also be advised that proof or receipt of purchase will be required for reimbursement.



The maternity wear should be navy blue and the blouses should as much as possible be of a similar colour and style to the company uniform. The different items of clothing purchased can be up to the equivalent of the number of skirts, trousers or blouses that would have been issued to the employee as part of their allocation of uniforms.

Employees should be advised to sew labels, as on company uniforms, (i.e. London Underground logos) onto items of clothing purchased for workplace maternity wear in order to avoid tax liabilities on the items.

## **5. WHILE ON MATERNITY LEAVE**

### **5.1 Maternity Leave**

LUL's Maternity Leave Scheme is open to all employees regardless of length of service. The employee is entitled to take 26 weeks OML and a further 26 weeks AML at the end of OML. This allows an employee to take up to a maximum of 52 weeks ML in total.

- An employee may commence ML at any date from 11 weeks before the EWC at the earliest.
- If the child is born before the start of the 11<sup>th</sup> week before the EWC or the SMP pay period then ML and pay start on the day after the birth.
- If the employee does not start ML until the baby's birth, the MPP commences on the first day after the birth.
- If the employee gives birth before ML is due to start, they must let LUL know the date of birth in writing as soon as possible.
- If the employee is absent for a pregnancy-related reason during the four weeks before the EWC, they must let LUL know as soon as possible in writing.
- ML will be triggered the day after any day on which the employee is absent for a pregnancy-related reason during the four weeks before the EWC unless both parties agree to delay it.

After 20 or 40 weeks of ML (depending upon the employee's return to work date) HR Services will then send out a further letter which will:

- Ask the employee to confirm her return to work date (which can be changed if required).
- Provide additional information about Flexible working, Career breaks etc.

Once the employee has responded to this letter, HR Services will again write, confirming the details, and copying in the Employing Manager.

### **5.2 Compulsory Maternity Leave**

An employer must NOT permit an employee to work during the two week period immediately after the baby is born (compulsory ML). This two-week period must also fall within the period of OML.

### **5.3 Annual Leave**

The employee will continue to accrue statutory and contractual leave during OML and AML. The employee should agree arrangements with her Manager as to when she will take this leave.

Should an employee decide to take annual leave before the start of their ML, this should ideally be immediately before the ML period. If the annual leave does not adequately cover the period before ML, the Employing Manager may grant the employee special unpaid leave. Alternatively, the commencement of the employee's ML period may be brought forward depending on circumstances. Please note that the employee must give the Employing Manager 28 days notice of any changes to the date on which she wants her ML to start.

### **5.4 Occupational and Statutory Maternity Pay**

If the employee has worked for LUL for a period of 26 weeks by the QW, she is entitled to:

- 100% of contractual salary for the first 26 weeks (inclusive of SMP). If SMP is higher than OMP, then SMP is paid.
- The first 13 weeks of AML will be paid at SMP. This will be at the standard rate or at 90% of the employee's average weekly earnings if this figure is lower than the standard rate.
- The remaining 13 weeks of AML is to be taken unpaid.

Average weekly earnings are calculated by taking the average of the employee's gross salary for an 8 week period immediately before the QW including any overtime, bonus, sick pay or other payments received during that period. Managers should clarify this before the ML commences and advise HR Services where appropriate.

#### **5.4.2 Qualification for Statutory Maternity Pay**

To qualify for SMP the employee must have at least 26 weeks' service by the QW and satisfy the requirement for medical evidence. SMP is payable whether or not the employee intends to return to work.

- For the first 26 weeks, SMP will be included in OMP. If the employee decides to take AML, the first 13 weeks will be paid at SMP.
- SMP is payable from the first day of ML, provided this is no earlier than the beginning of the 11th week before the week in which the child is due and no later than the day after the child is born.
- SMP accrues from the day on which the employee commences OML and after that at the end of each complete week of ML which is calculated from Sunday to Saturday.
- In most cases, therefore, SMP will start from the Sunday after the employee commences ML.
- However, if the employee commences ML during the week and gives birth early or ML is triggered by illness during the last four weeks before the child is due, SMP will start on the following day.

### **5.4.3 Amount of Statutory Maternity Pay**

SMP is paid as part of OMP in the first 26 weeks of ML. If the employee decides to take AML, the first 13 weeks of AML will be paid at SMP. This will be at the standard rate or at 90% of the employee's average weekly earnings if this figure is lower than the standard rate.

The exact amount of SMP that the employee is entitled to receive will vary depending upon their salary and the amount of ML taken. HR Services will provide employees with details of their leave and pay entitlements upon request.

