# **Sample maternity leave policy**

This **Maternity Leave policy** sample template is ready to be tailored to your company’s needs and should be considered a starting point for setting up your employment policies.

## **Policy brief & purpose**

Our company **maternity leave policy** outlines the company’s provisions for women employees who are expecting a child and/or require time to care and bond with their newborn.

The company endorses the right of its employees to become parents. We are also aware that pregnancy or caring for an infant or a newly adopted child may cause difficulties for them in relation with their job duties. We are, therefore, prepared to support pregnant employees and allow new mothers enough time to recover from childbirth and care for their child.

The company will offer at least the minimum benefits mandated by law and this policy is merely complementary to the existing legal guidelines.

## **Scope**

This policy applies to all eligible female employees of the company.

## **Policy elements**

Maternity Leave is a temporary absence from an employee’s position and applies to expectant or new mothers who require time off for pregnancy, childbirth and child care.

All female employees are entitled to maternity leave after a certain time of service specified by the law. In general, eligibility of an employee will be assessed according to legislative guidelines. It falls to the company’s discretion to grant paid maternity leave or unpaid maternity leave for an employee deemed legally ineligible.

### **How much time do employees get for maternity leave?**

The minimum amount of maternity leave an employee is entitled to is defined by the law and may include compulsory or extended leave. The company may choose to provide employees with more time off for maternity reasons than the legal minimum. Such benefits will be explicitly stated in the employment contract or communicated afterwards in a written official manner.

### **Is maternity leave paid or unpaid?**

Depending on the legislation, maternity leave may be fully paid, partially paid or unpaid. The company will abide by legislation and it will judge whether additional benefits should be offered.

The following statements apply to paid and unpaid maternity leave:

* Depending on legislation, an employee can begin their maternity leave prior or after the expected date of childbirth
* In cases where a compulsory leave is legally applicable, the employee must strictly comply so the company will not be exposed to legal repercussions
* All pregnant employees can utilize reasonable paid time off for any kind of prenatal care including but not limited to medical examinations
* All new mothers can petition for an extension of unpaid maternity leave on grounds of medical or other reasons that are subject to company’s judgement (e.g. complications during pregnancy or childbirth may be cause for extension)
* The positions of employees and the benefits associated with them will not be affected during the maternity leave. The company is allowed during that time to fill the position with a temporary replacement
* An employee that has not requested extension or given other notice must return to their positions after the end of their leave. Not doing so is considered a voluntary resignation
* Individual circumstances will be considered

We will also take measures to help mothers who return to work after the end of their maternity leave (e.g. by establishing [flexible hours](https://resources.workable.com/flexible-hours-company-policy) or [work from home](https://resources.workable.com/work-from-home-company-policy) policies)

In the context of this policy and relevant legislation, adoption of a child is also grounds for requesting a maternity leave. Parents may need to utilize time off to meet appointments related to the adoption process or to bond with a recently adopted child. The same guidelines and procedure apply for these cases.

## **Procedure**

The expectant mother must adhere to the following procedure:

1. She must give formal written notice to her immediate supervisor and the human resources department about her pregnancy (or adoption), at least a specified number of weeks prior the date of expected childbirth
2. She must complete forms or submit a document stating the date of the expected childbirth and the desired beginning date of maternity leave (it must not be earlier than a specified number of weeks before childbirth)
3. If a certificate of pregnancy or proof of adoption is requested, she must provide one signed by a physician, registered midwife or other appropriate source
4. She must arrange a meeting with her supervisor to agree on ways of keeping in touch (any arrangement should exclude any compulsory maternity leave)

The employee will be officially notified of the approval of her request, after her eligibility under the law has been evaluated. The document she will receive will clearly state the length of the maternity leave with the beginning and end dates. Additional benefits such as pay will also be explicitly explained.

If labor occurs earlier than estimated, the beginning and ending dates of maternity leave can be modified accordingly, through an official document.

Employees can contact the Human Resources Department for information concerning the procedures or other queries.

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| *Disclaimer: This maternity leave policy template is meant to provide general guidelines and should be used as a reference. It may not take into account all relevant local, state or federal laws and is not a legal document. Neither the author nor Workable will assume any legal liability that may arise from the use of this policy.* |

**Further reading:**

* Family and Medical Leave - [US Dept. of Labor](http://www.dol.gov/general/topic/benefits-leave/fmla)
* Maternity pay and leave in the UK -- [Gov.uk](https://www.gov.uk/maternity-pay-leave/overview)
* Maternity leave duration per country - [International Labour Organization](http://www.ilo.org/global/about-the-ilo/multimedia/maps-and-charts/WCMS_241698/lang--en/index.htm)
* The Pregnancy Discrimination Act - [US Equal Employment Opportunity Commission](http://www.eeoc.gov/laws/statutes/pregnancy.cfm)