

The Fire Brigades Union



**NEGOTIATING
MATERNITY, PATERNITY
and ADOPTION RIGHTS**



FOR ALL
FBU
MEMBERS

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Abbreviations

FPM	Family Policies Manager
OML	Ordinary Maternity Leave
AML	Additional Maternity Leave
OAL	Ordinary Adoption Leave
AAL	Additional Adoption Leave
EWC	Expected Week of Childbirth
EDB	Expected Date of Birth
MATB B1	The form given by the midwife with the EDB
SMP	Statutory Maternity Pay
SPP	Statutory Paternity Pay
MSL	Maternity Support Leave

A Best Practice document for FBU officials regarding the development and negotiation of Maternity/Paternity/Adoption policies and other family support arrangements within the UK Fire and Rescue Service

Introduction

This document has been developed by the National Women's Committee of The Fire Brigades Union and agreed by the Executive Council.

The aim of this document is to provide an effective tool for officials to use when negotiating policies regarding maternity/paternity/adoption rights within their Fire and Rescue Service (FRS).

It is not intended to be used by individual members seeking out statutory or contractual rights – although it does provide useful information.

The left hand column covers areas the FBU are proposing that FRS' should include within their maternity/paternity/adoption policy.

The right hand column explains why the FBU are making these proposals. Where the law or the Grey Book are specifically applicable and would assist in the negotiations – reference has been made. Please note that not all areas proposed will have a specific law to refer to, however; there are overarching laws in terms of health and safety and Sex Discrimination that protect individuals who are new or expectant mothers.

At the end of this document there will be names of organisations and contact details to help officials to find out more information.



Developed by
FBU NATIONAL WOMEN'S COMMITTEE
www.nwcfbu.co.uk



1. Employees responsibilities once pregnancy is suspected or known



Requirements and recommendations

a) Employees should inform their employer as soon as they know they are pregnant. This can be done via their line manager or the Human Resource Manager, whichever is preferable.

b) Attend a meeting with the employer. Once the employer knows an employee is pregnant, they must carry out a risk assessment and arrange a meeting immediately with their employee and Fire Brigades Union representative to discuss and make plans together about a variety of issues.

Examples of areas covered in this discussion would be:-

- Managing Health and Safety
- Working arrangements and hours
- Ante-natal classes
- Uniform
- Maternity leave and pay entitlements
- Annual leave arrangements
- Anything else individuals may have concerns about or are entitled to

(c) As the pregnancy develops employees should inform their employer of any advice or recommendations suggested by their GP or midwife in relation to their work.

Why?

The laws which protect new and expectant mothers at work only apply once the employer knows an employee is pregnant. Employees are protected from unfair treatment including dismissal connected with their pregnancy. It is important that employees can choose who to inform of the pregnancy as this can help to maintain confidentiality in the early stages of pregnancy.

The Management of Health and Safety at Work Regulations 1999 requires employers to conduct a risk assessment in respect of new or expectant mothers. The risk assessment will protect their employees' health and that of their unborn child. Any risks identified must be removed or alternative arrangements made.

The FBU has a wealth of experience in regard to health and safety and arrangements for new and expectant mothers and as such it is appropriate for representation to be afforded. If a risk assessment is not carried out this might amount to sex discrimination.

The FBU strongly recommend that this is done to ensure that the employer can maximise and manage their health, safety and welfare arrangements correctly.

2. Management responsibilities in regard to employees who are pregnant or adopting



Requirements and recommendations

Why?

a) Appoint a Family Policies Manager (FPM) to the individual(s). To ensure continuity of communication throughout the pregnancy, the FPM should not be the employees' line manager (line managers may change).

The FBU recommends this appointment to ensure that pregnant employees and adoptive parents are given consistent, maximum support and guidance during their pregnancy and maternity/adoption leave. An FPM will be a resourceful and informed point of contact.

b) In regard to pregnant employees, employers must carry out an individual risk assessment immediately and remove any risk that may be present. Employers must ensure that risk assessments are carried out at appropriate intervals throughout the duration of the pregnancy. A generic risk assessment should already have been carried out for new and expectant employees.

Risk assessments in respect of new or expectant mothers are a requirement under the management of Health and Safety at Work Regulations 1999.

Carrying out a risk assessment ensures that the well being of the employee and that of her unborn child are protected.

Failure to carry out a risk assessment may amount to sex discrimination.

c) Organise a meeting to take place with the employee(s) and their Fire Brigades Union Representative. This meeting to take place immediately upon notification of pregnancy/adoption.

This will ensure that employers have discussed and reached agreement with their employee(s) regarding working arrangements, risk assessments and informed their employee(s) of any entitlements that they have at an early stage. This will prevent any uncertainty and help to alleviate any undue stress at this time.

(d) In regard to expectant mothers and partners of expectant mothers paid time off to attend ante-natal care classes will be given. This could include parenting, parent craft, relaxation and birthing classes etc.

It is a legal requirement to give paid time off to expectant employees for ante-natal care which benefits the health of the pregnancy. It also benefits the pregnancy if the partner attends. Usually ante-natal classes are for fixed and regular sessions.

(e) In regard to employees who are going through the adoption process, paid time off will be given to attend placement and match meetings.

Placement and match meetings in regard to adoption are an essential part of the adoption process and as such the FBU recommends that these meetings are fully supported by employers.

(f) In regard to pregnant employees, provide suitable rest facilities. *See FBU Guidance note 1, page 4.*

This is a requirement under The Workplace (Health, Safety and Welfare) Regulations 1992.

g) Any maternity related illnesses/sickness during the pregnancy must be paid in the same way as for any other type of illness and must be excluded from any workplace sick leave monitoring in regard to discipline and pay.

