

## INTRODUCTION

***Our policy is designed*** to support you through your pregnancy into parenthood ***and outlines your entitlements*** during pregnancy and after ***your baby is born so you know what to expect, when.***

***Because we recognise how precious this time is,*** we are ***pleased to offer our people an enhanced entitlement in addition to the statutory amount from your first day with us.***

Please note that as this policy doesn't form part of your contract of employment it may be amended at any time.

## ENTITLEMENT TO MATERNITY LEAVE AND PAY

### **Employees are entitled to:**

- Paid time off for ante-natal care
- Protection of your health and that of your baby
- **26 weeks Company Maternity Pay from day one**
- Up to **52 weeks' Maternity Leave**
- **Up to 39 weeks' Maternity Pay.** Payments are in accordance with statutory entitlements; however, pay is enhanced above the statutory amount (Company Maternity Pay)
- Shared Parental Leave – *if you have met the qualifying criteria as set out in the Shared Parental Leave and Pay Policy.*
- The right to request flexible working patterns
- The right not to suffer unfair treatment
- Parental Leave – *if you have completed one year's continuous employment.*

To help you understand this policy, the following definitions apply:

<b>Company Maternity Pay</b>	CMP	Applicable to all. It consists of 26 weeks' full basic pay* (inclusive of SMP where eligible). The remaining 13 weeks are paid at the SMP rate. <b>* Based on your contractual hours and salary at the time your maternity leave starts</b>
<b>Statutory Maternity Pay</b>	SMP	Applicable to those with between 26 weeks and one year's continuous employment ending with the Qualifying Week, and who meet the criteria for average weekly earnings. It is a payment all employers are obliged to pay to eligible pregnant employees whilst on maternity leave. Rates are fixed by law and are subject to tax and NI deductions.
<b>Basic Pay</b>	BP	This is basic salary or basic weekly pay (pre-salary sacrifice arrangements), excluding any

		overtime and any bonus or commission payments.
--	--	--

<b>Expected Week of Childbirth (Confinement)</b>	<b>EWC</b>	<b><i>This is the week in which your baby is expected to be born, the date given being a Sunday.</i></b>
<b>Qualifying Week</b>	<b>QW</b>	<b><i>This is the 15th week before the EWC.</i></b>
<b>Department for Work and Pensions</b>	<b>DWP</b>	<b><i>Previously known as the DSS. The Government body responsible for setting statutory rights.</i></b>
<b>Ordinary Maternity Leave</b>	<b>OML</b>	<b><i>The first 26 weeks of maternity leave, during which all contractual benefits except salary will apply.</i></b>
<b>Additional Maternity Leave</b>	<b>AML</b>	<b><i>The remaining 26 weeks of maternity leave during which all contractual benefits except salary will apply.</i></b>

### Maternity Leave Entitlement

All pregnant employees are entitled to 52 weeks' maternity leave. This applies regardless of length of service.

### Maternity Pay Entitlement

Maternity Pay entitlement varies according to your length of service.

### Company Maternity Pay

If you have ***an expected due date (EWC) confirmed on your MATB1 certificate on or after the*** 1 July 2022, you are entitled to:

- 26 weeks' full basic pay\* (based on your contractual hours and salary at the ***start of your maternity leave, inclusive of SMP where this applies.***
- 13 weeks' Statutory Maternity Pay (SMP), where applicable.

\*If SMP is higher than Company Maternity Pay (calculated on a weekly basis), the higher amount will be paid. This will be adjusted as appropriate throughout the maternity pay period.

The earliest date that Company Maternity Pay can start is from the 11th week before the week your baby is due; and the latest from the day following the birth.

Company Maternity Pay includes SMP ***where this applies***, which is a rate set by the DWP each year. Company Maternity Pay and SMP are only payable for weeks that you do not work. Full details of the rates of SMP may be obtained from the payroll department.

Company Maternity Pay is a weekly benefit which can start on the same day that your maternity leave starts.

