

PREGNANCY RIGHTS WHEN YOU'RE SELF-EMPLOYED

This fact sheet gives you **FACTS** and **TIPS** on your rights if you are pregnant and self-employed

FACT: If you are self-employed, you are not entitled to statutory maternity leave – but you can still have time off with your baby.

TIPS:

- ➔ **Statutory maternity leave (up to 52 weeks off work provided by law) is not available to those who are self-employed.**
- ➔ **However, you can still decide to take time away from work to spend time with your baby.**
- ➔ **You may claim Maternity Allowance (see below) to enable you to be paid for some of the period you are off work after you have your baby.**
- ➔ **It is up to you when you decide you want to start your maternity leave. You can put the date you intend to stop working on your MA1 form.**
- ➔ **Your maternity leave will automatically begin if you give birth before the date you intend to stop working.**

FACT: If you are self-employed, you cannot claim Statutory Maternity Pay, but you may qualify for Maternity Allowance

TIPS:

- ➔ If you are registered self-employed, pay class 2 national insurance contributions OR hold a small earnings exemption certificate, you are likely to be qualifying for Maternity Allowance.
- ➔ You must have been self-employed for at least 26 weeks of the 66 weeks before your baby is due (known as your 'test period') to qualify for Maternity Allowance.
- ➔ If you are not sure whether you are self-employed, you can find more information here: www.gov.uk/working-for-yourself
- ➔ You should register your claim for Maternity Allowance before you are 26 weeks pregnant. To do this you should fill out an MA1 form which can be found here - <https://www.gov.uk/government/publications/maternity-allowance-claim-form>
- ➔ If you are unsure whether you qualify for Maternity Allowance, we recommend completing an application and the Department for Work & Pensions will work out your eligibility and let you know.

FACT: Your earnings for working out Maternity Allowance payments will be capped at a figure set by the government.

TIPS:

- ➔ The rate is calculated according to how many weeks of National Insurance contribution payments you have made in the run up to your baby's arrival.
- ➔ You can work out what you are entitled to here:
<https://www.gov.uk/maternity-allowance/what-youll-get>
- ➔ You do not need to prove your earnings as the Department for Work and Pensions will check your national insurance contribution record

FACT: Your employer must continue to review your individual risk assessment as your pregnancy progresses, and if your work or workplace changes.

TIPS:

- ➔ Please see our health and safety fact sheet for further information about risk assessments.

Produced for Pregnant Then Screwed by law students at the
University of Chester



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Chester Community Law Project

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