It is unlawful to sanction or discipline a woman due to maternity related sickness.

3. Working arrangements during pregnancy



Requirements and recommendations

Why?

(a) Any woman who is pregnant must stop attending operational incidents as soon as they know or suspect they are pregnant.

The risk to the unborn child from physical, biological or chemical agents may cause miscarriage, still births or birth defects. (EU Directive 92/85/EEC Pregnant Workers).

(b) Any changes made to the duty system, workplace and/or watch worked by the individual can only be done following full consultation and by reaching agreement with the employee. It is not acceptable to remove a woman from her usual workplace unless she specifically requests otherwise or an individual risk assessment highlights a significant risk which cannot be removed. If this is the case then the woman must be redeployed to suitable alternative work with no less favourable terms and conditions. If redeployment is not possible the woman must refrain from work until the risk is eliminated. Any meeting to discuss alternative working arrangements with the employee will afford FBU representation.

The Grey Book section 4 D, paragraph 7 ensures that employees stay on their watch or in their department unless a risk assessment deems it inappropriate.

The FBU believes that the employee and employer benefits if employees have a choice of duty that is not detrimental to their well being. Forced changes made to working patterns can affect existing childcare arrangements that were previously managed and forced changes made to work location could cause stress due to travelling.

Women who are able to remain in their existing workplace will continue to take part in training and duties that are appropriate to their role in a controlled and comfortable environment. The organisation benefits from having an employee who maintains the majority of their competencies and is not isolated from their usual surroundings and experience. Consideration must be taken in regard to undue stress caused by imposed changes to working arrangements, could cause complications with the pregnancy.

(c) Any new roles undertaken by the employee must be within their current role and only following agreement from the employee.

It is unlawful to undermine the current role of any individual due to pregnancy. Stress caused by changes made without agreement could be detrimental to the pregnancy.

(d) In the case of RDS fire-fighters, attendance at drill nights and participation in any other work related activity, including training exercises, is appropriate in accordance with the generic and individual risk assessment that has been carried out.

This will ensure that employees can take part in the maximum number of activities appropriate to their role and development in a controlled and safe environment.

NB – Specific medical advice must be taken into account for individuals where applicable.

(e) All training exercises must be properly risk assessed as part of a generic risk assessment for new and expectant mothers. It is advisable to carry out risk assessments which take into account each trimester. Risk assessments must be carried out in conjunction with the FBU.

This will ensure that the safety, health and welfare of pregnant employees are being managed appropriately and would ensure that pregnant employees can participate in the maximum number of activities, appropriate to their role in a controlled and safe environment.

3. Working arrangements during pregnancy



Requirements and recommendations

(f) Whilst pregnant, an employee must be given the same access to promotion and development opportunities that are advertised. Whilst on maternity, adoption/ foster leave the same applies. A discussion will take place between employee, employer and the FBU representative and agreement reached in regard to how notification of these vacancies will be made known to employees who are on maternity/ adoption leave.

(g) It may be appropriate for an employees' hours to be reduced and for temporary flexible working arrangements to be in place. This must be adopted following advice from the employees GP or midwife.

Where this occurs, normal pay in line with section 4 of this document will continue to be received by the employee.

Why?

All employees are entitled to equality of opportunities regardless of their domestic situation.

Every pregnancy is different and some women can't sit down for long periods, or suffer from morning sickness, or get very tired during pregnancy. It is for this reason that a woman's hours may need to be temporarily reduced or altered and she must not incur a financial detriment due to her pregnancy.

The Grey Book section 4 D paragraph 6 enables normal pay to continue in this regard.



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4. Pay during pregnancy



Entitlement

a) In all cases employees will continue to receive normal pay as defined in paragraph (b) below for the duration of their pregnancy. This is regardless of the number of hours worked or type of work undertaken.

(b) Definition of a weeks pay;

For employees **not** on the retained duty system a weeks pay shall mean the amount payable to the employee under the current contract of employment for working her normal hours in a week.

For employees on the retained duty system a weeks pay shall mean the employees average pay in the previous twelve weeks, excluding any week in which they have been on sick leave or have received no pay, taking all payments into account.

Why?

The employer has a contractual obligation to continue to pay the employee in this way throughout their pregnancy, this is in accordance with the Grey Book, Scheme of Conditions of Service, sixth edition, section 4 D entitled Maternity, Childcare and Dependency, paragraph 6.

The individual is also protected from unfair treatment connected with her pregnancy.

5. Health & wellbeing – pregnancy and adoption



Provisions/entitlements

(a) Expectant mothers, partners of expectant mothers and newly placed adoptive parents should be given paid time off to attend ante-natal care classes.(this is a statutory requirement for expectant mothers) This could include parenting, parent craft, relaxation and birthing classes etc.

(b) Paid time off will be afforded for pregnant employees to attend dental appointments.

(c) Sufficient opportunities will be provided for the pregnant employee to take part in fitness activities. These activities should be afforded in line with the guidance of continual risk assessments. This will sometimes include off site activities (e.g. swimming). The employee will continue to receive full pay for time taken to attend external fitness activities and incur no additional costs.

Why?

It is a legal requirement to give paid time off to expectant employees for ante-natal care which benefits the health of the pregnancy and the well being of the adoption. It also benefits the pregnancy if the partner attends. Usually ante-natal classes are for fixed and regular sessions.

Some expectant mothers experience a change in this area that is specific to their pregnancy.

Levels of fitness will be maintained which benefits the health of the pregnancy, the pregnant employee and is therefore positive for the organisation and the return to work programme.