SMP will be paid into the employee's bank account on the same date that her salary would have been payable and will be subject to deductions for tax and National Insurance and pension contributions in the usual way. SMP is payable only for complete weeks. Provided the employee was in service by the end of the QW, SMP (but not OMP) is payable as a lump sum if she is resigning and not coming back after the baby is born.

Specifically:

- If an employee meets the requirements and is therefore entitled to SMP and ML, and leaves employment after the start of the 15th week before EWC, but before the 11th week, she is still entitled to SMP from the start of the 11th week.
- If she leaves after the start of the 11th week before EWC, but before the start of the MPP, she is entitled to get SMP from the day before she leaves employment.

Employees can work up to the date the baby is born if they wish (providing they are fit to continue their duties or alternative duties can be found) without losing any OMP or SMP. If the employee continues to work after the 11th week before EWC, then she is entitled to choose from when ML is to start. Payment will begin from the first day of ML.

### **5.5 Maternity Allowance**

If the employee does not qualify for OMP (inclusive of SMP) (ie. she has not been continuously employed by LUL for 26 weeks prior to the QW), she may be entitled to claim MA. This is payable to her direct by her local Jobcentre Plus office. Further advice and a form for claiming MA is available from Jobcentre Plus or social security offices.

## 5.6 Salary / Benefits

If the employee's Terms and Conditions of Employment or benefits (e.g. pay) are altered during the employee's ML, the new rates and terms will be applied to her maternity pay as soon as practicable or upon her return (with arrears, if applicable).

For the purpose of statutory employment rights, the employee's continuity of employment is not broken by OML or AML. This means that the full period of ML will count for calculating continuous employment.

The employee's contract of employment will continue during OML and AML although, of course, she will not be obliged to work, nor will LUL be obliged to provide her with work.

The employee's contractual rights/obligations will depend on whether she is on OML or AML.

### *OML*

Whilst an employee is on OML (ie 26 weeks leave), she remains subject to her terms and conditions and she must abide by LUL's policies and procedures. Provided the employee has given the required notice as detailed above:

- She will continue to accrue her normal contractual holiday entitlement.
- Other contractual benefits (with the exception of the employee's salary/remuneration entitlement) will also be continued.
- She will continue to be a member of the TfL Pension Scheme. and LUL will continue to pay contributions on the employee's behalf.

### *AML*

Whilst an employee is absent on AML (ie for the final 26 weeks of ML):

- She will receive SMP for the first 13 weeks and if she decides to take a further 13 weeks AML, this will be unpaid.
- She will continue to accrue annual leave.
- She will continue to accrue entitlement to pay increments.
- She will still continue to be subject to LUL policies and procedures.
- She will be required to give one week's notice if she decides not to return to work.
- She will be bound by her duty of good faith towards LUL including preserving LUL's trust and confidence.

For pension details, please contact the Pension Fund for information.

## **5.7 Performance Related Pay**

Where eligible for performance related pay, employees on ML should be considered as if they have been at work for the duration of their ML. Their performance should be assessed for the period they have been at work and applied to the whole year. Employing Managers should assess the employee's performance before she goes on ML so that performance related payments can be made, where applicable.

## **5.8 Pension**

The first 39 weeks of ML are pensionable and contributions are deducted from the employee's maternity pay in the usual way:

- For the first 26 weeks contributions are paid at 5 per cent of any SMP received or at the standard rate if this is lower.
- For the following 13 weeks contributions are payable at 5 per cent of any SMP received.

Any further period of ML can be:

- Non-pensionable – no contributions are payable and this period will not count for any benefits on leaving service.
- Pensionable – with membership being treated as continuous. Payment of contributions can be deferred and paid upon the employee's return to work.

If employees are not entitled to SMP, they should contact the Fund Office for further information.

## **5.9 Travel Facilities**

Employees on ML are eligible to keep their normal travel facilities for the full period of ML. Spouses, dependants and other nominees will also retain their privilege facilities during the period of ML. Should an employee resign, the facilities will be withdrawn and travel passes and privilege tickets for herself and her dependants etc. must be returned immediately.

## **5.10 Loans and Other Benefits**

If the employee has a season ticket loan, she can choose whether to repay this before going on ML or when she returns. If requested, Payroll Services will confirm the amount outstanding. The Employing Manager should advise her to claim a refund on the unexpired portion of the ticket as soon as possible unless she wishes to keep the ticket.

All other benefits including sports facilities will be available to employees on ML.

