

12th March 2014

Flexible working and the draft regulations on shared parental leave and pay

Flexible working

The Department for Business, Innovation and Skills (BIS) has announced that the extension of the right to request flexible working to all employees with 26 weeks' service will be available from 30 June this year.

Shared Parental Leave and pay (SPL)

The Government proposes to lay draft regulations before Parliament as part of a set of secondary legislation that will bring the new shared parental leave and pay system into effect and it intends the arrangements for shared parental leave and pay to come into force for babies due, and children matched or placed for adoption, on or after 5 April 2015.

The draft Shared Parental Leave Regulations 2014 implement the powers in the Children and Families Bill, which is currently before Parliament, to introduce a new entitlement for employees who are mothers, fathers, adopters, or the partners of mothers or adopters, to take shared parental leave in the first year of their child's life or in the first year after the child's placement for adoption. The relevant provisions will be incorporated into the Employment Rights Act 1996. The regulations confer the right to take shared parental leave (birth) where a mother who is entitled to statutory maternity leave, statutory maternity pay or maternity allowance curtails that leave, pay or allowance period – the balance of the leave, pay or allowance period can be taken as shared parental leave if the other conditions for entitlement are satisfied. For adoptions, the regulations confer the right to take shared parental leave (adoption) where an adopter who is entitled to statutory adoption leave or statutory adoption pay curtails that leave or pay period – again, the balance of the leave or pay period can be taken as shared parental leave if the other conditions for entitlement are satisfied.

The draft Statutory Shared Parental Pay (General) Regulations 2014 introduce a new entitlement for mothers, fathers or the partners of mothers who are employed earners and for adopters and their partners who are employed earners to receive a new statutory payment from their employers called statutory shared parental pay.

Finally, the draft Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014 allow eligible mothers to curtail their statutory maternity leave to enable themselves or their partner to take shared parental leave and eligible persons to curtail their statutory adoption leave to enable them or their partner to take shared parental leave.

This newsletter is brought to you by Axis Management Systems, providers of risk management services in Employment Law and Health & Safety

www.axis-ms.co.uk

Tel 0207 993 2434