

Maternity leave procedure

Scope

IMPORTANT NOTE

This policy relates to all babies due on or after 5 October 2008.

Scope.

This procedure details the BT and statutory maternity benefits provided to BT employees. It applies to all women regardless of hours worked. This document should be read in conjunction with the Line Manager Maternity Guide & the Maternity Checklist which can be found on the downloadable documents to the left of this page.

Roles and Responsibilities.

Line managers are responsible for applying the policy.

Accenture HR Services will provide detailed guidance to the employee and her line manager on notification of the pregnancy and will carry out the administrative process.

Managers are responsible for carrying out a risk assessment. Full guidance can be found at http://humanresources.intra.bt.com/safety-handbook/s4gresponsibilities/expectant_mothers_risk_assessment_guide-link

Individuals are responsible for informing BT of their pregnancy by the 15th week prior to expected week of childbirth (EWC) by informing their line manager, and Accenture HR Services.

Process.

Overview.

1. The benefits of the BT Maternity Scheme are available to all pregnant women who have been continuously employed by BT for at least 26 weeks at the end of the 15th week before the Expected Week of Childbirth (EWC).

** continuous employment may include work performed under more than one BT contract, and casual service immediately prior to service covered by a BT contract of employment, provided in all cases there have been no breaks between these periods of employment.

Where people transfer into BT under TUPE Regulations their service with their previous employer will count for this purpose.

2. Individuals who do not meet this eligibility may be entitled to Statutory Maternity Allowance, paid direct by Jobcentre Plus for which they should apply by using form SMP1. NB statutory maternity leave and maternity benefits and other entitlements are separate issues. All pregnant employees are entitled to take up to one year's maternity leave regardless of length of service.

Statutory Entitlement

A woman expecting a baby has a statutory entitlement, provided certain conditions are met, which in summary is:

1. Maternity Leave of 52 weeks.
2. Statutory Maternity Pay for 39 weeks.
3. Return to work following childbirth.
4. Paid time off for ante-natal care.
5. Protection against dismissal for reasons associated with pregnancy or childbirth.
6. Protection from risks to the health and safety of both her child and herself.
7. The right to apply to undertake up to a maximum of 10 "Keeping in Touch days" during the maternity leave period

For further information on statutory entitlements associated with maternity leave, the government website is helpful for both employers and employees.

<http://www.direct.gov.uk/en/Employment/WorkAndFamilies/Pregnancyandmaternityrights/index.htm>

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Qualification conditions

To qualify for BT's maternity pay and leave arrangements, a woman must:-
Produce a doctor's or midwife's MATb1 certificate stating the expected week of Childbirth (EWC) before 15th week prior to EWC.

Notify Accenture HR Services and Line Manager in writing by the 15th week prior to EWC, of when she intends to commence maternity leave.

Not resign but remain under her contract of employment during her absence, and state that she intends to return to work after her maternity leave. An employee must return to work for a minimum of one month following maternity leave to retain her BT maternity benefits.

Commence her paid maternity leave no earlier than the beginning of the 11th week before the EWC.

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Leave and Pay

If employees have 26 weeks continuous service prior to the 15th week before their expected week of childbirth (EWC), and indicate that they intend to return to work following maternity leave they will receive:

18 weeks basic pay and regular allowances (excluding overtime), followed by 8 weeks at 1/2 basic pay or lower rate Statutory Maternity Pay of £117.18 whichever is the greater, followed by 26 weeks at £117.18 per week.

Where 90% of average total earnings during the qualifying period is greater than basic pay this will be paid for the first 6 weeks. (The qualifying period is approx 2 months before notification date. Notification date is 15 weeks before EWC).

- If employees indicate they do not intend to return to work and resigns before maternity leave commences than will receive Statutory Maternity Benefits.
- If employees have less than 26 weeks continuous service at the end of the 15th week before the EWC they may be entitled to Maternity Allowance, paid direct by Jobcentre Plus
- The right to either Statutory or BT Maternity Pay and leave applies to specific criteria as follows:
- If a woman miscarries her baby earlier than the 25th week of her pregnancy, she will not qualify for any maternity leave, Statutory Maternity Pay or Maternity Allowance. If she takes a period of sickness absence from work, she should be paid her contractual sick pay or Statutory Sick Pay if there is no contractual sick pay scheme.
- If a woman gives birth prematurely to a living child, even in cases where the baby later dies, at any point in her pregnancy, she will be entitled to maternity leave, Statutory Maternity Pay or Maternity Allowance in the usual way.
- If a woman has a stillbirth from the 25th week of pregnancy onwards, she would be eligible for maternity leave, Statutory Maternity Pay or Maternity Allowance in the usual way.
- Once SMP and BT maternity pay have been paid, any further period of maternity leave will be unpaid.

