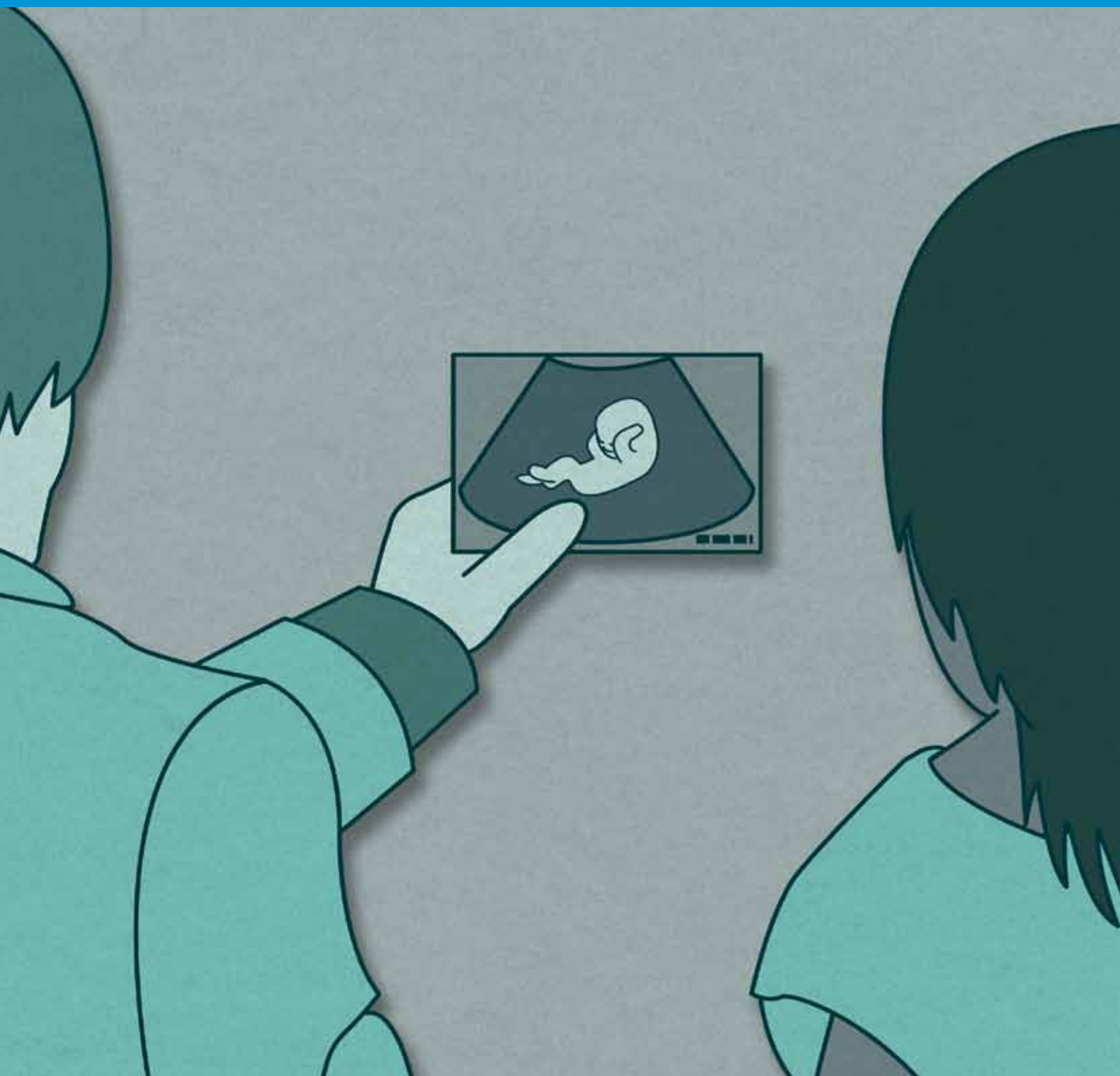




# Parental Leave: Guidance for employers and employees in the environmental sector



# Contents

- 2 Acknowledgments
- 3 Parental leave
- 3 Benefits of best practice
- 4 More equality for parents?
- 5 Parental leave among IES members
- 7 Guidance & legislation for employees
- 8 Maternity issues specific to environmental science
- 10 Recommendations & risk assessments for employers
- 12 Pregnancy at work
- 13 Specific risks to new and expectant mothers
- 14 References

# Acknowledgments

**Authors:** Julia Heaton was the Project Officer of the Institution of Environmental Sciences (IES) until 2013. She undertook her undergraduate degree in Biological Natural Sciences at the University of Cambridge, later completing an MSc in Marine Science, Policy and Law at the University of Southampton before joining the IES project office. Julia now works as a Programme Assistant for the Green Academy at the University of Southampton.

Jessica Mayall was an intern at the IES. In 2010 she completed an MSc in Corporate Environmental Management from the University of Surrey.

