

3.02 Maternity Leave – feedback from Stonewall Steering Group on draft policy with ER policy team response

No	Section heading	Para ref	Text from draft policy	Feedback comments and/or suggested amendments	ER Policy and Project Team response	Draft policy amended? Yes/No
1	Introduction	1.3	<i>1.3 Your spouse, civil partner or partner (or the baby's father) may be entitled to paternity leave and pay. (The definition of "partner", in relation to a child's mother means a person (whether of a different sex or the same sex) who lives with the mother and the child in an enduring family relationship but is not the mother's parent, grandparent, sister, brother, aunt or uncle.) If applicable, full details of paternity leave and pay arrangements in the NICS can be found in HR policy 3.03 Paternity Leave.</i>	<p>Would it not be sufficient to use "Partner" as an overarching term to cover, spouse, civil partner and partner? This is clearer, more inclusive and prevents a 'hierarchy' and differentiation of partner status.</p> <p>Reviewer's suggested amendments: "1.3 Your spouse, civil partner or partner (or the baby's other parent father) may be entitled to paternity leave and pay. (The definition of "partner", in relation to a child's mother means a person (whether of a different sex or the same sex) who lives with the mother and the child in an enduring family relationship but is not the mother's parent, grandparent, sister, brother, aunt or uncle.) If applicable, full details of paternity leave and pay arrangements in the NICS can be found in HR policy 3.03 Paternity Leave."</p>	<p>We are satisfied that the first sentence is inclusive. All three terms – "spouse", "civil partner" and "partner" are gender-neutral.</p> <p>In order to be entitled to statutory paternity leave, the employee must be either (i) the biological father of the child or (ii) the spouse, civil partner or partner of the child's mother, but not the child's father.</p> <p>"The baby's other parent" does not have the same meaning as "the baby's father".</p>	NO
2	Contractual maternity	3.5	<i>3.5 NICSHR have discretion to waive repayment where there are good reasons</i>	Up until this point the language has been directly addressing the reader,	This point was picked up in a later draft.	YES

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	pay - qualifying conditions		<i>why the woman cannot return or they believe a genuine intention to return cannot be realised because of exceptional circumstances. Repayment should always be waived if the woman provides medical evidence that she will be unable to return within the 52 weeks because her child has a disability and requires continuous attention at home. Supporting medical evidence should be sent to HRConnect not later than 3 weeks before the end of the 52-week period.</i>	<p>but at this point it changes to use gendered pronouns. Suggest changing 'she' to 'you.'</p> <p>Reviewer's suggested amendments: "NICSHR have discretion to waive repayment where there are good reasons why you the woman cannot return or they believe a genuine intention to return cannot be realised because of exceptional circumstances. Repayment should always be waived if the woman you provides medical evidence that she you will be unable to return within the 52 weeks because her your child has a disability and requires continuous attention at home. Supporting medical evidence should be sent to HRConnect not later than 3 weeks before the end of the 52-week period."</p>		
3	Compulsory maternity leave	5.7	<i>5.7 Regulation 8 of the Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999 provides that an employee who is entitled to statutory maternity leave shall not work, or be permitted by her employer to work, during the two-week period commencing with the date of childbirth. You should not, therefore,</i>	<p>Reviewer's suggested amendments: "5.7 Regulation 8 of the Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999 provides that an employee who is entitled to statutory maternity leave shall not work, or be permitted by the her</p>	Changed to "permitted by their employer..."	YES

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			<i>notify HRConnect of a return date from maternity leave that is within two weeks of your expected date of childbirth.</i>	employer to work, during the two-week period commencing with the date of childbirth. You should not, therefore, notify HRConnect of a return date from maternity leave that is within two weeks of your expected date of childbirth."		
4				<p>Reviewer's suggested amendments:</p> <p>"Regulation 8 of the Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999 provides that an employee who is entitled to statutory maternity leave shall not work, or be permitted by her employer to work, during the two-week period commencing with the date of childbirth. You should not, therefore, notify HRConnect of a return date from maternity leave that is within two weeks of your expected date of childbirth."</p>	See response to 3 above.	
5	Time off for antenatal care	6.2	<i>A person with whom you, or your expected child, has a qualifying relationship may have a statutory</i>	<p>Reviewer's suggested amendments:</p> <p>"A person with whom you, or your</p>	The sentence starts as follows, " A person with whom you..." so there is	NO

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			<i>entitlement to be permitted unpaid time off during working hours to accompany you to antenatal appointments on up to two occasions. If applicable, please refer to Section 9 of HR policy 3.03 Paternity Leave for details of the arrangements in the NICS.</i>	expected child, has a qualifying relationship with may have a statutory entitlement to be permitted unpaid time off during working hours to accompany you to antenatal appointments on up to two occasions. If applicable, please refer to Section 9 of HR policy 3.03 Paternity Leave for details of the arrangements in the NICS."	no need to insert "with" after "relationship.	
6	Keeping in Touch days	8.1	<i>Under the Maternity and Parental Leave etc. (Amendment) Regulations (Northern Ireland) 2006, a woman on maternity leave may agree with her employer to work for up to 10 keeping in touch (KIT) days during her maternity leave without losing SMP or maternity allowance, or bringing her maternity leave to an end as a result. This provision is intended to help to ease your return to work. KIT days differ from the reasonable contact mentioned in Section 7 above as during KIT days you can actually carry out work for your employer. Working KIT days has no effect on the end date of your maternity leave.</i>	8.1 Under the Maternity and Parental Leave etc. (Amendment) Regulations (Northern Ireland) 2006, a woman person/employee on maternity leave may agree with her the employer to work for up to 10 keeping in touch (KIT) days during her the maternity leave period without losing SMP or maternity allowance, or bringing her the maternity leave to an end as a result. This provision is intended to help to ease your return to work. KIT days differ from the reasonable contact mentioned in Section 7 above as during KIT days you can actually carry out work for your employer. Working KIT days has	This paragraph has been amended as follows: Under the Maternity and Parental Leave etc. (Amendment) Regulations (Northern Ireland) 2006, an employee on maternity leave may agree with their employer to work for up to 10 keeping in touch (KIT) days during their maternity leave without losing SMP or maternity allowance, or bringing their maternity leave to an end as a result...	YES