If your employment with Fortem ends (for any reason) between the QW and the end of your maternity leave, you will continue to receive maternity pay at the statutory rate only. You will not be entitled to receive CMP and will be required to repay any CMP paid to you during this period of maternity leave.

CMP is intended to support and encourage employees who wish to continue their careers with Fortem after maternity, and payment of CMP is therefore conditional upon you returning to work for Fortem for at least six months after maternity leave. If you do not return to work for this minimum period, any CMP (but not SMP) must be repaid.

### Statutory Maternity Pay

This applies to those with between 26 weeks and one year's completed employment, ending with the QW.

If you are pregnant or have just given birth, you are entitled to a maximum of 39 weeks Statutory Maternity Pay (SMP) if:

- You have worked for Fortem for a continuous period of at least 26 weeks ending with the QW; and
- ***Your average weekly earnings in the eight weeks up to and including the QW have been at least equal to the lower earnings limit for NI contributions. The payroll department can provide further details.***

The earliest date that SMP can start is from the 11th week before the week your baby is due; and the latest from the day following the birth.

The current rate of SMP is 90% of the woman's average weekly earnings for the first six weeks and then a rate which is set by the DWP each year for the remaining 33 weeks. SMP is only payable for weeks that you do not work. Full details of the rates of SMP may be obtained from the payroll department.

SMP is a weekly benefit which can start on the same day that your maternity leave starts.

### **BEFORE YOU START MATERNITY LEAVE**

#### Antenatal Care

If you are pregnant you are entitled to reasonable paid time off to keep appointments for antenatal care made on the advice of a registered medical practitioner, registered midwife or registered health visitor. This is your right irrespective of your length of service or the number of hours you work. You will not be expected to make up the hours lost.

You should give your manager as much notice as possible of your appointments and be prepared to show them:

- A certificate from a registered medical practitioner, registered midwife or registered health visitor confirming that you are pregnant. An appointment card or some other document showing that an appointment has been made.

### ***Fertility Treatment***

***We recognise the emotional and physical challenges that can arise from fertility treatment, which is why we offer support to anyone, regardless of length of service or whether you are starting or continuing your fertility treatment journey. You are encouraged to discuss what support may be needed, including any time off or additional concerns with your manager and/or a member of the HR Team as early as possible so that they can be agreed with you. Please be assured that all conversations will be treated sensitively and in confidence.***

### **Health and Safety**

Some hazards in the workplace may affect the health and safety of you and your unborn child. We fully understand that you may wish to wait before you tell your manager or colleagues that you are pregnant. However, in order to identify these risks Fortem is keen to carry out a health and safety risk assessment as soon as possible. It is essential that you inform your ***Line Manager and/or a member of the HR Team, as well as a*** H&S representative (if appropriate) in order for the relevant risk assessment to be carried out.

A risk assessment will be carried out by a member of the H&S Team. Subsequent control measures will be identified, where appropriate. If, following an individual assessment of your condition and the work that you are normally expected to do, Fortem agrees that you are unable to carry out your usual work it will either try to make amendments to your work or working conditions, or if this is not possible, look for suitable alternative work for you. This will only be necessary where the work may cause harm to you or your baby. It is possible that any readjustment of your work may last until you take maternity leave.

If, despite its best efforts, Fortem cannot find suitable work for you to do, you will be suspended from work on full pay until the risks to you or your baby's health have passed or until suitable alternative work becomes available.

These provisions do not apply where your doctor has signed you off sick, but only where you are able to come to work but unable to carry out your particular job duties.

If you are suspended in these circumstances, you will retain your entitlement to statutory maternity pay (if eligible) and your right to return to work after maternity leave.