**Editors:** Emma Fenton, Adam Donnan & Robert Ashcroft

**Graphic Design:** Matt Cotterill, Darren Walker

**About the Institution of Environmental Sciences (IES):** The IES is a membership organisation that represents professionals from fields as diverse as air quality, land contamination and education - wherever you find environmental work underpinned by sound science.

A visionary organisation leading debate, dissemination and promotion of environmental science and sustainability, the IES promotes an evidence-based approach to decision and policy making.

Registered charity no. 277611

**Copyright statement:** Copyright of the published materials is held by the Institution of Environmental Sciences. We encourage the use of the materials but request that acknowledgement of the source is explicitly stated.

**Contact:** Institution of Environmental Sciences  
3rd Floor, 140 London Wall, London  
EC2Y 5DN

**T:** +44 (0)20 7601 1920

**E:** info@the-ies.org

**Date:** First published in June 2012, updated in April 2015

# Parental leave

This best practice guide provides recommendations for employers in supporting their employees during the important time of being an expectant or new parent. There are also practical suggestions to smooth employees' transition to parental leave and back to work.

This guide presents the current situation regarding parental leave and the statutory requirements for employers. It then provides guidance on how to go beyond the minimum requirements for supporting male and female employees taking parental leave. Guidance is targeted specifically to environmental sector employers.

The guide also presents data collected from the IES membership survey in 2010 on parental leave among the IES members.

The IES is committed to promoting equality and equity amongst its members and within the wider environmental profession. Previous reports in our gender series have included information on pay equality, and employment opportunities.

IES reports can be found online at [www.the-ies.org/reports](http://www.the-ies.org/reports).

## Benefits of best practice

Adopting best practice leads to improvements in staff welfare and the effectiveness of business operations. In most cases, it helps reduce risks to safety as well as corporate reputation and liability (because working at best practice generally ensures minimum standards are exceeded).

It is widely accepted that treating staff well can increase staff retention and satisfaction. There are many benefits to policies such as flexible working, "Companies which break away from rigid work schedules report increased productivity and reduced staff turnover" as well as recording the financial benefits of retaining knowledgeable, trained staff (DTI, n.d.).

Implementation of best practice is also credited with assisting businesses to become more competitive, efficient and improve the skills of their employees (Business Link, n.d.).

The information contained within this guide was correct at the time of writing to the best of the author's knowledge, but we would urge employers and employees to use the links within the document and other resources to find the most up to date legislation and information.

# More equality for parents?

Female employees are entitled to up to a year's maternity leave and since April 2011, paternity leave has increased to up to 28 weeks. The rationale behind this additional leave is to provide women with greater opportunity to return to work at an earlier stage (after 20 or more weeks of maternity leave), with the father taking over daytime care of the child and therefore having greater involvement in their child's care.

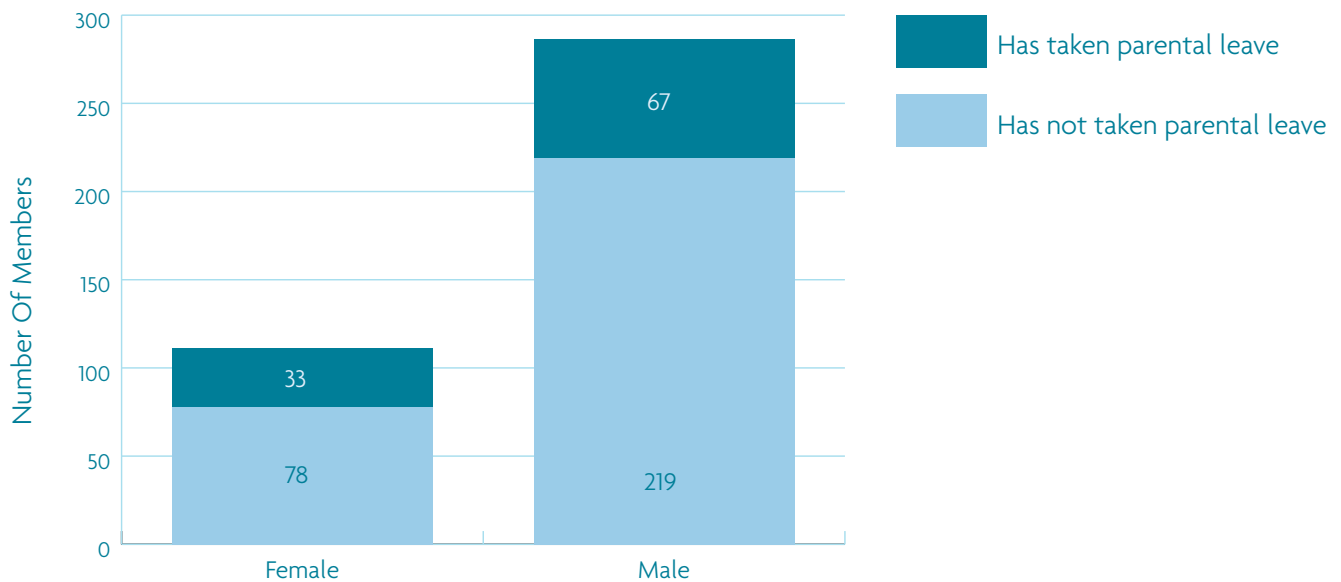
Since December 2014, further new legislation has come into effect, which introduces Shared Parental Leave (SPL) as a new legal entitlement for eligible parents of children due, or placed for adoption, on or after the 5 April 2015. These regulations allow parents greater flexibility when deciding how to share care of their new child in the first year following birth or adoption. Under this scheme, employed mothers will continue to be entitled to 52 weeks of maternity leave and 39 weeks of statutory maternity pay or maternity allowance, but can choose to end their maternity leave early, allowing them or their partner to share the remaining leave as SPL. SPL allows both parents to take leave at the same time if they wish, or to stop and start their SPL, returning to work between periods of leave (each eligible parent can book up to three periods of leave if sufficient notice is given). Paid