Members of the Transport Benevolent Fund can continue to use its facilities, which may include a convalescent break after the baby is born, osteopathy services or equipment loan e.g. TENS machine. (Employees must have been a member for at least 12 weeks before they become entitled to benefits).

### **5.11 Recruitment and Selection**

Discrimination on the grounds of pregnancy in the recruitment and selection process, regardless of the current or previous absences of the employee, is unlawful.

Employees can apply for promotion while on ML. Arrangements should be made for them to receive vacancy packs via HR Services (by email or post), if they so wish. If it is not possible for them to take up a post, if successful, within a reasonable timescale, the Employing Manager(s) involved should consult HR Services. Employees returning from ML will be provided with appropriate training required to update their knowledge and skills.

### **5.12 Regular Contact**

Employing Managers should maintain regular contact with employees on ML. This will enable them to remain familiar with the employee's situation and intentions. Contact may include keeping them aware of any changes happening at work, including any job vacancies or promotional opportunities that arise. 'Keeping in Touch' (KIT) can help make it easier for both Manager and employee when the time comes to return to work. The employee is not obliged to do any work or attend any events during ML but if both she and her Manager agree, up to 10 days work can be undertaken during the ML period without bringing the employee's ML or SMP to an end. These KIT days do not have to be limited to the usual work carried out by the employee and could be used for training or other events. It may be helpful for the employee to use some of the KIT days to ease the return to work.

An employee will only receive the relevant Maternity Pay for KIT days. If the employee returns to work for any day beyond the permitted 10 days during the MPP (excluding informal visits) she will forfeit OMP/SMP for the whole week.

### **5.13 Early / Late Childbirth**

If the employee gives birth earlier than the QW, she will still be entitled to 26 weeks OMP/SMP as well as AML. The ML and MPP will begin the day following the birth.

If the baby is born later than expected, it does not affect the employee's right to 26 weeks OML and to 26 weeks AML.

## **5.14 Stillbirth / Miscarriage**

The Employing Manager should maintain contact and visit the employee at home as appropriate. The Counselling and Trauma Service team is able to offer counselling and advice to employees and, if requested a trained Counsellor or other team member will visit the employee in her own home.

Should the employee suffer a miscarriage before the end of the 24th week of pregnancy, absence will be treated as sick leave with full entitlement to Sick Pay.

Where a stillbirth occurs (from the beginning of the 25th week of pregnancy), OMP/SMP is normally payable (subject to service qualification). The employee qualifies for ML as if live birth had occurred.

## **6. RETURNING TO WORK**

### **6.1 Right to Return to Work**

All employees have the right to return to work after ML regardless of their length of service.

- If the employee takes 26 weeks ML, she has the right to return to the same job with the same pay and conditions.
- In the event of her job no longer being available because it ceases to be required, normally as a result of organisational change, the employee shall be given first refusal on any suitable alternative employment which is both suitable in relation to the employee and appropriate for her to do in the circumstances.
- In case of any proposed redundancy the employee will be informed of proposals and invited to a meeting to discuss, before a final decision is made.

If the employee takes 26 weeks AML and it is not reasonably practicable for LUL to allow the employee to return to the same position, she has the right to return to the 'same or similar' job, on terms and conditions that are no less favourable to those to which she was subject before she commenced her ML.

### **6.2 Notification of Return to Work**

- The employee does not have to notify her Manager of her intention to return to work at the end of AML (ie after 52 weeks ML).
- It is preferable however that the employee informs her Employing Manager of her intended return to work date as this will assist Managers in planning work schedules.
- Where no return date is given it will be assumed the employee intends to take her full entitlement of OML and AML.
- Should the employee state a return to work date but later wants to change this date, then this must be declared in writing at least 8 weeks prior to returning to work.

### **6.2.1 Returning Early**

If an employee wishes to return earlier than the end of her ML period without giving the required notice, the Manager can postpone the return date for up to 8 weeks or the date the relevant ML period is due to end whichever is earlier.

### **6.2.2 Returning Late**

If an employee wishes to return later than the expected return date, they should either:

- (a) request unpaid parental leave in accordance with LUL's parental leave policy, giving as much notice as possible or
- (b) request paid annual leave in accordance with their contract, which will be at LUL's discretion.
- (c) in other cases, late return is treated as unauthorised absence.