5. Health & wellbeing – pregnancy and adoption



Provisions/entitlements

(d) Maternity uniform will be provided to pregnant employees and will include a full range of maternity uniform. This uniform will be in line with their role in the organisation and will cover all aspects of uniform, such as shoes, trousers, blouses etc.

In instances where the maternity uniform provided is not adequate or appropriate a clothing allowance of £200 per trimester, or when required by individual needs, will be issued. The clothing allowance is to be provided by the employer in advance of any purchase.

Each woman's pregnancy will be a different experience and uniform should fit comfortably.

Why?

It is unacceptable for an individual to pay for their own maternity uniform. Uniform is provided for all employees. A pregnant employee, who is not provided with a uniform, may mean that the employer is treating that pregnant employee less favourably than other members of staff. It is also important that a pregnant employee does not lose their professionalism and identity at this time.

It benefits the individual if this procedure is already in place and negates unnecessary conflict with line management who may not know what to do.

(e) The Occupational Health Unit (OHU) will be available for expectant or new parents to utilise. Arrangements to attend the unit can be done through the FPM or directly via the unit itself.

To maximise the function of the OHU and its availability to members of staff.

(f) New parents will be given paid time off to attend post natal clinics, health clinics, or parenting classes.

In the case of miscarriages and still births, paid time off will be given for employees to attend counselling.

The FBU recommends that employers include this provision within their policy to ensure that they are offering the maximum support to new parents at this time.

(g) Employee(s) undergoing fertility treatment must inform the Human Resource Manager, who will appoint a FPM to them. This matter must be treated in the utmost confidence.

Paid leave will be given for employees to attend hospital appointments and upon proof that treatment has been received a 2 week paid leave of absence will be given after embryo implantation has taken place.

Consideration must be taken in regard to potential exposure to radiation and appropriate measures must be adopted. See FBU Guidance note 2, page 5.

Fertility treatment can be a long and complicated process which requires workplace support, sensitivity and confidentiality. The FBU believes that an FPM would provide this.

It is good practice for employers to support their employees at such a difficult and sensitive time. To afford such support would alleviate any undue additional stress that could occur.

6. Reasonable contact and 'Keeping in Touch Days' (KIT) for new mothers and adoptive parents



Entitlement

Why?

(1) Reasonable contact

(a) Employers, expectant mothers and adoptive parents can make reasonable contact with each other during the maternity/adoption leave period.

This will ensure that employees will be kept up to date on any changes occurring at work, including promotion and job vacancies.

(b) How this contact will be made must be discussed at a meeting with the employer, employee and FBU representative and agreed prior to any maternity/adoption leave being taken.

Everybody has different ways of communicating and to ensure that the communication is effective, it is helpful for the employee to agree the best way to receive information while they are on maternity/adoption leave.

(2) KIT days

(a) During the maternity/adoption leave period an employee will be entitled to attend up to 10 days at work. These are known as KIT days. To take up this offer would not affect their entitlement to maternity/adoption pay or leave.

KIT days were introduced by the Government and took effect from April 2007. The Government did not stipulate whether KIT days should be paid and left that to local negotiation.

(b) Employees are not required to take up KIT days. Employees have the right not to be subjected to any detriment by their employer because they undertook, considered undertaking or refused to undertake work on such a day.

It is not a requirement to undertake KIT days; however if it suits the employee it is a great way of enabling them to keep in touch with their job and colleagues without forfeiting their right to maternity/adoption leave and pay.

(c) KIT days do not need to be limited to the employees usual job – they could be used for training at other events.

This is stated in the statutory provisions.

(d) In the event of an employee wishing to take up KIT days the FPM will make arrangements with the employee and their FBU representative prior to the commencement of maternity/adoption leave.

It is good practice to make these arrangements in advance to enable plans to be made.

(e) Any changes to previously agreed KIT days would be made through the FPM.

Keeping one point of contact helps to avoid confusion.

(f) All KIT days attended by the employee will be at full pay.

This would help to encourage employees to take up the opportunity of KIT days, which would benefit the organisation.

(g) Where the KIT day is taking place away from the employees usual place of work – normal mileage and subsistence will apply.

This would be in line with normal practice and procedure in regard to detached duties/training arrangements.

7. Maternity leave



Requirements and entitlements

(a) Employees must give their employer the MAT B1 form which the midwife will give her after the 21st week of pregnancy.

(b) By the 15th week before the baby is due, employees must tell their employer when they want their maternity leave and pay to start. This can be any time from 11 weeks before the EWC. Pregnant employees may change their mind about the start date but must give the employer 28 days notice.

(c) Any pregnancy related sickness in the 4 weeks before the EDB can trigger maternity leave and pay.

(d) If an employee is not planning to take their full maternity leave, they must let the employer know when their return to work date is. Employees can change their mind but must give 28 days notice. Likewise if employees want to come back earlier or later than previously informed they must give 8 weeks notice of the original return to work date.

(e) During maternity leave employees will continue receiving any contractual benefits they would normally receive as if they were at work, such as mobile phones, car leases etc.

Why?

The MAT B1 confirms for the employer the baby's expected date of birth (EDB) known as the due date.

It is a legal requirement to do so and will ensure that new mothers receive the correct maternity pay, for the correct period and start their maternity leave at the right time for them.

The Employer is legally entitled to do this, but does not have to.

It is a legal requirement, however; the employer must write to the employee within 28 days of the notice of maternity leave to confirm when she is due to return to work. Failure to do this will entitle their employee to change their mind and return on a different date without giving any notice.

