

# HR Performance

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## HR Performance: July 2010 Article for IAM manager



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In our last article we mentioned the recent changes to the maternity and paternity legislation extending new rights to parents and affecting all employees falling pregnant from around the beginning of July 2010. We look at this in a little more detail this month.

Mothers are entitled to 12 months maternity leave. Under pre April 6th 2010 legislation, fathers (or the mother's partner in the case of same sex relationships) were entitled to paternity leave of two weeks which could be taken in a single block of either one or two weeks, but which had to be taken within eight weeks of the child's birth. Following the changes to maternity leave which came into force on April 6th 2010 - but only take effect on or after 3rd April 2011 - eligible employees are now able to take **ordinary paternity leave** and **additional paternity leave** subject to certain qualifying criteria.

**Ordinary paternity leave (OPL)** is the new name for the original two weeks available to eligible employees prior to April 6th 2010 and apart from the name change the provisions are exactly the same as stated above.

**Additional paternity leave (APL)** is new and is available to eligible employees who will now be able to take up to 26 weeks of APL within the first year of the child's life providing that the mother has returned to work before exhausting her full 52 week entitlement to maternity leave. However, there are some additional conditions to this entitlement. APL cannot commence until 20 weeks after the child was born and must end no later than twelve months following the birth. Like OPL it has to be taken as a single block, in this case as either a minimum of two weeks or up to the maximum of 26 weeks.

**Additional statutory paternity pay (ASPP):** There is no requirement to pay salary for employees on APL. However, providing the mother has returned to work prior to exhausting her 39 weeks of paid statutory maternity pay or maternity allowance then the employee on APL will receive the balance of the mother's remaining entitlement as ASPP. Any APL falling into weeks 40 to 52 will be unpaid.

**Notification requirements for APL and ASPP:** If you employ the mother then she will be required to give you eight weeks' advance notice of her early return to work as required under previous maternity legislation. Everything else is now the responsibility of the partners' employer.

If you employ the father (or the mother's partner in the case of same sex relationships) they will have to provide you with eight weeks notice of their intention to take APL, make a declaration that the leave is to care for the child, as well as a declaration from the mother stating certain information. If the employee is eligible for ASPP they will also have to state when they expect their entitlement to ASPP to begin and end.

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