## **6.3 Change Of Mind**

### **6.3.1 Employees not returning after Maternity Leave**

If an employee who confirmed her intention to return to work decides at any time during her ML that she no longer wishes to return, or is unable to do so:

- She should confirm her decision in writing to her Employing Manager, giving the notice of termination required by her contract of employment.
- She will be paid any outstanding annual leave pay on a pro-rata basis (for pension purposes, OML counts as continuous service). For employees on AML, the remainder of the leave is regarded as non-pensionable unless she has chosen to pay contributions.
- She should return her staff pass, nominee pass and/or privilege tickets if any for herself and her dependants as soon as possible (cut in half to avoid misuse).
- She should return any other LUL property issued to her (e.g. uniform) as soon as possible.

### **6.3.2 Employees unable to continue to work**

If an employee is unable to continue work due to domestic circumstances, the Employing Manager could endeavour to discuss the situation with her and, if appropriate, put her in contact with the Counselling and Trauma Service department, who might be able to assist or advise her with her domestic problems.

If an employee decides to resign after returning from ML, she should give notice in the usual way. Her period of ML will count as continuous employment (note that AML does not count towards calculating pension rights or other length of service based payments).



## **6.4 Refresher Training**

Upon returning to work, an employee may be required to undertake further refresher training in order to ensure licenses are in date and provide assurance of competence. This refresher training should be organised by the Employing Manager in consultation with the local Learning and Development office, and carried out before the employee resumes duties.

## **6.5 Part-Time Work**

Where an employee, previously working full-time, may wish to return on a part-time basis following ML, the Employing Manager must give careful consideration to her request for flexible working in the context of operational/business constraints and a decision should be made, within 28 days, on a case by case basis. The genuine requirements of the job must therefore be considered. Employing Managers should look on the ER website's policy section or contact HR Services for a copy of the Flexible Working Guidelines, which provide forms to document the process of assessment.

If Employing Managers are unable to meet these requirements, they should contact HR Services in the first instance. Any requests for flexible working should be made to the employee's Line Manager. HR Services actions the requests for non-operational employees and Operational Resourcing action requests for operational staff.

## **6.6 Post-Natal Management**

In the following instances, Managers should note that the 'Attendance at Work' procedure applies:

- (a) medical appointments
- (b) treatment of sickness
- (c) sickness which causes a late return to work from ML

In the case of (c), Managers should note that neither party may postpone the employee's return beyond the date they return from sickness. If the employee is ill, after 7 days, Managers should request a Doctor's certificate and advise her that LUL's Attendance at Work procedure applies.

### **6.6.1 Breastfeeding**

New mothers continuing to breast feed upon their return to work shall notify their Employing Manager so that appropriate measures can continue to be taken.

If requested to do so, and where reasonably practicable, Managers should provide a safe and comfortable environment for new mothers to manually express and store breast milk.

## **6.7 Childcare Provision**

The employee's local council, library, Benefits Agency and Citizen's Advice Bureau should be able to provide details of facilities in the employee's area. The council is legally obliged to keep a list of registered childminders in its area. Further information can be obtained from: [www.direct.gov.uk/childcare](http://www.direct.gov.uk/childcare).

## **6.8 State Benefits**

When the employee's baby is born she will be entitled to Child Benefit. There is a range of other benefits available. To find out what she may be entitled to, and how to claim her entitlements, she should ask for a leaflet at her Post Office, library or Benefits Agency.

## **7. SICKNESS**

If an employee is sick during her period of ML, she does not qualify for sick pay or additional weeks of ML. If the employee is sick at the end of ML, normal sick pay conditions will operate from that time onwards, providing a Doctor's certificate is supplied. Periods of sickness absence after return from ML will be dealt with no differently from any other sickness absences.

- If an employee is unwell during her pregnancy prior to the MPP, the normal sickness procedure should be followed.
- An employee experiencing or returning from pregnancy related sickness on any day of the week, on or after the start of the fourth week before the EWC will automatically trigger the commencement of her ML and the MPP.
- Suitable advice should be sought from LUOH and HR Services before confirming the start of ML.
- The Employing Manager must inform HR Services accordingly.
- Once the employee is in receipt of maternity pay she is unable to claim Statutory or Occupational (LUL) Sick Pay.

The employee may suffer from temporary sickness at certain times of the day relating to her pregnancy, which could prevent her from attending work on time. If this is a regular event (e.g. sickness causing her to be late most mornings) the Manager should consider changing her working arrangements. If this is not possible, her pay will not be affected as sick pay is paid only for full days of absence. Managers should be aware that pregnancy related sickness does not count towards action under the Attendance at Work Procedure. If an employee's sick pay expires prior to the start of the fourth week before the EWC, the Employing Manager may, if the employee wishes, place her on annual leave for the period concerned, where there is an outstanding entitlement. This should be recorded as resumed to duty (annual leave) until the ML begins.