### **Meetings and Notification**

***Your manager, alongside a member of the HR Team,*** will arrange a maternity meeting before you begin your maternity leave. The meeting is normally arranged

around the 20<sup>th</sup> week of pregnancy and is designed to:

- Clarify that you are aware and understand your maternity entitlements.
- Give you the opportunity to ask any questions that you may have.
- Notify Fortem of any forthcoming ante-natal appointments.
- Allow you to present your MATB1 (medical certificate stating expected week of childbirth) if available, issued by your GP or midwife after the 20th week of pregnancy.
- Ensure that your health and safety assessment has been completed.
- Record initial notification of your maternity leave intentions.
- To gather your intentions with regards to your return to work, at this stage. This is to help the company and you to sufficiently plan for your return and it is important to note that the intentions are not binding.

If you do not confirm your maternity leave date at the maternity meeting, you must provide your line manager (sending a copy to the HR Team also) with written notification including:

- When the expected week of childbirth (EWC) will be, by means of medical certificate (MATB1);
- When you intend your maternity leave to start.

This notification must be received no later than the end of the 15<sup>th</sup> week before the week your baby is due (or as soon as reasonably practicable). The start of maternity leave must be no earlier than the 11<sup>th</sup> week before the EWC.

We will write to you to confirm the date on which your maternity leave period will end, and the date on which you will be expected to return to work.

### **Changing the Start Date**

If you need to change the date on which you wish to start your maternity leave after you have already notified us, you may do so, but you should try to do so at least:

- 28 days before the date changed or
- 28 days before the new date whichever is the earlier.

If you cannot meet these requirements, you should tell us as soon as is reasonably practicable.

We will then notify you of the revised date on which your maternity leave period will end.

### **Feeling Unwell During Pregnancy**

If you are off sick due to a pregnancy-related illness at any time after the beginning of the fourth week before the EWC, your maternity leave may begin automatically on the day after the first day on which you are absent from work due to that illness. Depending on the circumstances, if odd days of pregnancy-related illness occur within these four weeks, the business may decide that automatic maternity leave may not be necessary.

Any absence due to pregnancy-related sickness prior to the fourth week will be dealt with in the same way as any other form of absence.

Please be aware that if company sick pay entitlement is exceeded, then only SSP will be paid in the normal way.

### DURING MATERNITY LEAVE

#### **Compulsory Leave**

By law, all women must take a period of compulsory maternity leave following childbirth. This is for your health and safety. Compulsory maternity leave lasts for two weeks from the date of childbirth.

#### **Contract of Employment**

During your Ordinary Maternity Leave and Additional Maternity Leave you will continue to receive all your contractual benefits, **except for salary\* and incentive payments\*\* for the duration of the period of leave.**

**\*Salary will be replaced by Company Maternity Pay (CMP).**

**\*\*With the exception of any keeping in touch days and the first two weeks of compulsory maternity leave where incentive payments will be applicable.**

Whilst you are on maternity leave, you will accrue holiday at your contractual rate. You will also accrue any public holidays which may fall within your period of maternity leave. The following will apply:

- Holidays should not be carried forward from one year to the next, except in exceptional circumstances and at the discretion of the Managing Director/Functional Head. Therefore, dependent upon the timing of your maternity leave we encourage all holiday from the current holiday year is taken before your maternity leave commences.
- Payment in lieu of holiday is not made by the Company, except in exceptional circumstances and at the discretion of the Managing Director/Functional Head.

The dates for taking your leave must be agreed with your line manager in the usual way. Depending on when your maternity leave begins, some suggestions you might like to consider include taking leave:

- Accrued from your current holiday year immediately before your maternity leave starts. You cannot take annual leave in advance, from the following holiday year.
- Immediately following your maternity leave (to increase the length of your absence).
- To help you support a flexible or phased return to work.

#### **Salary Sacrifice**

Salary sacrifice arrangements during maternity leave will continue. Salary sacrifice

increases cannot be made from the Qualifying Week onwards.