paternity leave of two weeks continues to be available to fathers and partners of mothers/adopters, but additional paternity leave is replaced in these regulations with SPL.

This legislation change may prove popular with couples as the child can be looked after by a parent for the first year, without either parents taking a whole year away from work or paying for childcare to return to work. It enables parents to 'take it in turns' to receive parental leave, whereas traditionally women have taken a long period of paid maternity leave (currently 39 weeks for the statutory length) followed by unpaid leave.

The IES Employment Survey 2010 revealed that of those IES members surveyed, 100 per cent of men returned to the same position and salary following parental leave, whereas only 64 per cent of women reported that they had returned to the same position. The extended parental leave allocation may help to redress the gender balance in childcare by allowing male as well as female employees a reasonable length of time away from work to care for their child. The concept of the mother and father taking turns to take parental leave has the potential to increase equality in employment and at home.

# Parental leave among IES members



▲ **Figure 1: Number of men and women who had or had not taken parental leave at the time of responding to the IES Employment Survey (August 2010).**

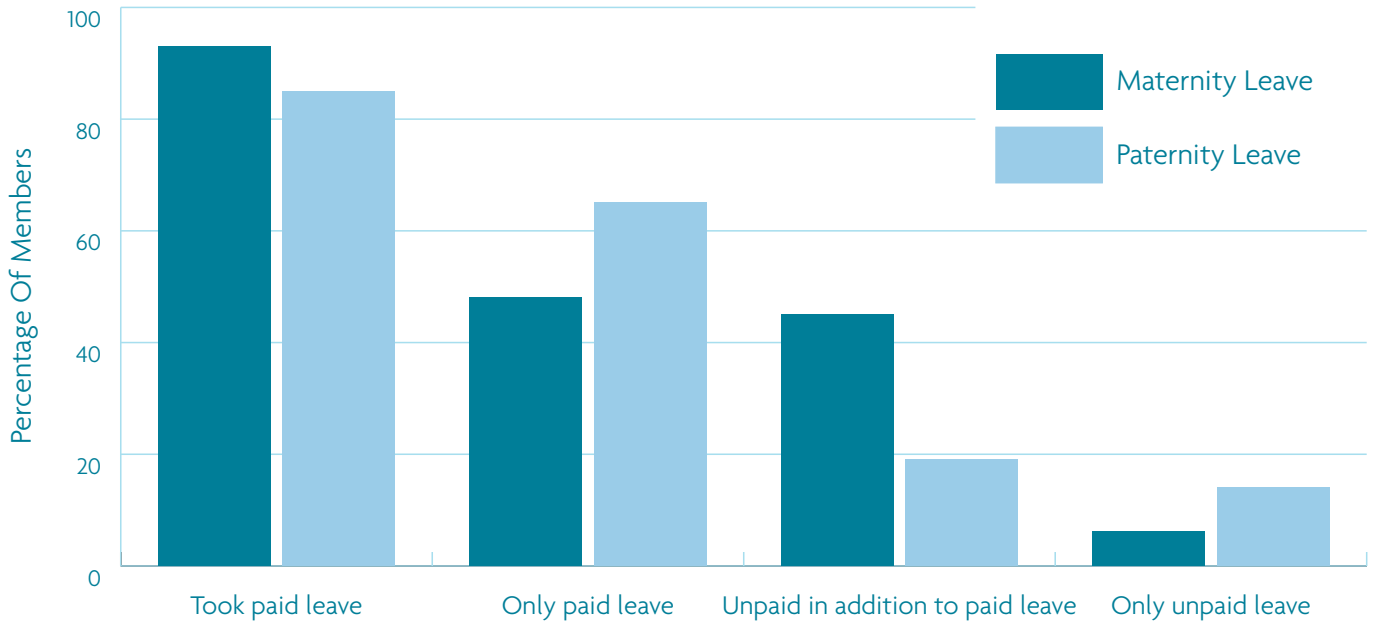
According to the IES Employment Survey 2010, 30 per cent of women and 23 per cent of men had taken parental leave (see Figure 1). The age profile of environmental sector workers is concentrated in the age range of 25-44 (IES, 2010), suggesting that planning for parental leave and employees with childcare commitments may be especially relevant for environmental sector employers.

