

## Statutory maternity leave and pay

### Eligibility for leave

Someone who has a baby might be eligible for:

- compulsory maternity leave
- statutory maternity leave
- other types of leave, for example shared parental or neonatal care leave

### After giving birth

After giving birth, a worker must not work for a minimum of 2 weeks (4 weeks if they do factory work). This is for health and safety reasons.

### Employees

For an employee, taking 2 weeks off after they have given birth is a protection by law.

This is called compulsory maternity leave. The law is the Employment Rights Act 1996.

People who work in a factory must take at least 4 weeks off.

Compulsory maternity leave starts the day the baby is born. It is a good idea for an employer to record when compulsory maternity leave has started.

Someone might start their statutory maternity leave before the baby is born. In these cases, they'll need to tell their employer when the baby is born. This is so the employer knows when compulsory maternity leave starts.

### Statutory maternity leave

Someone with the [legal status of employee](#) is entitled to statutory maternity leave. The right to take statutory maternity leave applies from the first day of work.

Employees who have had a baby can take up to 52 weeks. Employers must not discourage eligible parents from taking all their maternity leave.

The first 26 weeks are called 'ordinary maternity leave'. This starts the day after the baby is born.

The following 26 weeks are called 'additional maternity leave'.

All employees get the same amount of statutory maternity leave. For example, someone with twins has the same maternity leave entitlement of up to 52 weeks.

Someone who does not have the legal status of employee can still stop working to care for their child.

## Maternity pay

Someone's eligibility for statutory maternity pay depends on:

- how long they have been working for the employer
- how much they have earned
- how they pay their tax

Eligibility for statutory maternity pay is different to eligibility for statutory maternity leave.

[Find out about eligibility for maternity pay](#)

## Other types of leave

There are other types of leave and pay that someone may be eligible for.

These include:

- [shared parental leave and pay](#)
- [neonatal care leave and pay](#)

## Surrogates

Surrogates have the same maternity rights as anyone else who has given birth.

[Find out more about legal rights of parents and surrogates on GOV.UK](#)

## Checking the pregnancy and maternity policy

Workers and managers should check their organisation's pregnancy and maternity policy.

If an organisation does not have a policy, they should consider creating one. Having a policy can:

- help everyone understand their rights and responsibilities
- help to prevent pregnancy and maternity discrimination

Employers should also check other policies to make sure they do not discriminate. For example, policies around absence, recruitment or redundancy.

[Find out more about creating a pregnancy and maternity policy](#)