The Statutory provisions mean that contractual benefits continue during Ordinary Maternity Leave (OML), however; it is good practice to maintain this throughout the entire maternity leave period as this would show employees that they are valued by their employer and would avoid any confusion between the two leave periods.



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8. Adoption leave



Requirements and entitlements

(a) Employees preparing to adopt must tell their employer that they want to take adoption leave within seven days of being told that they have been matched with a child for adoption. In order to be eligible for adoption leave an employee must have 26 weeks continuous employment.

(b) At the same time tell their employer:

- when they expect the child to be placed with them
- when they want their adoption leave to start

(c) If an employee is not planning to take their full adoption leave entitlement (52 weeks), they must let their employer know when their return to work date is. Employees can change their mind but must give 28 days notice. Likewise if employees want to come back later or earlier than previously informed they must give 8 weeks notice of the original return to work date.

(d) During adoption leave employees will continue receiving any contractual benefits they would normally receive as if they were at work, such as mobile phones, car leases etc.

Why?

It is a legal requirement to give notice of the impending adoption.

This gives the employer the required information to ensure that adoption leave and pay is in place.

It is a legal requirement; however, the employer must write to the employee within 28 days of the notice of adoption leave to confirm the return to work date. Failure to do this will entitle employees to change their mind and return on a different date without giving any notice.

During Ordinary Adoption Leave (OAL) it is a statutory provision, however; it is good practice to maintain this throughout the entire adoption leave period as this would show employees that they are valued by their employer.



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9. Maternity and adoption pay



Entitlement

- (a) All Employees regardless of length of service shall be entitled to receive 39 weeks maternity/adoption leave at full pay followed by 13 weeks maternity/adoption leave at half pay.

Why?

As from April 2006, the Government increased the amount of time that maternity/adoption leave was paid to 39 weeks. The spirit of this legislation encourages, supports and values women/employees to take appropriate maternity/adoption leave in order to allow new parents to bond with their newly placed child, new born baby and continue to breast feed without the pressures of returning to work early.

The UK Fire Service has a specific problem in regard to the recruitment and retention of women and as such the FBU recommends that good maternity/adoption provisions including good maternity/adoption pay packages offered will have a positive impact on this.

An early return to work due to financial constraints could have a detrimental effect on any new parents long term well being. This can be both physical and mental.

10. Arrangements for specific situations including annual leave and pensions



Entitlements and Requirements

(a) Premature birth

In the event of a premature birth the employee must inform their FPM as soon as reasonably practicable with the date the baby was born. Where this occurs the fully paid maternity leave period will be extended for the number of weeks the baby was premature. Leave will commence from the birth date.

Why?

Premature births can be very stressful on the parents and to be forced to return to work early due to financial constraints will not be good for the health of the employee or the child. Employers can alleviate this concern by providing for this situation within their policy.

(b) Still birth, miscarriage and termination

If the baby dies, is still born, or a termination is necessary after 24 weeks, maternity leave and paid provisions will apply. If this occurs before 24 weeks (miscarriage) the employer should give sympathetic consideration and grant a minimum of 6 weeks paid leave as appropriate based on the individual and medical advice. Consideration must be given to the partners needs in these circumstances and additional paid Maternity Support Leave must be provided.

The law states that if a baby dies or is still born after 24 weeks of pregnancy full maternity provisions apply – however working in the FRS is a stressful occupation and for operational firefighters it is a physical one. Therefore these provisions need to reflect this and provide for employees to recover accordingly.

10. Arrangements for specific situations including annual leave and pensions



Entitlements and requirements

Why?

(c) Twins and multiple births/adoptions

This must be considered as exceptional circumstances and further paid leave should be given on an individual needs basis.

This would make the employee feel valued by their employer who is acknowledging the situation properly by providing additional, paid leave to enable the employee to adjust to the situation.

(d) Difficult births – added complications

In these circumstances, further paid leave will be given to employees. The amount to be calculated dependant on the individual circumstances.

New mothers who have gone through difficult births such as caesarean and pre-eclampsia may need additional support from their partners in order to care for the newly born. New mothers going through these situations may also need extra time to recover.

(e) Relationship between maternity and sickness

Maternity/adoption leave will not be treated as sickness, therefore will not be taken into account when calculating sickness monitoring. Absence due to maternity related illness will also be treated in the same way.

Maternity/adoption leave is not sick leave so must not be treated as such and will not trigger any sickness monitoring policy that the employer has in place.

(f) Annual Leave

All leave including Public Holidays will be accrued during maternity/adoption leave and taken on the employees return to work.

Where maternity/adoption leave overlaps 2 years, the accrued leave will be added to the new years entitlement and must be taken by the end of that year. In no circumstances will leave be taken off individuals who are on maternity/adoption leave or MSL.

This would avoid any confusion employees may have in regard to their entitlement and be a positive gesture from the employer.

It is not fair to have a diary lottery as to whether employees are entitled to retain accrued leave. A policy that takes away accrued leave because an individual had a baby at the wrong time of year or took their full 52 weeks leave may discourage new parents from taking their full maternity/adoption leave entitlement.

(g) Pensions

Employees will continue to make pension contributions calculated according to their actual earnings throughout the maternity/adoption leave or MSL period.

During any unpaid periods the scheme member can, if they choose, make up any shortfall on their return to work. Advice from their employer will be given.

Employers will continue to make full contributions for the entire period of maternity/adoption leave or MSL.

11. Adoption arrangements



Requirements and entitlements

Why?

