

Paternity – What Is Going On?



The Proposal

You will have seen the recent press alerts to the changes that are being proposed in respect to fathers sharing the maternity leave entitlement of mothers. Please be assured that this is not imminent and is being proposed only for the parents of children due on or after 3 April 2011. The new proposals are for fathers to have the option of using the last six months of the mother's current 52-week entitlement. This will be described as 'Additional Paternity Leave'. Maternity pay at the moment lasts for 39 weeks, so this will result in the father having 3 months of unpaid leave (although discussions are happening about extending maternity pay to 52 weeks).

Administrative Burden

This is of major concern to employers as yet another Scheme is imposed upon them. The Government is arguing that the administrative burden will not be too onerous as employers can accept a self certification of leave or ask for verification. They are also saying that they don't expect many fathers to take up this option (less than 20,000 fathers annually), so they are urging employers not to be too concerned! Currently, as the 2-week Paternity Leave is paid at the same rate as maternity pay, uptake is minimal with the majority of fathers preferring to take 2 weeks of paid holiday.

Current Position

We thought it might be useful to re-state the current position in respect to Paternity Leave as we have received calls from employers concerned about the proposals, due mainly to the press making it appear as if paternity leave levels have already increased. This is not so.

To be eligible, an employee must have or expect to have responsibility for the child's upbringing, be the biological father of the child or the mother's husband or partner (this includes same sex partners) and have worked continuously for their employer for 26 weeks ending with the 15th week before the baby is due.

Employees can choose to take either 1 or 2 weeks of consecutive leave but not 'odd days'. Leave can start on any day of the week on or following the birth of the child but has to be completed within 56 days of the actual birth date or within 56 days of the first day of the expected week of childbirth if the baby is born before that date.

The employee must inform their employer by the 15th week before the expected week of the child's birth. If the employee wishes to change the date (e.g. if the baby is born early) they should give 28 days notice or as much notice as they can.

REMINDER: New Minimum Wage & Statutory Redundancy Rates from 1 Oct 09.

NOTE: New Case Law on Sickness & Holidays to be covered in November 09.

Can We Help?

If you are concerned about these proposals, have an immediate issue related to sickness and holidays or you would like to discuss any issue related to the employment or performance of your employees, simply call us on 01708 758958 or visit us at www.hrinsight.co.uk

HR Insight Ltd.
Orbital House 20
Eastern Road
Romford
Essex RM1 3PJ

T 01708 758958
www.hrinsight.co.uk

General enquiries:
enquiries@hrinsight.co.uk

Legal Department:
legal@hrinsight.co.uk

Heather Matheson:
HMatheson@hrinsight.co.uk