- Requests for additional unpaid leave where the woman is unable to return to work, must be considered sympathetically particularly when they are made at short notice as a result of an emergency or severe illness.

Requests should be considered in line with BT's Special Leave arrangements.

Deferred Resignation - A woman eligible for BT maternity benefits who does not intend to work after the birth of her child may defer her resignation until after the birth of her child, so that in the event of a miscarriage or still birth, she would be able to return to work. She will be paid any SMP to which she is entitled whilst she is still employed by BT. In the event that she renounces her deferred resignation, further payments appropriate under the BT maternity pay scheme will be allowed; but only for the weeks she was on maternity leave, and only up to the maximum amount paid under the BT scheme.

"Alabaster" ECJ judgement

From 6 April 2005 new legislation affecting Statutory Maternity Pay (SMP) was introduced. This was to ensure that company pay awards were taken into account when calculating statutory maternity pay for employees on maternity leave. The ruling means that all pay awards that are effective from any time between the start of the maternity set period and the end of the employee's maternity leave will need to be taken into account in recalculating SMP. Maternity leave means either ordinary maternity leave or additional maternity leave.

In many cases this will have little, if any impact, on actual BT maternity pay; as for most employees their BT maternity pay is linked to their contractual pay which will automatically increase when pay awards are made and is more generous than the SMP allowance. However for those whose SMP maternity allowance is affected, BT will arrange for an adjusting payment to be made at the end of the maternity leave period. Further details on the Alabaster" ECJ judgement can be found @

http://www.dwp.gov.uk/lifeevent/benefits/ecj_judgement.asp

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Maternity leave entitlements

IMPORTANT NOTE

This policy relates to all babies due on or after 5 October 2008.

Full details of individual entitlements are available from Accenture HR Services. A chart outlining the basic entitlements follows.

There are two rates of Statutory Maternity Pay, lower rate (LRSMP) and higher rate (HRSMP). The lower rate is an amount set by the Benefits Agency and the higher rate is 90% of normal weekly earnings determined over a set qualifying period.

EWC = Expected Week of Childbirth

LENGTH OF SERVICE	LESS THAN 26 WEEKS At the end of the 15 th week before EWC	AT LEAST 26 WEEKS At the end of the 15 th week before the EWC AND STATED INTENTION TO RETURN TO WORK	AT LEAST 26 WEEKS At the end of the 15 th week before the EWC AND STATED INTENTION NOT TO RETURN TO WORK
PAY	<p>No entitlement to BT pay or BT maternity benefits. No entitlement to SMP from BT.</p> <p>Women who are not entitled to SMP but meet qualifying conditions based on their recent employment and earnings may claim up to 39 weeks Maternity Allowance, paid direct by Jobcentre Plus.</p> <p>Contact your local Jobcentre Plus site. (Hyperlink - http://www.jobcentreplus.gov.uk/JCP/index.html)</p>	<p>18 weeks basic pay and regular allowances (excluding overtime) followed by 8 weeks at ½ basic pay or lower rate Statutory Maternity Pay of £117.18 per week whichever is the greater, followed by 26 weeks at £117.18 per week.</p> <p>*Where 90% of average total earnings during the qualifying period is greater than basic pay this will be paid for the first 6 weeks. (The qualification period is 2 months before notification date. Notification date is 15 weeks before EWC).</p>	Full entitlement to Statutory Maternity pay of 39 weeks.
MATERNITY LEAVE	<p>26 weeks Ordinary Maternity leave and 26 weeks Additional Maternity leave.</p> <p>There is no entitlement to leave over and above this total 52 week's allocation, although requests for additional unpaid special leave will be considered in line with BT's policy on Special Leave.</p>	<p>52 weeks including a maximum of 11 weeks before the EWC.</p> <p>There is no entitlement to leave over and above this total 52 week's allocation, although requests for additional unpaid special</p>	N/A

		leave will be considered in line with BT's policy on Special Leave.	
ANNUAL LEAVE	Annual leave is accrued for the whole period of maternity leave based on your contractual annual leave entitlement.	Annual leave is accrued for the whole period of maternity leave based on your contractual annual leave entitlement.	Annual leave will cease to accrue from the last day of service. However, if a deferred resignation applies or resignation occurs part way through the maternity period, annual leave will accrue at the rates specified in the previous columns during the period of maternity leave.

