

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 21ST DAY OF
FEBRUARY, 2012

The States resolved as follows concerning Billet d'État No IV dated 13th January 2012...

POLICY COUNCIL MATERNITY AND PATERNITY PROVISIONS AND THE UNITED
NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN (CEDAW)

Article VI.- After consideration of the Report dated 7th December 2011, of the Policy Council:-

1. To agree the introduction of 2 weeks compulsory statutory maternity leave.
2. To agree the introduction of 12 weeks basic statutory maternity leave.
3. To agree the introduction of an enhanced period of 26 weeks statutory maternity leave for employees who have been continuously employed by their current employer, including an associate employer, for at least fifteen consecutive months prior to their due date.
4. To agree the introduction of statutory time off to attend ante-natal appointments.
5. To agree that an employee who elects to work for his or her employer for up to 10 days whilst on maternity leave, except during the period of compulsory maternity leave, should remain entitled to maternity leave and benefits.
6. To agree that women intending to take statutory maternity leave should give their employer at least 3 months written notice of their birth due date and when they would like their maternity leave to start, this notice period to be subject to the following conditions:
 - a) where possible, women should also say when they expect to return to work;
 - b) both the maternity leave start date and the return to work date could be changed as long as this was discussed and agreed between the woman and her employer and provided one month's notice of the return to work date was given. These dates could also be changed where either the mother or baby was ill or the baby was delivered prematurely and employers would be expected to be flexible in these circumstances;
 - c) an employer would be allowed to require an employee on pregnancy related sick leave to start their maternity leave 6 weeks prior to their due date (in line with current Social Security Department policy on sickness benefit and maternity allowance);
 - d) it would be the employer's responsibility to confirm the maternity leave and agreed return to work date. This should be done within two weeks of receiving the initial request and within two weeks after being notified of the birth or when a change to the return to work date was requested.

7. To agree the introduction of a 2 week period of statutory maternity support leave for the partner of an expectant woman provided the person taking the leave has worked for his or her current employer for at least fifteen consecutive months.

8. To agree the introduction of similar statutory leave provisions for parents who adopt children as would be available for parents of a new born, that is:

a) statutory leave be available as provided to parents of newborn children, dependant on whether qualifying periods had been met; and

b) a period of two weeks mandatory leave in order to encourage bonding between the parent and the adopted child, immediately after adoption.

9. To direct that such legislation as may be necessary to give effect to the foregoing shall be prepared.

10. To direct the Social Security Department to report back to the States, at the same time it reports on the funding of other benefits, with proposals for funding and requesting the preparation of the necessary legislation to provide for:

a) Changes to the maternity grant to make it available to all new mothers.

b) Changes to maternity allowance to split it into a maternal health allowance and a new born care allowance with the rate of both being £180 per week (2011 rate) and the conditions as set out in paragraphs 7.10 to 7.25.

c) A new adoption grant at same rate as a maternity grant in the case of adoption for a child under 18.

d) a new benefit of parental allowance of £180 per week (2011 rate) which can be claimed by either parent immediately following the adoption of a child under 18 years of age.

11. To direct the Treasury and Resources Department to report back to the States, at the same time as the Social Security Department reports back on proposition 10 above, with proposals to fund any consequential expenditure incurred by the States as an employer or in the grant from General Revenue.