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**Parental Rights**

(Does not apply in cases of IVF treatment or fostering)

**Overview of Parental Leave Rights (from Day 1 of employment)**

**Paid Suspension on H&S Grounds:** Following a risk assessment if an Employer is unable to allocate a pregnant/breastfeeding employee other duties she will have the right to paid absence.

**Breastfeeding/Expressing Breaks and facilities:** Employees can request temporary changes to their working conditions for the purpose of breast-feeding/expressing breaks. Employers will also need to take ‘reasonable-steps’ to provide appropriate facilities in the workplace.\*

**Ante Natal Appointments:** Unlimited appointments with up to 10 hours paid for attendance by the father/surrogate parents/partner, the rest are unpaid. **NB: For the mother all appointments for ante natal attendance are paid.**

**Adoption Appointments:** Unlimited appointments with up to 10 hours paid for attendance, the rest are unpaid.

**Parental Leave:** 52 weeks for all parents regardless of how long they have been employed, of which 6 weeks are paid in full by the employer. The 52 weeks can be taken in 3 blocks of time over a 2 year period. **NB: These rights extend to adoptive and intended surrogate parents.**

**Right to Return to Work:** All employees have the right to return to the same job after any period of parental leave.

**Complaints:** Protection against detriment and dismissal for reasons relating to these rights

**Discrimination:** Protection against discrimination on grounds of sex, pregnancy/maternity

**Flexible Working:** All employees (not just parents) are entitled to make two requests for flexible working in a 12-month period, regardless of length of service or the purpose/reason for the request.

**Right to Return to Work:** All employees have the right to return to the same job after any period of parental leave.

**Complaints:** Protection against detriment and dismissal for reasons relating to these rights

**Discrimination:** Protection against discrimination on grounds of sex, pregnancy/maternity

**Flexible Working:** All employees (not just parents) are entitled to make two requests for flexible working in a 12-month period, regardless of length of service or the purpose/reason for the request.

\*Breastfeeding breaks are paid if the application for these falls within the period of 52 weeks beginning with the birth of the child.

Right to request a temporary change is solely for the purpose of enable breastfeeding/expressing.

This temporary change does not affect any rights in respect of applying for a change under the legislation for flexible working.

**Parental Leave Rights**

**Time Off for Ante-Natal or Pre-Adoption Appointments**

* **Pregnant employees** are entitled to **paid time off** during working hours for ante-natal appointments.
* **Partners** (spouse, civil partner, father, or intended parent via surrogacy) can attend **up to 10 paid appointments** – this includes any appointments in connection with the adoption of a child.
* Proof of pregnancy and appointment details may be required.

**🍼 Parental Leave Entitlement**

* Employer to be advised **no later than 15 weeks** before the expected birth date (all dates to be given across the 2 years)
* Leave can start **no earlier than 11 weeks before childbirth/adoption** and lasts up to **2 years**.
* **52 weeks total leave**, with **6 weeks paid** by the employer.
* Leave can be taken in **up to 3 blocks**, each at least **2 weeks long**.
* Notification requirements vary for childbirth and adoption, with flexibility if not reasonably practicable.
* Parental Leave is not transferrable to another employer if an employee starts a new role after the baby has been born.

**Paid Parental Leave**

* Begins on the **day of childbirth**.
* **6 weeks’ pay** at normal salary, minus any Social Security benefits.\*
* To calculate the rate of pay due to an employee on a zero-hour contract the employer should look at the average weekly earnings over a 12-week period.

*\*please note if no sum is received then the employer must pay in full the normal salary.*

**🧸 Parental Bereavement Leave**

**Eligibility**

* Applies to parents (birth, adoptive, surrogate), and partners with expected responsibility for the child.
* Covers death of a child **under 18** or **stillbirth after 24 weeks**.

**Entitlement**

* **2 weeks unpaid leave**, taken within **56 weeks** of the death.
* Can be taken in **up to 3 separate periods**.
* **No notice required**.
* **Transferable between employers** (unlike other parental leave rights).

**🔁 During Parental Leave**

**Employment Terms**

* Employees retain all benefits **except pay**.
* Employers **must not require work** during leave.
* **Keeping In Touch (KIT) days** are allowed but do not extend leave.

**Return to Work**

* Employees must give **42 days’ notice** if returning earlier than planned.
* Employers can **postpone** return to ensure 42 days’ notice but **not beyond the leave period**.
* Employees return with **full rights and benefits** as if they had not been absent.

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| **JACS PARENTAL LEAVE REQUEST FORM** |
| ***In relation to a Pregnancy:* Employees must complete this form no later than the end of the 15th week before childbirth and provide a copy of the documentation issued by a medical professional.** |
| ***In relation to an Adoption:* Employees must complete this form no later than 7 days after being matched with a child or, where relevant, receiving notification of the date the child will arrive in Jersey, and provide a copy of the notifying documentation.** |
| 1. **Employee’s Name:** …… ………………………………………………………………….. |
| 2. **Expected Week of Birth/Placement Date/ Arrival in Jersey Date:** ………………… |
| 3. **You confirm the following:**  I expect to have responsibility for raising the child  **By ticking this box, I confirm that the above is correct:**   * I am the mother/father of the child; or * I am married to, the civil partner of, or the partner of the child's mother/adopter.   **By ticking this box, I confirm that at least 1 of the above 2 bullet points is correct:**  If the child is not born/adopted by your first date, you must substitute a different start date. |
| 4. **Statutory Entitlement is for 52 weeks to be taken in a 2 year period in up to 3 blocks of leave and not less than 2 weeks at a time. Intended dates for ALL parental leave periods must be set out below:**  **Start Date of Parental Leave: …………………………………**  **End Date of Parental Leave: ……………………………..** |
| 4a If you are taking Parental Leave in more than one block please set out all additional start and end dates below:  **2. Start Date of Parental Leave: ……………………………………………………….**  **End Date of Parental Leave: ………………………………………………..**  **3. Start Date of Parental Leave: ……………………………………………………….**  **End Date of Parental Leave: ………………………………………………..**  I understand that if I wish to change this date I must give 42 days’ notice. |
| **Employee:**  **Signed: ………………………………………………………. Date: ………………………………………………..** |
| **Employer:**  **Signed: ……………………………………………………...** **Date: …………………………………………………** |