Company car

Under the terms of the **BT company car** contract employees are entitled to retain the vehicle whilst on maternity leave.

Employees that have chosen to receive a **cash payment in lieu of a company car** will continue to receive this payment during the whole maternity leave period.

Employees that pay **personal usage charges** to BT in respect of their company car will continue to be responsible for these payments during Maternity Leave. If insufficient funds are available for BT to collect these payments employees will be required to pay the outstanding amount from their first month/s salary on their return to work. (Please note this may result in an increased tax liability depending on when personal usage payments are actually made)

Employees with access to a **business needs car** may be required to return it on commencement of maternity leave or at any time during the maternity leave period.

BT Healthcare Scheme

If you are eligible under the terms of your contract and are a member of the BT Healthcare Scheme you might wish to remember to add your new child to your existing healthcare cover. This should be done as soon as possible but within the policy year of birth April-March. Email the name, date of birth and any change to cover to EmployeeBenefits.HRServices@Accenture.com who will arrange for your Choices form (where your level of company paid healthcare cover is maintained) to be opened so that you can make the changes on-line.

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Other information

Miscarriage, still birth or neonatal death

A miscarriage, still birth or neonatal death is a sad and traumatic event in anyone's life. SANDS (The Stillborn and Neonatal Death Society) is a charity set up to help grieving parents, and you may wish to consider contacting their helpline on 020 7436 5881 or visit the website WWW.UK-SANDS.ORG.

Alternatively, you can speak to a counsellor from BT's Employee Assistance Programme on 0800 9176767.

Further information on the Employee Assistance Programme can be found at:

<http://humanresources.intra.bt.com/employeeassistance>

Stillbirth, miscarriage before the 25th weeks of pregnancy.

If a woman miscarries her baby earlier than the 25th week of her pregnancy, she will not qualify for any maternity leave, Statutory Maternity Pay or Maternity Allowance. If she takes a period of sickness absence from work, she should be paid her contractual sick pay or Statutory Sick Pay if there is no contractual sick pay scheme.

Neonatal death and Stillbirth from the 25th week of pregnancy onwards.

If a woman has a stillbirth from the 25th week of pregnancy onwards, she would be eligible for maternity leave, Statutory

M Maternity Pay or Maternity Allowance in the usual way.

Birth of a living child before the 25th week of pregnancy onwards.

If a woman gives birth prematurely to a living child at any point in her pregnancy, even in cases where the baby later dies, at any point in her pregnancy, she will be entitled to maternity leave, Statutory Maternity Pay or Maternity Allowance in the usual way.

We will still need your MATB1 certificate from your midwife. Your return to work will take place as normal.

Sales Transfer allowance

A person who is receiving a transfer allowance and subsequently goes on Maternity Leave before the end of the transition period will continue to be eligible for transition payments. The transfer allowance will continue to be paid until the end of the transition period. The standard rules applying to Sales Transfer Allowance payments will apply. These rules are explained in detail in Section 7.9 of on the Sales and Business Management Pay Plan Rules Rules 2007 / 2008. The rules can be viewed on the Bonus & Pay Plan Centre of Excellence website:

http://globalservices.intra.bt.com/bonus_talk/

Step-Down Process

A person who is receiving a Step Down Allowance and subsequently goes on Maternity Leave before the end of the transition period will continue to be eligible for payments. The standard rules applying to Step Down Allowance payments will apply. These rules are explained in detail in Section 7.9 of the Sales and Business Management Pay Plan Rules Rules 2007 / 2008. The rules can be viewed on the Bonus & Pay Plan Centre of Excellence website:

http://globalservices.intra.bt.com/bonus_talk/

Other Considerations

1. If a woman on BT maternity leave resigns prior to her return to work, or tenders her resignation before she has returned to work for one calendar month's effective service, the Company will normally seek repayment of all payments over and above SMP - For clarification, in this context, effective service includes certified sick absences, but excludes annual, special or uncertified sick leave
2. BT's maternity pay will be paid on normal pay days
3. Maternity pay for women working part-time will be based on the contractual number of hours worked

Pension Contributions

If the woman is receiving BT maternity pay, and is a contributing member of the BT Pension Scheme or the BT Retirement Plan then contributions should continue throughout the whole maternity period, unless she resigns before maternity payments are made, or unless she defers her resignation.

Pay Management -

BONUS

Employees from the sales community

1. Managers within the sales community should refer to their pay plan for specific information on bonus arrangements during maternity leave.