<p>(a) An Employee who is in the process of adoption will receive full support from their employer. This would include paid time off to attend meetings with the adoption agency and to attend parent craft meetings prior to placement etc - <i>see section 5 paragraph (a), page 9.</i></p>	<p>The FBU believes that employers should give the same support and benefits to employees who are adopting as it does to employees who are pregnant and on maternity leave.</p>
<p>(b) 52 weeks paid adoption leave is available to employed people who are adopting a child on their own or for one member of a couple who are adopting together. <i>For pay arrangements, see section 9, page 13.</i></p>	<p>52 weeks adoption leave is a statutory provision for all employees. In regard to adoption leave the Fire Brigades Union believes that contractual adoption pay and maternity pay should be the same to ensure that all employees who are becoming parents are given the same benefits.</p>
<p>(c) Where both parents are employed by the same employer, the couple will decide which one of them will take the paid adoption leave period and as such will be entitled to take the adoption leave and Pay arrangements in line with <i>section 9, page 13.</i></p>	<p>The Statutory Provisions enable adopting couples to determine who will take the paid adoption leave period.</p>
<p>(d) An employee must notify their employer of the expected week of adoption within 7 days of a match. This can be altered with 28 days notice.</p>	<p>This is a statutory requirement on the employee.</p>
<p>(e) Adoption leave can start up to 14 days prior to the placement as long as the employee has provided the required notice.</p>	<p>This is part of the Statutory Provision.</p>
<p>(f) If a couple are jointly adopting a child, one member of the couple will be eligible to receive two weeks maternity support leave - (Incorporating Statutory Paternity Pay (SPP)) - <i>see section 13, page 18.</i></p>	<p>An employee adopting a child, who is not the nominated parent to take the paid adoption leave period is entitled to SPP under the statutory provisions.</p>
<p>(g) Employers may make reasonable contact with an employee on adoption leave for a number of reasons, such as to discuss arrangements for their return to work - <i>see section 6, part (1) paragraphs (a) and (b), page 10.</i></p>	<p>This is part of the Statutory Provision</p>

11. Adoption arrangements



Requirements and entitlements

(h) Employees may undertake up to ten 'Keeping in Touch Days' during their adoption leave period - *see section 6, paragraph (2), page 10.*

Why?

This is part of the statutory provision

(i) Employees who wish to return to work from adoption leave either earlier or later than agreed with the employer should provide 8 weeks notice. However: *see section 14, page 19.*

This is a statutory requirement

(j) All employees who were on adoption Leave are entitled to return to exactly the same job, watch and workplace without loss of status or pay.

This is part of the statutory provision



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12. Arrangements for fostering



Requirements and entitlements

Why?

<p>(a) Employees intending to become or who are already foster carers must inform the Human Resource Manager at the earliest opportunity.</p>	<p>To enable the employer to set up a system of work that will help to support foster carers.</p>
<p>(b) The Human Resource Manager will appoint an FPM to the employee(s), who will call a meeting to take place with the employee and their FBU Representative.</p>	<p>To enable a full discussion in regard to the management of the situation in which everyone is clear of their responsibilities.</p>
<p>(c) Agreement will be reached between the FPM and the employee(s) in regard to how situations will be managed, but in any case the employer will give foster carers full support, including paid leave when required.</p>	<p>As above.</p>
<p>(d) Foster carers will often need paid time off at short notice, this will be facilitated by the employer in most instances.</p>	<p>To contribute as a public service to the community and society in a positive way by financially supporting employees who foster.</p>
<p>(f) In regard to known long term foster placements, employers should give due consideration to employees in this situation and provide a minimum of two weeks paid leave. This would enable settling in time.</p>	<p>Employees entering into a long term foster arrangement will need time to settle the child into school and home. It would be very positive for employers to provide support to enable this to happen.</p>
<p>(g) Employers should enable employees who are fostering a child over 6 on a long term basis, to apply to work flexibly and give this application serious consideration.</p>	<p>Some children who are placed in long term foster care require extra support and the FBU believes that for an employer to allow an application in these circumstances would be very positive for the organisation and community.</p>

13. Maternity Support Leave – incorporating Statutory Paternity Pay



Requirements and entitlements

(a) All eligible employees as defined in section 13 paragraph (b) *below* are entitled to receive paid Maternity Support Leave (MSL) for a period of two weeks. Pay will be at full pay and will be calculated in line with section 4 paragraph (b), *see page 8*.

Why?

It is important for employers to acknowledge that fathers and/or partners need to participate fully with the birth/adoption of their child. They too need time to bond with the child/children and not feel pressurised into returning to work early due to financial constraints. The Government has stressed the importance of the role of the partner by promising to introduce legislation by 2010 which will allow for partners to share maternity leave. The Fire Brigades Union believes that MSL is a more inclusive title; however this leave period does include the statutory provision of paternity leave, which the employer will be able to claim.

(b) Maternity Support Leave (MSL) applies to the following employees provided they have 26 weeks service at the EWC:

- The biological father of the child, or
- The mother's husband or partner (including a mother's partner in a same-sex relationship), or
- The parent of an adoptive child who is not the allocated person to receive adoption leave, or
- An employee who will be fully involved in the child's upbringing and are taking the time off to support the mother/primary carer or care for the baby.

This is defined within the statutory provisions.

(c) All employees as defined above should inform the Human Resource Manager of the EWC or the expected placement date of adoption. This must be done as soon as possible. The Human Resource Manager will appoint an FPM to them, who will arrange a meeting in order to discuss with the employee and their FBU representative, working arrangements and employer support.

This will ensure that employees receive the correct Maternity Support Pay (MSP), for the correct period and start their maternity support leave at the right time for them.

(d) MSL can be taken within 56 days of the birth or placement of the child.

This is part of the statutory arrangements and will allow for the employer to claim back statutory paternity pay (SPP).