### ***Keeping in Touch (KIT) Days***

You can only work during your maternity leave on a 'keeping in touch' (KIT) day without bringing your maternity leave to an end or losing your SMP. The purpose of a KIT day is to enable you to keep in touch with us during your maternity leave. The work that could be undertaken on a KIT day may include training, team meetings or any other work related activity that will enable you to keep in touch with us. You can work for up to 10 KIT days during your maternity leave, but you cannot work on such a day until at least two weeks after the birth of the child. You and your line manager must agree that you will work on a KIT day. You do not have to work on such a day if you do not wish to do so.

Any work you do as a KIT day, even as little as half an hour for example, will be counted as a whole day for the purposes of KIT days. You will be paid at your normal daily rate for attending work on KIT days. The total eligibility of your maternity leave period will remain at 52 weeks regardless of whether or not you work on a KIT day.

### **Contact**

Fortem is entitled to make reasonable contact with you during your maternity leave. Examples of things we may want to contact you to discuss are:

- Whether or not your planned date of return to work has changed or is likely to do so.
- Any organisational or operational changes that may affect you.
- Anything that may make your return to work easier.

You are also entitled to make reasonable contact with Fortem during your maternity leave, e.g., to discuss any flexible working arrangements that would make your return to work easier.

### **Other Rights**

You have the right not to suffer detrimental treatment. Therefore, you have the right not to be treated less favourably because you are pregnant or taking maternity leave.

You have the right not to be dismissed or discriminated against for any reason connected with your pregnancy or maternity leave.

### **RETURNING TO WORK**

Before you go on maternity leave, we will agree the date on which we expect you to return. Should you wish to return on a different date than this agreed date, you must give Fortem eight weeks' written notice (by whichever is the earlier date). Fortem is not obliged by law to allow you to return before the end of this eight-week period.

Please note, you are eligible to take your full 52-week maternity leave entitlement, even if you have previously stated that it was not your initial intention.

By law, you may not under any circumstances return to work within two weeks of the birth of your baby.

If you are too ill to come back to work at the end of your maternity leave, Fortem's normal sickness procedure will apply, and you should provide us with a doctor's certificate to cover your absence.

If you return to work at the end of OML, you have the right to return to the job that you left, on the same Terms and Conditions of Employment. You are also entitled to benefit from any general improvements to the rate of pay (or other terms and conditions), which may have been introduced for that grade or class of work whilst you have been away.

If you return to work at the end of AML, you have the right to return to either the same job on the same Terms and Conditions of Employment in relation to pay, or a job that is similar in terms of duties, skills, status and rewards. You are also entitled to benefit from any general improvements in the rate of pay (or other terms and conditions), which may have been introduced for that grade or class of work whilst you were away.

If you do not intend to return to work, you must submit your resignation by giving notice in the normal way.

#### ***Special Note for EEA and rest of world workers***

If you are an EEA ***or rest of the world*** worker then the Company may need to notify the Home Office of your absence.

Where applicable, you must ensure that your right to work in the UK status does not lapse during your maternity leave.

If your annual documentation check falls within the maternity leave period, you will need to present your right to work documents to Fortem before you commence leave. Upon return, Fortem will re-check that you still have the right to work in the UK.

#### **PREGNANCY LOSS**

***We refer to pregnancy loss as the loss of a baby due to miscarriage through to the loss of a baby up to 28 days after birth.***

***We recognise pregnancy loss as a bereavement, and not isolated to affecting just women or heterosexual couples. Therefore, we offer support to anyone who suffers the loss of a pregnancy, whether it happens directly to you, your partner or your baby's surrogate mother, regardless of the nature of your loss or your length of service.***

***We will always try to be flexible with the amount of time off you are able to take which will be based on your individual circumstances and at the discretion of your MD/Functional Head.***

***If you are affected by pregnancy loss please get in touch with a member of the HR Team who will offer guidance on related entitlements.***



*Please note: Where there is a statutory requirement for leave and/or pay, we will always ensure that this is given.*

*Further support is available to you via your Private Medical Insurance (if applicable) and WeCare which can be found on the Fort under our benefits section.*