2. For people in the sales community in grades represented by the CWU, (i.e. Team Members) who through contractual bonus schemes receive bonuses based on 10% OTB or higher:

A monthly payment will be made during the first 18 weeks of ordinary maternity leave that equates to their average monthly bonus earnings over the previous 12 month period. This will be followed by a monthly payment that equates to 50% of this amount for the following 8 weeks ordinary maternity leave.

Entitlement for people who have yet to complete a 12 month period is as follows: For people with less than 6 months bonus record they will receive a monthly payment of 70% of their OTB for 18 weeks, followed by 8 weeks at 35%

For people with more than 6 months bonus record they will receive a monthly payment based on their monthly bonus payments during that period (i.e. total bonus paid/number of months).

3. Employees receiving a sales transfer allowance should refer to current pay plan information for specific information relating to this payment during maternity leave.

4. Impact of Pregnancy Related Sick Leave on bonus -

If a person is absent with a pregnancy related illness for more than 30 days bonus will be paid for the period of sick leave. The sales bonus paid during this period of sick leave will be a flat rate payment. This payment will be based on the average monthly bonus paid over the previous twelve months.

Employees in non sales related roles

- 1 Women on maternity leave must be included in the annual pay review process, and care should be taken to ensure that no woman is discriminated against on grounds of pregnancy or maternity leave
2. For non sales related managers and professionals the time spent on OML (i.e. first 26 weeks) should be assessed for bonus purposes as though they had remained at work i.e. at full pay rate.
3. Bonus will not be paid during the AML period.

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Ante and post-natal care

Antenatal care - A pregnant employee has the right to reasonable paid time off for attending ante-natal care appointments made on the advice of a registered doctor, midwife or health visitor. These cover exercise and relaxation classes as well as medical care.

Post Natal care - An employee who, on the advice of her doctor, is to attend a post natal appointment after her return to work should be allowed time off without loss of pay.

Keeping in Touch days - An employee will be able to carry out a maximum of 10 days work during ordinary or additional leave without bringing the leave to an end. The number of such "Keeping in Touch" days taken are a part of the period of leave and do not have the effect of extending the leave. A part day's work is treated as a whole day to be offset against the maximum. The kind of work that may be performed is any work under the employment contract and can include training or any other activity to enable the employee to keep in touch with the workplace. In a maternity situation, such days may not be taken during the two weeks following the birth.

Keeping in touch days will be made available at the request of the employee. BT will not be able to require an employee to attend work. No additional payment will be made for employees attending work on a keeping in touch day. Line managers must keep a local record of the total number of keeping in touch days taken by the employee.

Once the maximum number of 10 "Keeping in Touch" days has been used up, the existing rule, that an employee loses a full week's statutory pay for any week in which work under the contract is performed, applies.

Work Place Facilities for Expressing and Storing milk - Returning mothers who wish to express and store breast milk should be given access to a private room and the use of a small fridge. If these facilities are not currently available, employees may submit a request to their line manager. The line manager will be responsible for liaising with property services to identify a suitable room and the supply of a small fridge where operationally viable.

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Sick absence

Normal sick absence rates apply until 4 weeks before the expected week of childbirth.

After this date, if an individual is absent due to a pregnancy-related illness, there is a statutory requirement for her to start her maternity leave. If this happens then the employee must contact the maternity team in order for the maternity pay period to start early.

If an absence is not pregnancy related, the individual will continue to receive sick pay until she either returns or maternity leave commences. Employees should be aware that if they are being paid at a reduced rate due to previous non pregnancy related sick absence then there may be an impact on the maternity pay calculation.

A woman unable to return to work following maternity leave because of illness may submit a sick certificate on the date on which she has notified her intention to work. In doing this she will be regarded as having made a physical return to work and allowed sick pay within normal sick pay limits.

Health Issues

1. Pregnancy-related illness doesn't count towards poor performance (e.g. a PIP) but other illnesses should be treated in the normal way.
2. Women unable to carry out their normal role during pregnancy can apply for, or in exceptional circumstances can be granted special leave.
3. Women who are pregnant or who have recently given birth or are breast-feeding have the statutory right to transfer away from hazardous work or working conditions. It is BT's responsibility to carry out a risk assessment and take preventative or protective measures to avoid these risks. This can involve providing alternative work on the same terms and conditions. Line HR and the OHS must be consulted in all such cases.
4. German Measles - if a woman in her early stages of pregnancy has been in direct contact with German measles, the OHS and Accenture HR Services must be notified immediately. The OHS will determine the risk of infection and when that risk will have passed, and will consult with the Line Manager to decide on any appropriate action.
5. Rest facilities - as fatigue is a likely consequence of pregnancy, the Workplace (Health, Safety and Welfare) Regulations 1992 stipulate that suitable rest facilities must be available for pregnant woman and nursing mothers. The first aid room or other suitable room in BT buildings must be made available to pregnant women and nursing mothers if required.