## **8. OTHER POINTS TO CONSIDER**

### **8.1 Temporary Replacement**

If an Employing Manager requires a temporary replacement to cover the period of ML, this should ideally be done on a secondment basis and the secondee should be told that the secondment will end when the employee returns from ML. A fixed-term contract may also be used to cover the maternity period but the start and end dates of the fixed-term contract must be specified.

### **8.2 LUL Policies and Procedures**

Any dismissals arising directly as a result of an employee's pregnant condition will be discriminatory. Employing Managers are advised to contact HR Services when dealing with this complex area.

LUL employees are reminded that they are subject to LUL policies and procedures either whilst pregnant, on ML or after the baby is born.

## **9 PATERNITY LEAVE AND PAY**

All employees of LUL (natural fathers, adoptive parents or those married to or partners of the child's mother (including same-sex partners)) are entitled to take paternity leave regardless of length of service. They can choose to take either one week of leave or two consecutive weeks of leave (not odd days).

Paternity leave may not be taken in blocks of less than one week. If the employee chooses to only take one week of leave, he or she may not take the second week at a later time.

Employees have to give notice of EWC/ placement date, length of leave and date on which leave will be taken. Notice should be given in or before the 15<sup>th</sup> week before EWC or as soon as reasonably practical.

Employees need to complete a Paternity Leave application form, as well as the relevant Inland Revenue form (SC3 for paternity leave, SC4 for becoming an adoptive parent). These forms are available via the intranet under the Forms section on Source or from HR Services. Employees should give their Employing Manager these forms. The Employing Manager should keep a copy of the forms for the staff file and then send a copy to HR Services.

Paternity leave must be taken within 56 days of the child's birthdate or if the child is born early, up to 56 days after the EWC.

If an employee wants to change the start date of the paternity leave, they must give 28 days notice in writing, except where it is not reasonably practical to do so. An employee is entitled to return to the same job following paternity leave.

Paternity leave will be paid at a rate equivalent to 100% of contractual salary. There is no right to paid paternity leave to attend antenatal appointments.

Where a child is adopted, one member of the couple may receive Statutory Adoption Pay and one member may receive SPP, if they have 26 weeks' service by the time the adopter has been told that they have been matched with a child for adoption.

## APPENDIX A - WHO TO CONTACT FOR ADVICE OR HELP

WHO	WHY	HOW
Tax Office	For refund if you are not returning to work	Write/telephone the LUL tax office: Chapel Wharf Quoting Ref.: 951/LT1 Tel: (0845) 3000 627  HM Inspector of Taxes Chapel Wharf Area Trinity Bridge House 2 Dearmans Place Salford M3 5BS
Payrolls	For information on any matters related to your pay and season ticket loan repayments	Telephone: [REDACTED] Auto: 3 [REDACTED]
Pensions	For advice on your pension	Telephone: [REDACTED] Auto: [REDACTED]
Counselling & Trauma Service	For personal help and advice	Telephone: [REDACTED] Auto: [REDACTED] Occupational Health (Counselling): [REDACTED] or Auto: [REDACTED] Email: [REDACTED]  Occupational Health (General): [REDACTED] or Auto: [REDACTED]
Benefits Agency	To find out if you qualify for State Benefits	Leaflets available at your Post Office and Benefits Agency
	To apply for benefits	Return completed forms to your local Benefits Agency. Look in the telephone book
Registrar of Births, Deaths and Marriages	To register birth of baby	Look in phone books under the name of your district or London borough council in which the baby was born and "Register of Births, Deaths & Marriages"
Medical Centres	For antenatal and postnatal care	Ask at your doctor's surgery. Look in your local phone book under your health authority
Citizens Advice Bureau	Anything that you want to know about your rights and how to claim them or what help is available and how to get it	Look in your local phone book under "Citizens Advice Bureaux"
Local HR Office	If you have any queries relating to equal opportunity and maternity entitlements.	
Transport Benevolent Fund	To gain entitlement to Transport Benevolent Fund benefits, if you are a member	Telephone national rate: (0870) 0000 172/3 Auto: 1200 38571/2 Website: <a href="http://www.tbf.org.uk">www.tbf.org.uk</a> Email: <a href="mailto:help@tbf.org.uk">help@tbf.org.uk</a>
Safety, Quality and Environment (LUL)	For advice on risk assessment and health and safety related issues	SQE Mgr (BCV) / (SSR) SQE Mgr (JNP) SQE Mgr (Projects-Non Operational staff) [REDACTED]
Legal Services (LUL)	For advice on Legal issues	[REDACTED] Auto: [REDACTED]