As can be seen in **Figure 1**, of the 33 women and 67 men who took parental leave; 94 per cent of women and 85 per cent of men took some portion of paid leave. In addition to this, 46 per cent of women and 19 per cent of men took unpaid leave, showing that it was more common among women even though the statutory length of paid leave was 39 weeks for women and only two weeks for men at the time of the IES Employment Survey (although company-led paid leave allowance may now have extended beyond this).

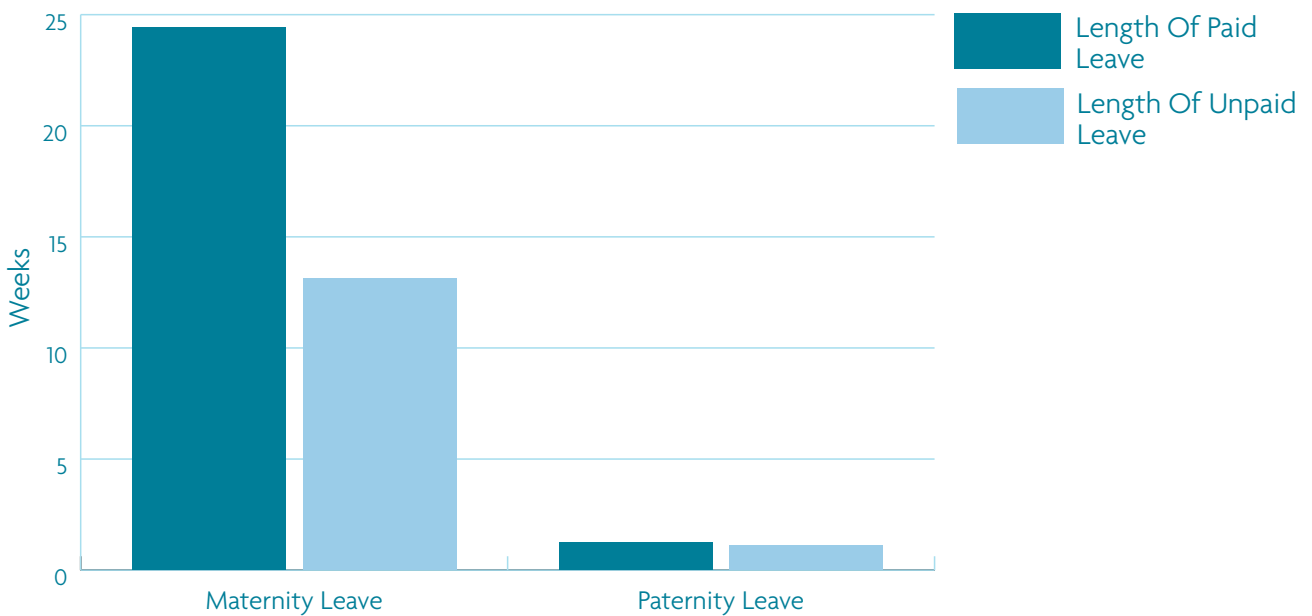
The range of the duration of paid parental leave taken at one time by the IES respondents was between six weeks to 40 weeks for women, and from two days to 30 days for men.

The duration of unpaid parental leave taken at any one time ranged from two weeks to 30 weeks for women, and five days to 14 days for men. A comparison of the different types of parental leave taken, as well as the average length of paid and unpaid parental leave for men and women is shown in **Figures 2 and 3** below.

The introduction of SPL regulations from April 2015 is likely to increase the length of leave taken by new fathers; possibly with a corresponding decrease in the duration of parental leave taken by women.



▲ **Figure 2: Paid and unpaid parental leave taken by IES survey respondents at the time of responding to the IES Employment Survey (August 2010).**



▲ **Figure 3: Average duration of maternity and paternity leave, paid and unpaid, as indicated by IES survey respondents at the time of responding to the IES Employment Survey (August 2010).**

# Guidance and legislation for employees

Click on the boxes to follow the link to the relevant website:

## Statutory entitlements for parental leave

### Maternity leave entitlement

Ordinary maternity leave is 26 weeks and additional maternity leave is 26 weeks making one year in total. The combined 52 weeks is known as Statutory Maternity Leave. New mothers are required to take 2 weeks' leave after their baby is born (or 4 weeks if they work in a factory environment). Statutory Maternity Pay (SMP) is paid for up to 39 weeks. This equates to:

- 90% of average weekly earnings (before tax) for the first 6 weeks
- £139.58 or 90% of average weekly earnings (whichever is lower) for the next 33 weeks.

