

Returning to work

When someone returns from maternity leave, they:

- are usually entitled to return to the same job
- have special protection in a redundancy situation

Employees might need to work in a different way when they return to work. For example, they may ask to work flexibly or part time.

Returning to the same job

At the end of maternity leave, someone's right to return to the same job depends on how much leave they've taken.

If they've taken up to 26 weeks' maternity leave

Someone has the right to return to the same job if they have taken 26 weeks or less.

They've taken more than 26 weeks' maternity leave

They have the right to return to the same job unless the employer has a genuine reason why this is not possible. In these cases, they have the right to return to a suitable alternative role.

This right applies even if someone else is covering their job well during maternity leave.

If there's no alternative but to offer them a different job, the job must be suitable, appropriate and on the same terms. For example, it must have the same:

- pay
- benefits
- holiday leave and pay
- location
- seniority

Protection from redundancy

By law, an employer cannot make an employee redundant for:

- taking maternity leave
- making a statutory request for flexible working to care for their child

Employees who are pregnant or on maternity leave have extra redundancy protection. By law, employers must offer them a suitable alternative vacancy, if there is one. The law is the Employment Rights Act 1996.

[Find out about redundancy protection for pregnancy and new parents](#)

Changing the return date

An employee must tell the employer in writing at least 8 weeks before they're due to return to work if they want to:

- stay on maternity leave longer than planned
- return to work sooner than planned

To change the date, they must give at least 8 weeks' notice before:

- the new date if they want to return to work earlier
- the original date if they want to stay on maternity leave longer than planned

Help and support

Going back to work after having a baby can be difficult. Someone might have different needs when they return to work. It is a good idea to discuss any help or support they might need.

Flexible working requests

An employee can make a statutory flexible working request if they want to make changes to how they work. For example, if they want different working hours.

[Find out about statutory flexible working requests](#)

Supporting mental health

After having a baby, mental health can be affected. If someone has poor mental health, it's important their employer takes it seriously. They should treat it with the same care as a physical illness.

There are many types of mental health conditions, for example:

- depression – including postnatal depression
- anxiety

Postnatal depression affects more than 1 in every 10 women within a year of giving birth. It can start any time in the first year after giving birth.

If an employee has a mental health condition, it is up to them whether they disclose it to their manager and at what stage. It can be a good idea to tell them, as a manager can offer support.

Together they could discuss changes to the employee's working pattern to suit the situation. For example, they might agree to change the start and finish time.

An employee could use the organisation's employee assistance programme (EAP), if there's one available.

Find out more about:

- [support and training for mental health at work](#)
- [postnatal depression from the NHS](#)

Health and safety

The law says employers must do a health and safety risk assessment for:

- women of childbearing age, including pregnant women
- someone who is breastfeeding
- someone who has given birth in the last 6 months

[Find out more about protecting pregnant workers and new mothers from the Health and Safety Executive](#)

Breastfeeding and expressing milk

Employers must provide a suitable area where someone who is breastfeeding can rest.

It is good practice for the area to:

- include somewhere to lie down if necessary
- be hygienic and private so they can express milk if they choose to – toilets are not a suitable place for this
- include somewhere to store their milk, for example a fridge

[Read NHS advice on breastfeeding and going back to work](#)

If someone does not want to go back to work

The employee must follow the organisation's usual resignation process, including giving notice. The employment contract should set out this process.

It's a good idea to consider any handover that might be needed. The employee could use keeping in touch (KIT) days to do this.