

WHAT ARE MY RIGHTS WHEN I'M BACK AT WORK?

This factsheet gives you **FACTS** and **TIPS** on your rights when you're returning to work following a period of family leave.

PHASED RETURN TO WORK

FACT: you are allowed to take up to ten keeping in touch (KIT) days whilst you're on maternity, adoption or shared parental leave, without ending your leave or disrupting your pay.

TIPS:

- ➔ You can use your KIT days to stay up to date with what is happening at work, complete your normal work activities or attend training courses.
- ➔ If you have more than one job, you can take ten KIT days for each job.
- ➔ If you only work a few hours on one day, it will still use up one whole KIT day.
- ➔ You will usually receive your normal pay for any KIT days you work.
- ➔ If you do not want to take any KIT days, you don't have to. They are completely voluntary, and your employer cannot make you do this.

FACT: You can ask to be reintroduced to the workplace gradually, through a phased return to work.

TIPS:

- ➔ This can be done by using KIT days or the annual leave you have accrued during your maternity leave to, for example, work shorter weeks for a temporary period.
- ➔ Your employer is not obliged to agree to a phased return, but research has shown that both parties benefit from a phased return to work.

FACT: You can make a request for flexible working if you would prefer to alter your hours on a more permanent basis.

TIPS:

- ➔ We have a factsheet on Flexible Working – please see that for details.

BREASTFEEDING RIGHTS

FACT: It is good practice for employers to provide facilities for you if you are breastfeeding.

TIPS:

- ➔ Legally, employers are obliged to provide you with somewhere to rest, including to lie down if you need to.
- ➔ Whilst not a legal requirement, it is also considered good practice for employers to provide you with a hygienic, private area so that you can express milk if you want to, and somewhere for you to store the milk.
- ➔ You should discuss your wish to breastfeed/express milk with your line manager before you return from maternity leave, so they have some time to put arrangements in place before you return.

➔ Your employer doesn't have to allow additional breaks for you to express milk. BUT if your employer can't prove that allowing you a break for this reason would have an unacceptable impact on their business, you may be able to bring a claim against them.

➔ You might want to refer your employer to the ACAS Guide to Accommodating Breastfeeding Employees in the Workplace, which gives examples of what you might ask for and how they should respond

(<https://www.acas.org.uk/sites/default/files/2021-03/acas-guide-on-accommodating-breastfeeding-in-the-workplace.pdf>).

CHILDCARE COSTS

FACT : You may be entitled to help with your childcare costs through benefits, free early years education and/or tax-free childcare.

TIPS:

- ➔ If you're eligible for Universal Credit you may be able to claim back up to 85% of your childcare costs from the government (see this link: <https://www.gov.uk/help-with-childcare-costs/universal-credit>)
- ➔ If your child is between 3 and 4, they are entitled to free childcare or early education, and this may extend to 2-year-olds if you are on a lower income:
 - ➔ For Wales: <https://gov.wales/get-30-hours-childcare-3-and-4-year-olds>
 - ➔ For England: <https://www.gov.uk/find-free-early-education>;
 - ➔ For Scotland: <https://www.mygov.scot/childcare-costs-help/funded-early-learning-and-childcare>

➔ Separately, tax-free childcare enables eligible parents of children 11 or under (and disabled children 17 or under) to receive a contribution from the government of 20% of their childcare costs, up to an annual limit. There is more information on this scheme here: <https://www.gov.uk/tax-free-childcare>

TIME OFF FOR DEPENDANTS

FACT: You can take a reasonable amount of time off during working hours when something happens to your child

TIPS:

- ➔ This right applies regardless of your length of service, whether you are full time or part time, or whether you're on a fixed term contract.
- ➔ You can take time off work for things like the following:
 - ➔ Dealing with an incident that happens while your child is at school or in a childcare setting;
 - ➔ To help when your child falls ill or is injured;
 - ➔ To make arrangements for the care of an ill child;
 - ➔ If you suffer the bereavement of a child;
 - ➔ If you suffer an unexpected disruption or termination of childcare arrangements.

FACT: Time off for dependents is usually taken in periods of a few days, not longer.

TIPS:

- ➔ You are allowed a 'reasonable' amount of time off. For example, if your child falls ill, you would be allowed time off to take your child to the doctor and arrange alternative childcare if they cannot be in school.
- ➔ If you need an extended period of time off (e.g. to stay at home while your child is off school) your employer may ask you to take annual leave or parental leave, or may have a policy about what happens in these circumstances.

FACT: The law doesn't require your employer to pay you for dependant leave.

TIPS:

- ➔ Check your employer's policy to see whether they pay for dependant leave.
- ➔ You may be able to request paid annual leave if your employer doesn't pay its employees for dependant leave.

FACT: There are no limits on how many times you can take time off for dependants.

TIPS:

- ➔ Your employer is not allowed to treat you unfairly, for example by demoting or dismissing you, because you have taken - or tried to take - time off for dependants.
- ➔ If you think this has happened, you should seek advice.

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



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