Returning to Work

1. A woman must not return to work until two weeks have lapsed from the date of birth. This is known as compulsory maternity leave.

2. A woman who has taken only Ordinary Maternity Leave (26 weeks) has the right to return to work in the same job, as if she had not been away.
3. A woman who has taken Additional Maternity Leave should return to the same job unless this is not reasonably practicable, in which case she must be offered a similar job, on the same terms and conditions as those prior to commencement of maternity leave, subject to any reasonable changes which may have occurred during the maternity leave period.
4. Employees should advise BT of their intended return to work date before commencing their maternity leave.
5. If a woman wants to return from maternity leave earlier or later than her originally advised date of return she must normally give us 2 months notice of the change. If an employee advises us at short notice that she is unable to return to work on the agreed date, BT will consider her request sympathetically, particularly if the request is linked to an emergency or severe illness.
6. Unless advised otherwise we will assume that she is returning on the agreed date or at the end of her Additional Maternity Leave period.
7. All working parents, with children under the age of 6 years, or disabled children under the age of 18 years have a statutory right to request flexible working. In addition, BT policies support a variety of flexible working arrangements and unless there are operational/business reasons why a temporary or longer term change in working arrangements cannot be supported, such requests should be met. Refusal to do so may lead to the loss of skills valuable to BT and unless based on clear, operational need, may amount to indirect sex discrimination. The lawfulness of an employer's refusal is likely to depend on whether the decision is objectively justified in the light of its business needs.

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Forms and letters

- State Maternity Allowance SMP1 form (from Benefit Agency)
- Doctor's or midwife's certificate of pregnancy stating the EWC (MATB1)
- Notification to Accenture HR Services in writing by the 15th week prior to EWC
- Confirmation that she intends to return to work after her maternity leave

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FAQs

IMPORTANT NOTE

This policy relates to all babies due on or after 5 October 2008.

Is annual leave accrued during maternity leave?

Annual leave is accrued for the whole period of maternity leave based on your contractual annual leave entitlement.

Will I be able to change my hours?

This should be discussed with your line manager in the first instance.

Will I be able to extend my maternity leave beyond 52 weeks?

You have no statutory right to have longer than 52 weeks however in exceptional circumstances BT may consider alternative leave arrangements.

Will I be able to keep my car on maternity leave?

If you have a company car under the terms and conditions of your contract, you are entitled to retain your car throughout the whole of your maternity leave. (OML and AML periods)

If you have a business need car, you may be required to return it when you commence your maternity leave.

Will I retain my paycash in lieu of company car during maternity leave?

If you have selected to take moneycash in lieu of a company car, under the terms and conditions of your contract, you are entitled to retain this payment throughout the whole of your maternity leave period. (OML and AML periods)

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Links and contacts

- Accenture HR Services Maternity Team 0800 731 4747 are available where an employee does not have on-line access. (Please remember that a charge will be made to your OUC for each call).
- BT is a member of the baby charity Tommy's Pregnancy Accreditation Programme, being recognised for the progressive maternity policies we have in place. As part of our membership you have access to a number of their services. This includes a wealth of pregnancy-related health information and guides for employees and managers, which can be accessed via the [Tommy's website](#). Tommy's also provide a pregnancy information helpline. So if you have any pregnancy questions or concerns, speak to Tommy's expert midwives on 0870 777 30 60.

For More information on Statutory Maternity Pay and guidelines on pregnancy in the workplace, see the government's website at <http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/index.htm>

Chatter Matters DVD pack

This DVD pack is designed to help parents and carers understand a child's typical development pattern, give advice on what to do if they are worried and provide simple information that will help them improve communication skill development by making the everyday interactions with a child really count.

The DVD pack includes:

- a DVD which can be watched alone or with other adults who care for pre-school children
- an attractive set of wall charts that show the important stages of a child's communication skill development
- contact details of key professional organisations
- a karaoke section for the children to have a bit of fun!

This pack can be ordered from BT via www.btsolo.co.uk using order number PHME 51922. One unit contains one DVD.