However, under new SPL regulations, mothers may choose to end their maternity leave early and share the remaining leave with their partner during the year after their child's birth or adoption placement commences. In this case Statutory Shared Parental Pay (SHPP) will be paid at the same rate to the parent (or parents) on leave, for up to 39 weeks minus the number of weeks SMP taken. More information on pregnancy and maternity rights in the workplace can be found on the [direct.gov.uk](https://www.direct.gov.uk) website

### Adoption leave entitlement

If you qualify for Statutory Adoption Leave you have the right to up to 52 weeks of leave. This includes 26 weeks of ordinary adoption leave followed by 26 weeks of additional adoption leave. Adopters have the same rights as other parents to SPL and ShPP if they meet the eligibility requirements. More information on Adoption Leave can be found on the [direct.gov.uk](https://www.direct.gov.uk) website.

### Paternity leave entitlement

Ordinary paternity leave is two weeks. After this period fathers may take leave under the SPL system. More information on paternity rights in the workplace can be found on the [direct.gov.uk](https://www.direct.gov.uk) website.

### Leave entitlement for same-sex couples

Where couples are adopting a baby, leave entitlement is the same as adoption leave entitlement. If one partner is the birth mother, they are entitled to maternity leave, and their partner is entitled to paternity leave if they are civilly partnered.

## Shared parental leave regulations

### Am I eligible for Shared Parental Leave?

Each parent qualifies separately for SPL and ShPP. If you are eligible you can take leave in separate blocks, rather than one continuous period, like maternity or adoption leave. If both parents are eligible you can share this leave between you.

To qualify, you must share responsibility for the child with your husband/wife/civil partner, partner who lives with you, joint adopter, or the child's other parent and one of you must qualify for maternity or adoption pay/leave or Maternity Allowance.

You must:

- Have been continuously employed with the same employer for at least 26 weeks by the end of the 15th week before the due date (or by the date you're matched with your adopted child) and stay with the same employer through SPL.

Your partner must:

- Have been working for at least 26 weeks during the 66 weeks before the baby's due date (or the week you are matched with your adopted child) and earned at least £390 in total in 13 of the 66 weeks (adding up the highest paying weeks).

This can be as an employee, worker or self-employed person.

*Full eligibility criteria are available on the gov.uk website.*

### What does SPL mean for me?

If an eligible mother chooses to end her maternity leave early and, with her partner or the child's father, they can opt-in to the SPL system. Where both parents meet the qualification requirements explained above they will both be able to share the remaining weeks of maternity or adoption leave (total 52) and maternity or adoption pay (total 39) as SPL.

Unlike maternity or adoption leave, it is possible to stop and start SPL and return to work between periods of leave (each parent can take up to three blocks of leave within the year). Parents can choose whether or not to take overlapping blocks of leave as part of their total allowance.

These regulations place a duty on employers to ensure that you are not penalised for using this entitlement, or put under pressure to change your plans. However, both employers and employees will find that having early discussions about your leave intentions will be beneficial, allowing both parties to plan better how your leave can be accommodated.



# Maternity issues specific to environmental science

For some roles in the environmental sector, there may be additional risks to women who are new or expectant mothers.

The Management of Health and Safety at Work Regulations 1999 stipulates that an appropriate risk assessment for employees should be made (Regulation 3), and specifically for women of child-bearing age if the work 'could involve risk, by reason of her condition, to the health and safety of a new or expectant mother, or to that of her baby' (Regulation 16). Risks should be assessed (or reassessed at a later date) to account for different stages of the pregnancy (HSE, 2009).

## Identifying Potential risks:

Regulation 16 refers to potential risks to a new or expectant mother as outlined in Annex I and II of the Council Directive: 92/85/EEC (available from: [The EUR-LEX website](#)).

The Health and Safety Executive provide a similar list, which includes:

- Exposure to toxic substances or radiation
- Compressed air and diving
- Noise pollution
- Physical work
- Working alone
- Travel
- Night shifts
- Long hours
- Stress

## These risks may apply to many roles and sectors in environmental science, such as:

- Chemistry/lab work
- Land contamination, air quality and noise pollution.
- Marine science/hydrology/water quality
- Field-based work including remote working

**Figure 4** (available from the [HSE website](#)) demonstrates the steps that an employer should go through when assessing risks for pregnant women in the workplace.

While it is a legal obligation for employers to regularly review general workplace risks, there is no legal requirement to conduct a specific, separate risk assessment for an employee, once notified in writing that she is a new or expectant mother. However, you may choose to do so, to help you decide if any additional action needs to be taken.

## Other activities that could pose risks include:

- Physical work, such as for conservation and forestry management.
- Travel and site visits, such as for environmental assessments and auditing.