(e) Employees returning from maternity support leave are entitled to return to exactly the same job, watch and workplace without loss of status or pay.

This forms part of the statutory provision.

14. Return to work arrangements



Requirements and entitlements

- (a) All employees on maternity/adoption leave and maternity support leave are entitled to return to exactly the same job, watch and workplace without loss of status or pay.
- (b) Employees who are returning to work after the maternity/adoption Leave period should already have informed their employer of the expected date of return - see section 7 paragraph (b), page 11 and section 8 paragraph (c), page 12.

- (c) Employees who wish to vary the return date must give their employers 4 weeks notice. An employer can waive the notice period.

- (d) Employees wishing to return to work on a phased basis will be allowed to do so for a period of time which will be arranged and agreed by the FPM. Line managers will be kept informed by the FPM of arrangements that have been agreed. During this period of phased return the employee will receive normal pay as defined by section 4 paragraph (b), page 8.

- (e) Employees may need to undergo a re-development programme to include refresher training and updating of new skills upon their return to work. The type of training required will be established by the learning and development department in conjunction with the employee and their FBU representative. Any training to be carried out will be at a location acceptable to both parties and where a phased return is in operation, in appropriate lumps. The length of time that the training will be carried out will be based on the individual needs of the employee and will be non assessable. All of the above will be done in full consultation and agreement with the employee and their FBU representative.

Why?

The law protects employees in this way for the period of OML, OAL, MSL and the employer has a contractual obligation in accordance with the Grey Book, Scheme of Conditions of Service, sixth edition, section D entitled Maternity, Childcare and Dependency, which offers the same protection for both leave periods.

It is a requirement under law for an employee who wishes to vary their return to work date to give 8 weeks notice to their employer. However; it may suit both parties for an earlier or later return to be arranged. Most FRS' don't replace staff during maternity leave, so the need to give 8 weeks notice is unnecessarily excessive.

Employees returning to work may need to have a period of settling back in. It can sometimes be difficult for employees to come straight back to work on a full time basis after being on maternity/adoption leave. Issues of post natal depression must be taken into account at this stage by the employer.

All employees will have taken different periods of maternity/adoption leave. Some will take 6 weeks, some 52 weeks. All employees will also be at different stages in their career and will be carrying out different roles in the organisation that require different aspects to their training. Employees will also have experienced different pregnancies and will have gone through different recuperation periods. This means that refresher training must be tailored to the individual.

14. Return to work arrangements



Requirements and entitlements

f) When an employee returns to work from maternity/adoption Leave it is important that they receive a health and welfare review from the Occupation Health Doctor. The review would establish whether a post natal depression assessment has been undertaken by a health visitor. Leaflets and information for new parents returning to work will be provided.

(g) The FPM will organise a meeting to take place with the employee returning to work, her line manager and FBU representative on the day of return – or if agreed by the employee – prior to her return. The meeting will develop a return to work plan. Where the employee indicates that she wishes to continue to breastfeed a risk assessment must be carried out. *See section 12 paragraph (a), page 17.*

(h) Employees who are new parents will be entitled to paid time off to attend health clinics, post natal clinics and/or parenting classes. In the case of miscarriage or stillbirth, paid time off will be given to employees to attend counselling.

(i) Flexible working requests will be made in line with the employers flexible working policy and will be considered favourably for new parents prior to or upon their return to work.

(j) Women have the right to return to exactly the same job after OML. If it is not reasonably practicable to allow the woman to return to the same job after the OML, she must be given another job which is both suitable and appropriate for her to do in these circumstances: where an employee is given a different job or the same job but different responsibilities and this is for reason related to absence on maternity leave then this is likely to amount to sex discrimination.

Why?

A health review ensures that the health and welfare of employees are being fully considered by the employer.

It is good practice to ensure that the return to work plan is made properly and tailored to the individual. Holding a meeting immediately upon return will provide the opportunity for any questions to be answered and agreement to be reached in regard to phased returns, flexible working, breastfeeding arrangements and training etc. Returning employees may also be nervous about their return and this will help to alleviate this.

The FBU recommend that employers include this within their provisions to ensure that they are supporting the concept of good parenting and contributing to the welfare of children in society.

The right to request to work flexibly for employees with children under the age of 6 or 18 in the case of a disabled child is provided for under the Employment Rights Act 1996 (As amended by the Employment Act 2002). Employers have a legal requirement to consider such requests seriously. Separate provisions should be made which lay out the procedure that employees have to follow when making a request.

15. Breast feeding



What are the requirements?

(a) Employees wishing to continue to breast feed upon their return to work will be entitled to do so and must inform the FPM of their intentions prior to their return.

(b) Employees who are to continue breastfeeding on their return will have a meeting with their FPM and line manager to discuss working arrangements and support.

(c) Any changes made to the duty system, workplace and/or watch worked by the employee can only be done following full consultation and by reaching agreement with the employee. It is not acceptable to remove a woman from her usual workplace unless she specifically requests otherwise, except where an individual risk assessment highlights a serious risk which cannot be removed. Any meeting to discuss alternative working arrangements will be held with the employee and her FBU representative.

(d) At the point of her return a risk assessment must be carried out by the employer which must identify any risks which must be removed.

(e) Operational staff will not be allowed to return to full operational duties whilst breast.

(f) Facilities will be provided for the employee to rest, express and store expressed milk in a private and secure location. This room should be in easy reach of a toilet and washroom. See FBU guidance note 1, page 4.

(g) Where a child is being nursed on or near the premises, paid time off to facilitate breastfeeding will be given.

Why?

The FBU believes that it is important that employers promote and support breastfeeding in early years as this has health benefits to the new mother and her child.

