

Who's Left Holding the Baby!

February 2011



Get Ready for This! New Paternity Rights

New rights come into force from this April allowing fathers or partners to take additional paternity leave. Currently, they are entitled to take up to 2 consecutive weeks of ordinary paternity leave. The new law will mean they can also take up to 26 weeks (half of their partner's current maternity leave entitlement) beginning no earlier than 20 weeks into the maternity leave period and completing within 12 months of the birth or placement for adoptions.

At the moment, this additional leave must be taken in one continuous period and must be for full weeks although the Government is asking for responses to a consultation paper proposing further flexibility on this.

Who is eligible?

This applies to parents of babies due on or after 3 April 2011. To be eligible, employees must be either the child's biological father or the partner (of either sex) of the child's mother. They must have been continuously employed for 6 months before the qualifying week and can only begin their paternity leave after their partner has returned to work.

They must give 15 weeks notice of their intended leave and return dates when they request the leave.

Contact us

HR Insight - 01708 758 958
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Offices in Romford, London (City & West End), St Albans, Hayes and Redhill.

Paternity Pay (ASPP)

Subject to having been continuously employed for 26 weeks with the same employer, most mothers have the right to 6 weeks pay at 90% of their average weekly earnings, followed by 33 weeks of statutory maternity pay (SMP). If the mother decides not to take her full SMP entitlement, up to 19 weeks of this can transfer to their partner if they are eligible. ASPP is paid at the same rate as SMP, which is currently £124.88 per week. It can however only be paid for any remainder of the 39-week period that maternity pay is due.

All entitlements that are not salary or wage related continue during paternity leave including the accrual of holiday and any discretionary bonuses, pension, life assurance or healthcare schemes etc.

And be careful...

It is important for employers to consider the other benefits that currently they might be applying to employees on maternity leave (e.g. additional or return to work payments).

Although there is obviously no case law at this time, it is likely that not applying the same benefits to both parents will be discriminatory.

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And from April...

Flexible Working Extension

Parental requests for a change in working hours extend to those with children aged under 18 (currently 17).

Training Requests

All employees with 6 months' service, regardless of the size of the employer, have the legal right to request time for study or training (time to train). This must be relevant to either the job they are doing or so that they can progress inside the employer's organisation.

Employers do not have to pay costs of the training or for the training time. Whilst they can reject a request for training for business reasons, they are required to give it consideration, put their reasoning in writing and give the employee the right of appeal.

Retirement Notices

No further retirement notices may be issued to employees due to them being aged 65 or above.

Can We Help?

If you have any questions or any concerns about individual employees, please contact us on 01708 758958 or visit us at www.hrinsight.co.uk

Webinar on Paternity

We are running a Webinar at 2.30pm this Friday, 4 February on Paternity. To register and have your questions answered, email: response@hrinsight.co.uk