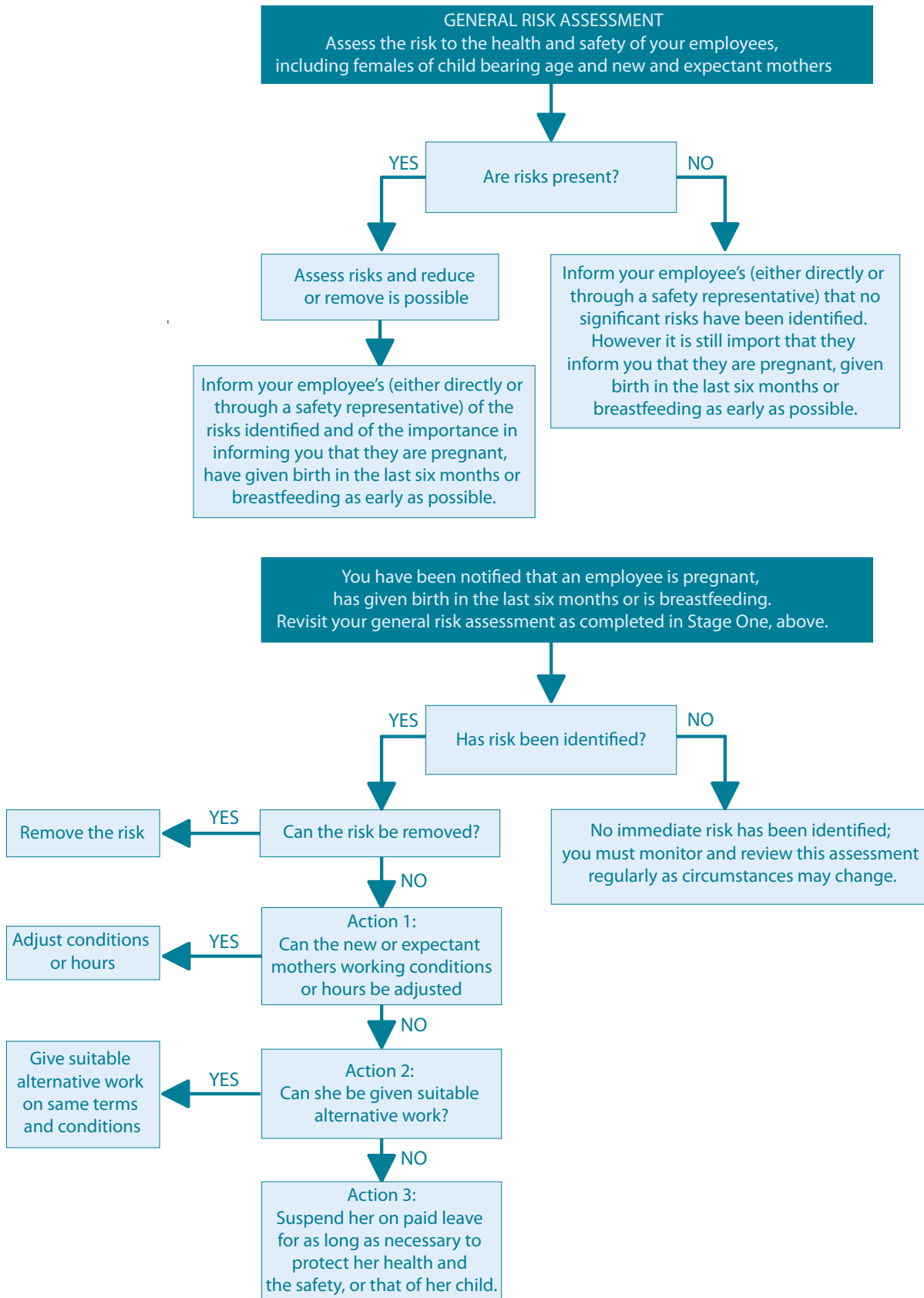
## Travel and location:

- Travel: possible cause of exhaustion/stress/long hours and may necessitate working/travelling alone; may conflict with family/childcare commitments or attending antenatal care.
- Working in remote locations or abroad: difficulty of accessing or arranging healthcare; possibility of an increased risk of illness and infection in some countries.

## If Risks are Identified

Action should be taken to remove the risks identified. This may involve adjusting her working conditions or hours of work (as required by Reg. 16 of the Management of Health and Safety at Work Act 1999). If this is not possible, the employee should be suspended on full pay for as long as necessary to avert the risk (under section 67 of The Employment Rights Act 1996). However, it is widely recommended that instead, suitable alternative work should be offered before this action is taken.

NOTE: Although employers are not specifically required to carry out specific risk assessments for expectant employees, they must carry out a general risk assessment for their employees to assess all health and safety risks they are exposed to while at work. As part of that process, employers should consider female employees of childbearing age, including new and expectant mothers, assessing the risks that may arise from any process, working condition or physical, biological or chemical agents.



NOTE: Employers have a legal duty to revisit, review and revise the general risk assessment if they suspect that it is no longer valid, or there has been significant changes to anything it relates to.