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| Employee must notify Employer in writing no later than 7 days after the date of official notification of match of:  The expected week of Adoption; &  Dates of each Parental Leave is to be taken; &  Duration of each period of Parental Leave   |  | | --- | |  | | |  | | Expected week of Childbirth | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  |  |
| **0** | | Adopters Notifying Week | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  |  |
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| **3**  WE  E  K  S  B  E  F  O  R  E  BABY  DUE | | | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  |  |
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| **5** | | | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  |  |
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| **8** | | | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  |  |
| **9** | | | |  | |  | | **REMEMBER:** Date of Parental Leave can be amended  if the Employee notifies the Employer in writing either:  42 days before the originally stated date; OR  42 days before the new date; OR  As soon as is reasonably practicable.  **This also applies if the employee intends to return to work earlier than**  **the stated in the original Parental Leave notification letter** | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  |  |
| **10** | | | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  |  |
| **11** | | | |  | |  | |  | |  | | Can start Parental Leave. | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  |  |
| **12** | | | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  |  |
| **13** | | | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  |  |
| **14** | | | |  | | Notifying Week | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  |  |
| **15** | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  |  |
| **16** | | | |  | |  | |  | | Employee must notify Employer in writing by the end of this week of:  The expected date of Childbirth &  **Dates of each Parental Leave is to be taken; &**  **Duration of each period of Parental Leave** | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  |  |
| **17** | | | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  |  |
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| **22** | | | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  |  |
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**Pregnancy and Breastfeeding Leave**

**🍼 Eligibility:**

* Applies to employees who have:
  + Notified their employer in writing that they are pregnant,
  + Given birth within the last 6 months,
  + Are currently breastfeeding.

**Entitlement:**

* Leave is granted when:
  + A health and safety risk assessment shows the employee cannot safely perform her duties,
  + The employer cannot reasonably adjust duties or the work environment.

**Conditions:**

* Leave is **paid** as per Schedule 1 of the legislation.
* The employer **may refuse leave** if:
  + No medical certificate is provided,
  + The employee is no longer a new or expectant mother,
  + The employee refuses suitable alternative work,
  + The employment ends per contract terms.

**🕒 Request for Temporary Variation of Employment Terms**

**Purpose:**

* To enable breastfeeding/expressing.

**What can be requested:**

* Changes to:
  + Working hours,
  + Work times,
  + Work location.

**Requirements:**

* The employee must specify:
  + The purpose of the variation,
  + The nature and duration of the requested change.

**Note:**

* This does **not affect** the right to make any flexible working request. Neither does it give the right to bring the baby into the workplace.

**🏢 Employer's Duty to Provide Breastfeeding Facilities**

**Applies to:**

* Employees who continue breastfeeding after returning to work and notify their employer.

**Employer's Responsibility:**

* Must take **reasonable steps** to provide suitable facilities, considering:
  + Effectiveness,
  + Practicality,
  + Cost,
  + Available resources.

**⚖️ Legal Consequences**

* Breach of these rights may lead to a **Tribunal claim**, with potential compensation of **up to 8 weeks’ pay**.

Temporary Variation to Work Application Received

Within 7Days

Appeal Declined

Within 7 days

Meet with Employee

Within 7 days

Appeal Lodged

Within 14 days of Application

Application Agreed

Application Refused

Meet with Employee

Appeal Upheld

Within 7 days

**🍼 Guide for Breastfeeding in the Workplace**

This guide outlines how employers can support employees who are breastfeeding upon their return from parental leave. It emphasizes **reasonable and proportionate accommodations** and encourages open discussion between the employer and employee.

**Key Considerations for Employers:**

**Legal Duty**:

* + Employers must take *reasonable steps* to provide suitable breastfeeding facilities.
  + Factors to consider:
    - Effectiveness and practicality of the facilities.
    - Cost implications.
    - Available resources (financial, administrative, etc.).

**Flexibility**:

* + Temporary changes to working hours or flexible working may be offered.
  + Employees may be allowed to go home or to a nearby daycare to breastfeed.
  + **Note**: There is *no legal entitlement* to paid additional breaks.

**Facilities**:

* + Provide a **private, hygienic, safe, and secure** space (not a toilet).
  + Consider using a meeting room or screened-off quiet area.

**Milk Storage**:

* + Use existing staff fridges if possible, ensuring secure and hygienic storage.
  + If unavailable, employees may use vacuum flasks.

**Duration**:

* + The employee must inform the employer how long the arrangement will last.

**Important Note**:

* + This guidance **does not permit bringing a baby into the workplace**.

**Record Keeping**:

* + Keep a note of all discussions and decisions regarding the temporary arrangement.

📞 **Need Help?** Contact **JACS** for advice:

* Phone: (01534) 730503
* Email: [jacs@jacs.org.je](mailto:jacs@jacs.org.je)
* 🌐 [www.jacs.org.je](http://www.jacs.org.je)

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