**APPENDIX B - DATE CHART**

**PRIOR TO BIRTH**

<b>20</b> Date from which form MATB1 is available	<b>19</b>	<b>18</b>	<b>17</b>	<b>16</b>
<b>15</b> QW for AML, OMP &/or SMP (26 weeks' service needed by the end of this week to receive pay)	<b>14</b>	<b>13</b>	<b>12</b>	<b>11</b> First week for claiming OMP/SMP. Earliest week for taking ML.
<b>10</b>	<b>9</b>	<b>8</b>	<b>7</b>	<b>6</b>
<b>5</b>	<b>4</b> OML will start from this week in the event of pregnancy related sickness.	<b>3</b>	<b>2</b>	<b>1</b>

**POST BIRTH**

<b>EWC</b> Expected / actual Week of Childbirth Compulsory maternity leave starts from this week	<b>1</b> Compulsory maternity leave period (two weeks from childbirth)	<b>2</b> Compulsory maternity leave period continues into this week (two weeks from childbirth)	<b>3</b>	<b>4</b>
<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>
<b>15</b> Final week of OML if started at 11 weeks before EWC	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>
<b>25</b> Final week of OML if ML started /child is born on Sunday of EWC ←	<b>26</b> Final week of OML if ML started/birth of child occurred during EWC	<b>1</b>	<b>2</b>	<b>3</b>
<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>
<b>14</b>	<b>15</b> Final week of AML if employee starts OML at 11 weeks before EWC	<b>16</b>	<b>17</b>	<b>18</b>
<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>
<b>24</b>	<b>25</b>	<b>26</b> End of AML if OML started in EWC Employee returns to work in the following week		

## **APPENDIX C - MEDICAL ADVICE - PREGNANCY**

### **Risk Assessment**

When a manager is informed that an employee is pregnant, a risk assessment identifying potential hazards should be carried out. Based on the outcome of this, decisions can be made as to whether the employee can continue to perform their full duties or whether adjustments need to be made. The risk assessment will need to be repeated, as during the pregnancy potential risks will change.

#### Physical Hazards

E.g. Ionising radiation, vibration, heavy lifting, injury (physical assault), extremes of hot and cold. There is now evidence that heavy lifting can increase the risk of spontaneous abortion.

#### Biological Hazards

E.g. exposure to infection. For workers at LUL generally, the risk of infection from exposure to infective agents (e.g. rubella, chicken pox, TB, HIV) are no greater than those from living in the community.

#### Chemical Hazards

Exposure to chemical agents that could affect the mother or unborn child are usually covered by COSHH Regulations or other agent specific regulations e.g. Lead - pregnant employees are banned from any work where they would normally be subject to surveillance.

#### Other considerations

Ergonomic issues - these may arise as an employees mobility and size change e.g. Sitting in the train cab or crossing the track may become more difficult.

Shift patterns/night work - though pregnancy itself should not be a reason why an employee should not be able to work shifts, some women may experience disturbed sleep patterns. This may make night or shift work unsuitable due to performance issues.



## **Medical conditions and Pregnancy**

It is important to note the difference between the common symptoms of a normal pregnancy, such as nausea or lethargy, and significant medical conditions that are associated with or exacerbated by pregnancy, e.g. Pregnancy induced diabetes, high blood pressure.

When a serious medical condition or complication of pregnancy has occurred, this should be notified in the usual manner and specific advice sought from LUOH. Each case will be assessed individually.

Common symptoms of a normal pregnancy that may impact on work include:

- Light headedness or dizziness
- Morning sickness
- Backache
- Lethargy
- Frequent visits to toilet
- Balance and Mobility problems

These will be noted during the risk assessment and advice, if required, sought from LUOH.

NB: As with all acute medical related problems, the employees should always inform their GP if they have health concerns.

For advice regarding risk assessment, contact your safety adviser or the Safety, Quality and Environment department.

For advice regarding medial problems associated with an employee's pregnancy or issues arising from the risk assessment, please contact LUOH.

Managers may also find the following booklet useful:

HSE "New and Expectant Mothers at Work - A guide for employers". To order HSE publications contact HSE Books, telephone 01787 881165.

They also have a website: [www.hsebooks.co.uk](http://www.hsebooks.co.uk)