▲ **Figure 4: Conducting a risk assessment for pregnant women. From HSE. FAQ's [online] (available from the [HSE Website](#)) [Accessed: 3rd May 2012]**

# Best practice recommendations & risk assessments for employers

## Pregnant Workers & Risk Assessment

Regulation 16 of the Management of Health and Safety at Work Regulations 1999 places a duty on employers to carry out a risk assessment in respect of new or expectant mothers. It states:

1. Where:
  - A. The persons working in an undertaking include women of child bearing age; and...
  - B. The work is of a kind which could involve risk, by reason of her condition, to the health and safety of a new or expectant mother, or to that of her baby, from any process or working conditions or physical, biological or chemical agents, including those specified in Annexes I and II of Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding,

The risk assessment required by regulation 3(1) shall also include an assessment of such risk.

2. Where, in the case of an individual employee, the taking of any other action the employer is required to take under the relevant statutory provisions would not avoid the risk referred to in paragraph (1) the employer shall, if it is reasonable to do so and would avoid such risks, alter her working conditions or hours of work.
3. If it is not reasonable to alter her working conditions or hours of work, or if it would not avoid such risk, the employer shall, subject to section 67 of the Employment Rights Act 1996 suspend the employee from work for so long as is necessary to avoid such risk.
4. In paragraphs (1) to (3) references to risk, in relation to risk from any infectious or contagious disease, are references to a level of risk at work which is in addition to the level to which a new or expectant mother may be expected to be exposed outside the workplace.

## The Approved Code of Practice explains

Where the risk assessment identifies risks to new and expectant mothers and these risks cannot be avoided by the preventive and protective measures taken by an employer, the employer will need to:

1. Alter her working conditions or hours of work if it is reasonable to do so and would avoid the risks or, if these conditions cannot be met;
2. Identify and offer her suitable alternative work that is available, and if that is not feasible;
3. Suspend her from work. The Employment Rights Act 1996 (the responsibility of the department of trade and industry) requires that this suspension be on full pay. Employment rights are enforced through the employment tribunals.

All employers should take account of women of child-bearing age when carrying out the risk assessment and identify the preventive and protective measures that are required in regulation 3. The additional steps of altering working conditions or hours of work, offering suitable alternative work or suspension as outlined above may be taken once an employee has given her employer notice in writing that she is pregnant, has given birth within the last six months or is breastfeeding. If the employee continues to breastfeed for more than six months after the birth she should ensure the employer is informed of this, so that the appropriate measures can continue to be taken.

Employers need to ensure that those workers who are breastfeeding are not exposed to risks that could damage their health and safety as long as they breastfeed. If the employee informs her employer that she is pregnant for the purpose of any other statutory requirements, such as statutory maternity pay, this will be sufficient for the purpose of these regulations.

Once an employer has been informed in writing that an employee is a new or expectant mother, the employer needs to immediately put into place the steps described. The employer may request confirmation of the pregnancy by means of a certificate from a registered medical practitioner or a registered midwife in writing. If this certificate has not been produced within a reasonable period of time, the employer is not bound to maintain changes to working hours or conditions or to maintain paid leave. A reasonable period of time will allow for all necessary medical examinations and tests to be completed.

## Reference

L21, The Management of Health and Safety at Work Regulations 1999: Approved Code of Practice and Guidance, ISBN 9780717624881, priced at £8.00. This can be downloaded [online](#).

The following leaflet may also be useful: [INDG163 - Five Steps to Risk Assessment](#)

# Pregnancy at work

## Ensuring the health & safety of pregnant workers

You have a legal duty to protect the health and safety of pregnant mothers at work. This includes workers who could be pregnant as well as those who you know are pregnant.

### Risk assessment

Some substances, processes and working conditions may affect human fertility as well as pose a risk to a pregnant worker and/or her unborn child. Therefore, you must think about the health of women of childbearing age, not just those who have told you that they are pregnant.

If you employ women of childbearing age you should, as part of your normal risk assessment, consider if any work is likely to present a particular risk to them - whether or not they might be pregnant.

You should also encourage workers – e.g. via your maternity policy or staff handbook - to notify you as soon as possible if they become pregnant. This is so you can identify if any further action is needed.

You are entitled to ask a pregnant worker to provide:

- notification of her pregnancy in writing
- a certificate from a registered medical practitioner or a registered midwife showing that she is pregnant

Note that you do not have to:

- begin to take any action in relation to a particular pregnant worker's health and safety until she gives you written notification
- maintain any action in relation to her where she has failed to give you the certificate within a reasonable period of time - although you must have requested in writing to see the certificate

However, even if a pregnant worker has not formally notified you of her pregnancy, it is good practice to do a risk assessment for her if you become aware that she is pregnant.

Once a worker notifies you she is pregnant, you should review the risk assessment for her specific work and identify any changes that are necessary to protect her health and that of her unborn baby. Involve the worker in the process and review the assessment as her pregnancy progresses to see if any further adjustments are needed.

For more information on health and safety risk assessments, see our guide on [managing the risks in your business](#).

Things that might be hazardous to female employees - and pregnant workers in particular - include:

- Long hours
- Night-time working
- Stress
- Noise
- Violence from customers
- Exposure to toxic substances, e.g. lead, pesticides, mercury
- Radiation
- Manual handling

If you identify a hazard which may create a risk to a pregnant worker, you must take steps to remove it, eg by adjusting working conditions, working hours or offering her another job.