It is good practice for employees and employers to understand what is required from each other.

This will ensure that women continue to take part in training and duties that are appropriate to their role in a controlled and comfortable environment. The organisation benefits from having an employee who maintains the majority of their competencies and is not isolated from their usual surroundings and experience.

A risk assessment is required under the Management of Health and Safety at Work Regulations 1999.

Operational staff may encounter toxic atmospheres which will affect the breast milk and therefore the health and welfare of the child.

This is a requirement under the Workplace (Health, Safety and Welfare) Regulations 1992.

To do so would be good practice and a great way to show employees of employers support.



Risk assessment

The purpose of this section is to identify the hazards and risks generally relevant to pregnant employees in all aspects of their employment and to suggest appropriate control measures.

Physiological aspects of pregnancy

In assessing the risk to pregnant employees it is important to recognise the significant hormonal and physiological changes that occur during pregnancy. These may give rise to a number of physical and behavioural changes. The Health and Safety at Work Act covers mental as well as physical well being, therefore stress must also be taken into account. Conditions to consider are: -

Pregnancy, sickness and nausea

May be relevant where early morning shifts are worked, although this can be suffered at any time of the day, or with exposure to smells.

Backache

Associated with the working posture and manual handling. The risk may be increased due to hormonal changes weakening ligaments.

Size

Increased physical size can affect the ability to safely and comfortably wear protective clothing and prescriptive uniform.

Tiredness/blood pressure

Increasing tiredness may affect the ability to work for long periods or late shifts, or maintain sustained physical and/or mental effort. More frequent or longer breaks may be required. A room with facilities in which to take rest breaks will be provided.

Balance

Combined reductions in mobility, dexterity and co-ordination will increase the risk of slips, trips and falls.

Stress

Stress has been linked to high blood pressure and miscarriage. Pregnant women may be more vulnerable having to adjust to physical, financial and emotional changes in her circumstances. Insecurity at work may also increase.

See Appendix B (page 24)

Specific hazards to pregnant women and nursing mothers

E.U. Directive 92/85/EEC Pregnant Workers describes the three categories of risk applicable to pregnant women, those who have recently given birth, those who are breastfeeding and women who have miscarried within the previous 6 months.

- A. Physical agents**
- B. Biological agents**
- C. Chemical agents**
- D. Radiation**

A. Physical agents

1. Shock
2. Low frequency, particularly whole body vibration
3. Excessive movement
4. Manual handling activities
5. Noise
6. Ionising and non-ionising radiation
7. Temperature extremes
8. Postures and movements causing mental or physical fatigue
9. Hyperbaric (high pressure) atmosphere
10. Smoke and fumes
11. V.D.U. hazards

The effects of the above vary between pregnant women and nursing mothers. Exposure to ionising radiation may contaminate a breast fed baby if the mother's skin became contaminated. Ionising radiation, noise and hyperbaric atmospheres are physical agents known to directly affect the unborn foetus. Noise can cause hearing problems in the foetus and can also induce miscarriage.

It is important to recognise the restricted capabilities of women who have undergone a Caesarean birth. The



employee will have limited mobility, a significantly reduced ability to perform manual handling activities and may find some working postures awkward and/or uncomfortable until full fitness is regained.

Hazard control measures – primary control is to avoid completely, exposure to the specific risk under consideration. Provision of seating, adjustment in working hours and more direct control over work must be considered.

B. Biological agents

Exposure to agents such as bacteria, viruses and other micro-organisms is most likely to occur in such places as hospitals, laboratories, human health and animal care services, agriculture etc. A more specific risk may be exposure to body fluids at incidents, contaminated equipment or contaminated personal protective equipment.

Of particular relevance are those biological agents who cause adverse health effects (e.g. spontaneous abortion or physical/neurological damage to the foetus). Infection may be via transmission through the placenta, breastfeeding or close maternal contact.

Examples include: -

1. **Chicken Pox**
2. **Hepatitis B**
3. **H.I.V.**
4. **T.B.**
5. **Rubella (German Measles)**
6. **Toxoplasmosis**

Hazard control measures – Account should be taken of how the agent is spread and the likelihood of infection. Detailed control measures are laid down in the Control of Substances Hazardous to Health Regulations, which include avoiding exposure, containment of the work and high standards of personal hygiene. It would also be prudent to test all uniformed female staff for immunity to Rubella. If you wish to be vaccinated you should take advice from your G.P. or other relevant advisors.

C. Chemical agents

Many agents are known or suspected to have adverse effects on new or expectant mothers and/or their babies. Risk will be determined by the degree of exposure. Chemicals labelled with the following risk phrases are examples of chemical agents capable of adversely affecting the mother or the foetus.

1. **Possible risk of irreversible defects**
2. **May cause cancer**
3. **May cause heritable genetic damage**
4. **Possible risk of harm to unborn child**
5. **May cause harm to breast fed babies**
6. **May cause harm to the unborn child**

Substances covered by a COSHH will need to be reassessed and specific risks addressed. Exposure limits must be adhered to.

D. Radiation

The scheduled dose limits at work are as follows;

1. **For women of reproductive capacity, the dose limit is 13mSv in any consecutive three-month period**
2. **For pregnant women there is no acceptable dose throughout the declared pregnancy**
3. **The recommended dose for men undergoing fertility treatment is Nil**

At foreseeable incidents where a dose of 50mSv may be encountered, or where an emergency dose level of 100mSv is considered, then it is necessary to discount men and women firefighters of reproductive capacity.

Hazard control measures – Prevention of exposure, good hygiene standards and personal protective clothing i.e. chemical protection suits.