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				no effect on the end date of your maternity leave.		
7				<p>Reviewer's suggested amendment's:</p> <p>"Under the Maternity and Parental Leave etc. (Amendment) Regulations (Northern Ireland) 2006, an employee woman on maternity leave may agree with her employer to work for up to 10 keeping in touch (KIT) days during her maternity leave without losing SMP or maternity allowance, or bringing her the maternity leave to an end as a result. This provision is intended to help to ease your return to work. KIT days differ from the reasonable contact mentioned in Section 7 above as during KIT days you can actually carry out work for your employer. Working KIT days has no effect on the end date of your maternity leave."</p>	See response to 6 above.	
8	Shared parental leave	9.5	<i>The Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations (Northern Ireland) 2015 allow eligible mothers to curtail their statutory maternity leave to take, or enable their spouse, civil partner or partner (or the baby's father) to take,</i>	<p>Reviewer's suggested amendments:</p> <p>The Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations (Northern Ireland) 2015 allow eligible people / employees mothers to curtail their</p>	1. The wording of paragraph 9.5 has been amended as follows: "9.5 The Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations (Northern Ireland) 2015 allow	

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			<i>shared parental leave. For further information on shared parental leave eligibility, see HR policy 3.13 Shared Parental Leave.</i>	statutory maternity leave to take, or enable their spouse, civil partner or partner partner (or the second parent / other parent who will be named on the birth certificate the baby's father) to take, shared parental leave. For further information on shared parental leave eligibility, see HR policy 3.13 Shared Parental Leave.	eligible employees to curtail their statutory maternity leave to take, or enable their spouse, civil partner or partner (or the baby's father) to take, shared parental leave. For further information on shared parental leave eligibility, see HR policy 3.13 Shared Parental Leave." 2. See response to 1 regarding "spouse, civil partner or partner". 3. "The second parent / other parent who will be named on the birth certificate" does not have the same meaning as "the baby's father".	
9				Reviewer's suggested amendments: "The Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations (Northern Ireland) 2015 allow eligible mothers employees to curtail their statutory maternity leave to take, or enable their spouse, civil partner or partner	See response to 8 above.	

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				(or the other named parent baby's father) to take, shared parental leave. For further information on shared parental leave eligibility, see HR policy 3.13 Shared Parental Leave."		
10	Health and safety - new and expectant mothers	10.1	<i>10.1 Once a line manager becomes aware that an employee is pregnant, or is informed that she has given birth in the last six months or is breastfeeding, they must arrange for a specific risk assessment of the officer's work activities to be undertaken and protect the employee from having to work in areas that might be detrimental to her health. If you are pregnant, breastfeeding or have recently given birth, and feel that there is a health and safety risk from your post or workplace to yourself or your baby, you should bring your concerns to the attention of your line manager without delay.</i>	<p>Reviewer's suggested amendments:</p> <p>10.1 Once a line manager becomes aware that an employee is pregnant, or is informed that she they have has given birth in the last six months or is breastfeeding, they must arrange for a specific risk assessment of the officer's work activities to be undertaken and protect the employee from having to work in areas that might be detrimental to her their health. If you are pregnant, breastfeeding or have recently given birth, and feel that there is a health and safety risk from your post or workplace to yourself or your baby, you should bring your concerns to the attention of your line manager without delay.</p>	<p>Section 10 now reads:</p> <p>"10.1 Once a line manager becomes aware that an employee is pregnant, or is informed that they have given birth in the last six months or are breastfeeding, they must arrange for a specific risk assessment of the employee's work activities to be undertaken and protect the employee from having to work in areas that might be detrimental to their health.</p> <p>10.02 If you are pregnant, breastfeeding or have recently given birth, and feel that there is a health and safety risk from your post or workplace to yourself or your baby, you should bring your concerns to the attention of your line manager without delay.</p>	

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11				<p>Reviewer's suggested amendments:</p> <p>10.1 Once a line manager becomes aware that an employee is pregnant, or is informed that she has given birth in the last six months or is breastfeeding, they must arrange for a specific risk assessment of the officer's work activities to be undertaken and protect the employee from having to work in areas that might be detrimental to her their health. If you are pregnant, breastfeeding or have recently given birth, and feel that there is a health and safety risk from your post or workplace to yourself or your baby, you should bring your concerns to the attention of your line manager without delay.</p>	See response to 10 above.	
12	General comments			My partner and I found the policies very challenging (in relation to language) when we were planning our parental leave and if it was up to me, I would be suggesting one Parental	A single policy would be unmanageable.	N/A

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				Leave policy, which covers the traditional mat/pat leave stuff (labelled more inclusively), as well as adoption, surrogacy etc, and shared parental leave.		