If this isn't possible, you must suspend the worker on full pay for as long as the risk to her and/or her unborn child remains.

You can read guidance on health and safety for new and expectant mothers at the [Health & Safety Executive \(HSE\) website](#).

### Rest facilities

You're required by law to provide somewhere for pregnant and breastfeeding mothers to rest.

It's good practice to provide a private room for nursing mothers to express and store breast milk. Toilet facilities are not suitable for this purpose.

# Specific risks to new and expectant mothers

## What specific risks should I be looking for?

Your workplace risk assessment must specifically consider any risks to the health and safety of a new or expectant mother, or that of her baby.

Possible risks include:

### Physical agents

- Movements and postures
- Manual handling
- Shocks and vibrations
- Noise
- Radiation (ionising and non-ionising)
- Compressed air and diving
- Underground mining work

### Chemical agents

- Toxic chemicals
- Mercury
- Antimitotic (cytotoxic) drugs
- Pesticides
- Carbon monoxide
- Lead

### Biological agents

- Infectious diseases
- Working conditions
- Facilities (including rest rooms)
- Mental and physical fatigue, working hours
- Stress (including post-natal depression)
- Passive smoking
- Temperature
- Working with visual display units (VDUs)
- Working alone
- Working at height
- Travelling
- Violence
- Personal protective equipment
- Nutrition

The [EUR-LEX website](#) can provide more information on chemical and biological agents that should be considered when creating the risk assessment

The [EUR-LEX website](#) also details the legislation on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

Follow the link for the [HSE guide](#) on what employers might have to consider if they have any new or expectant mothers in the workplace

If you are an employer with a new or expectant mother among your staff, but you're not sure what your employee is entitled to in terms of leave, pay and associated benefits, this [interactive tool](#), provided by Business Link can help you to ensure you act properly and within the law at every turn.

By answering a simple series of questions, Business Link attempt to provide employers with a clear idea of their responsibilities to new or expectant mothers and some best practice guidance.

### **This tool is not a substitute for professional advice.**

You may also want to consult a professional, trade association or the relevant government department.

# References

**ACAS (2015) Shared Parental Leave: a good practice guide for employers and employees [online]**

[www.acas.org.uk/media/pdf/p/a/Shared-Parental-Leave-a-good-practice-guide-for-employers-and-employees.pdf](http://www.acas.org.uk/media/pdf/p/a/Shared-Parental-Leave-a-good-practice-guide-for-employers-and-employees.pdf) [Accessed: December 2015].

**Business Link. Improving business operations through best practice [online]**

[www.businesslink.gov.uk/bdotg/action/detail?itemId=1075063519&type=RESOURCES](http://www.businesslink.gov.uk/bdotg/action/detail?itemId=1075063519&type=RESOURCES). [Accessed: May 2012].

**Business Link. Pregnancy at work [online]**

[www.businesslink.gov.uk/bdotg/action/detail?itemId=1080898378&type=RESOURCES](http://www.businesslink.gov.uk/bdotg/action/detail?itemId=1080898378&type=RESOURCES). [Accessed: May 2012].

**Department for Trade and Industry (DTI)**

**Fathers-to-be and antenatal appointments: A good practice guide [online]**

[www.bis.gov.uk/files/file20795.pdf](http://www.bis.gov.uk/files/file20795.pdf). [Accessed: May 2012].

**HSE. FAQs [online].**

[www.hse.gov.uk/mothers/faqs.htm#q19](http://www.hse.gov.uk/mothers/faqs.htm#q19) [Accessed: January 2012].

**HSE. Pregnant workers and risk assessment [online]**

[www.hse.gov.uk/contact/faqs/pregnancy.htm](http://www.hse.gov.uk/contact/faqs/pregnancy.htm). [Accessed: May 2012].

**HSE. The Law: Management of Health and Safety at Work Regulations 1999 (MHSW) [online]**

[www.legislation.gov.uk/uksi/1999/3242/regulation/16/made](http://www.legislation.gov.uk/uksi/1999/3242/regulation/16/made). [Accessed: January 2012].

**HSE. What specific risks should I be looking for? [online]**

[www.hse.gov.uk/mothers/faqs.htm#q19](http://www.hse.gov.uk/mothers/faqs.htm#q19). [Accessed: May 2012].

**IES, (2010.) Membership Employment Survey 2010 – Part 2: Gender and the Environmental Sciences** IES: London, UK.

**Silverstein, L.B. (1991.) Transforming the debate about child care and maternal employment.**

American Psychologist. 46 (10), pp. 1025-1032.

Institution of Environmental Sciences  
3rd Floor, 140 London Wall, London  
EC2Y 5DN

+44 (0)20 7601 1920

[info@the-ies.org](mailto:info@the-ies.org)  
[www.the-ies.org](http://www.the-ies.org)

Registered charity no. 277611