Appendix A



Risk assessment summary

There is a legal obligation to address the general risks identified above. Any workplace activity or range of duties must therefore be risk assessed by the officer in charge or line manager in consultation with the pregnant woman, the family policies officer, the brigade health and safety officer and the fire brigades union prior to the commencement of those duties.

Having identified the hazards and risks, appropriate action must be taken to minimise them. In general terms it is the responsibility of the officer in charge or line manager to remove the risk or prevent exposure.

If this is not feasible the risk should be strictly controlled. If the risk is still significant either of the following shall be done;

- 1. An adjustment to working conditions or hours**
- 2. Suitable alternative duties shall be offered**
- 3. Maternity suspension (on full pay)**

Appendix B



Physical changes

First Trimester. (First 12 weeks following conception).

Nausea and sometimes vomiting may lead to deterioration in work performance during this period.

Fatigue is also a common problem during the early and late stages of pregnancy.

This may in turn exacerbate any other stresses present such as difficulties in commuting to and from work.

Second trimester (13-28 weeks after conception)

Many pregnant women experience musculoskeletal problems because of outward body expansion. The onset and aggravation of lower back pain and stiffness are commonly attributed to changes in activity patterns or work postures.

In addition, physical changes such as weight gain increase the strain in a given posture. Dizziness and fainting may also occur particularly in a hot environment or with prolonged standing.

Third trimester (29 weeks - full term)

The problems of the second trimester continue. Fatigue is more pronounced and is often worsened by insomnia. There may also be a variety of aches and pains due to stretching of abdominal and pelvic muscles and ligaments. Constipation, haemorrhoids, varicose veins and bladder problems may also cause discomfort. Each of these alone may not present a significant problem, but when any number is present, it is likely that they will affect the woman's work capacity.

Additional points for Fire and Rescue Services to consider



It is essential that FRS develop a comprehensive policy in line with this best practice document which must include the following:

- Educate and train all staff to the highest standard on these provisions
- Provide employees with a user friendly guide, which can be accessed easily
- Include pregnancy and maternity/paternity/adoption leave within the readership factor
- Carry out a generic risk assessment for new and expectant mothers in conjunction with the FBU
- This list is not exhaustive



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Useful contacts

The Fire Brigades Union National Women's Committee
www.nwcfbu.co.uk 020 8541 1765



The Department for Business, enterprise and regulatory reform
www.berr.gov.uk
Type in maternity and/or adoption rights into search for statutory rights.

Association of Breastfeeding Mothers ABM
PO BOX 207
Bridgwater
Somerset TA6 7YT
Counselling hotline : 0844 122 949
General telephone : 0844 122 948
www.abm.me.uk

The Miscarriage Association For information and support on miscarriage and ectopic pregnancy
Helpline - 01924 200 799
C/o Clayton Hospital
Northgate
Wakefield
West Yorkshire WF1 3JS
www.miscarriageassociation.org.uk
Scottish helpline : 0131 334 8883

Twins and Multiple Birth Association (TAMBA)
Helpline : 0800 138 0509
TAMBA
2 The Willows
Gardner Road
Guildford GU14PG
www.tamba.org.uk

Association for Postnatal Illness
145 Dawes Road
Fulham
London SW6 7EB
Tel. 020 7386 0868
www.apni.org/

Gingerbread (One parent support network)
16-17 Clerkenwall Close
London EC1R 0AA
Helpline: 0800 018 4318
Tel: 020 7488 9300
www.gingerbread.org.uk

Stillbirth and Neonatal Society (SANDS)
28 Portland Place
London W1B 1LY
Tel. 020 7436 5881
www.uk-sands.org/

Relate
Billet Lane
Hornchurch
Essex RM11 1XL
Tel: 0170 844 1722
www.relate.org.uk

Pre-School
www.direct.gov.uk

Abortion
www.preghelp.org.uk
www.abortion-help.co.uk
www.abortionrights.org.uk

USEFUL CONTACTS WALES

Wales Centre for Health
14 Cathedral Road
Cardiff CF11 9LJ
Tel: 0292 022 7744
www.nutritionnetworkwales.org.uk

The Miscarriage Association
Local number available on request only (contact national number)
Local numbers cannot be printed.

TAMBA
Please contact national address to receive number for nearest contact (several in Wales)

British Pregnancy Advisory Head Office
Action Line: 0845 730 4030 for nearest Branch

Caesarean Support Group
Tel: 020 8391 1144
(Phone support for England & Wales)

Gingerbread (Wales)
Baltic House (4th Floor)
Mount Stuart Square
Cardiff CF10 5FH
Tel: 0292 047 1900

Stillbirth and Neonatal Society (SANDS)
Ring National number for help, support and Local contact register.

Maternity Alliance
Contact national number, 020 7588 8582

Relate
Contact national address.

Pre-School Playgroups Association
Contact national number, 020 7837 5513

USEFUL CONTACTS NORTHERN IRELAND

Miscarriage Association (N.I.)
Mount Oriel Clinic
4 Mount Oriel
Belfast BT8 7HR
Tel: 028 9336 3384
028 8953 1677
www.miscarriage-ni.org.uk

Gingerbread (N.I.)
Central Office
169 University Street
Belfast BT7 1HR
Freephone: 0808 8088090
www.gingerbreadni.org

USEFUL CONTACTS SCOTLAND

One Parent Families Scotland
13 Gayfield Square
Edinburgh EH1 3NX
Tel: 0131 556 3899/4563

Gingerbread – Scotland
1014 Argyle Street
Glasgow G3 8TD
Tel: 0141 576 5085

Miscarriage Association
Tel: 0131 334 8883 - Answer phone with names of local contacts



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