

Supplementary Order Paper

Tuesday, 9 December 1980

MATERNITY LEAVE AND EMPLOYMENT PROTECTION BILL

Proposed Amendments

HON. MR BOLGER, in Committee, to move the following amendments:

Clause 8: To insert in line 3 on page 10, after the words “sections 6 to 6E”, the words “and of section 11”.

Clause 10: To add to paragraph (c) on page 12 the expression “;and”.

To add the following paragraph:

(d) Her rights under section 11 of this Act.

Clause 10A: To omit from line 14 on page 12 the words “notify her employer”, and substitute the words “give to her employer written notice stating”.

Clause 11: To omit this clause, and substitute the following clause:

11. Early ending of maternity leave—(1) A female employee who is on maternity leave may—

- (a) If she suffers a miscarriage; or
- (b) If her child or the child she intended to adopt is still-born or dies; or
- (c) If she has consented to the adoption of her child and some other person has the custody of her child with a view to its adoption; or
- (d) If her employer consents,—

choose—

- (e) Where her position is being kept open by her employer, to end her maternity leave by returning to work before the date on which she is required to return to work at the end of her maternity leave; or
- (f) In any other case, to end her maternity leave and begin her period of preference by giving her employer written notice stating that she wishes to return to work.

(2) Where a female employee is on maternity leave under section 5 of this Act, an employer may, in giving consent under subsection (1) (d) of this section, make it conditional

on the female employee giving to the employer before the female employee ends her maternity leave under subsection (1) (e) or (f) of this section, a certificate from a registered medical practitioner to the effect that the female employee is fit to return to work.

Clause 23D: To omit from line 10 on page 26, and also from line 14 on that page, the word "dispute", and substitute in each case the word "complaint".

Clause 25: To insert in line 6 on page 29, before the word "Every", the words "Subject to any order made under subsection (3) of this section."

To omit from line 7 on page 29, and also from line 11 on that page, the word "plaintiff", and substitute in each case the words "female employee".

EXPLANATORY NOTE

Clauses 8 and 10: The proposed amendments ensure that a female employee who takes maternity leave is informed by her employer of her rights under *clause 11*.

Clause 10A: Under this clause every female employee who is on maternity leave and whose position is being kept open by her employer, is required, not later than 21 days before the date on which her maternity leave ends, to give her employer notice stating whether or not she will be returning to work at the end of her maternity leave. The amendment now proposed requires that notice to be in writing.

Clause 11: Under this clause a female employee who is on maternity leave and whose position is being kept open by her employer may, in certain circumstances, end her maternity leave by returning to work early. The new clause now proposed provides, in addition, that a female employee who is entitled to preference over other applicants during the period of 26 weeks beginning with the day after the date on which her maternity leave ends may, in the same circumstances as a female employee whose position is being kept open, end her maternity leave early by giving her employer written notice that she wishes to return to work.

Clauses 23D and 25: The proposed amendments to these clauses are drafting amendments only.