

Bulletin 106

21st March 2007

It's Good to Talk

For mothers whose expected week of childbirth (EWC) falls on or after **1st April 2007** the Work and Families Act 2006 introduces Keeping in Touch (KIT) days.

If both employer and employee agree, employees may work for **up to 10 days** during their maternity leave without losing any Statutory Maternity Pay (SMP) and without bringing their maternity leave to an end.

Currently if a woman does any work at all during her maternity leave (even if it's just a couple of hours) she loses her entitlement to SMP for the entire week. Work for these purposes can include work, training or any activity to assist the employee in keeping in touch with the workplace.

Employers will now be entitled to make "reasonable contact" with employees while they are on maternity leave. This could be used to discuss the employee's return to work, any special arrangements necessary or any training to ease the employee's return to work.

Practical Tips

- It is important to note that KIT days are by agreement between employer and employee. Employers cannot demand that an employee undertakes such work. Neither is there a right for an employee to insist on KIT days. Employers and employees should consult each other as far in advance as possible so as to agree the arrangements for keeping in touch including arrangements for payment.
- Employers must review their family friendly policies to ensure that they are up-to-date with the changes introduced in the Work and Families Act 2006.
- Make sure you have in place appropriate policies to deal with KIT days.
- Please refer to the Bulletin "New Maternity Rights – Are you ready?" for more information on the extended maternity and adoption rights introduced by the Work and Families Act 2006.

If you require any specific advice in connection with the material contained in this bulletin, or on any other Employment Law issues, please contact a member of the Employment Team on 0151 600 3000. If you no longer wish to receive the bulletin please let us know by return email.

This bulletin is for general guidance purposes only and should not be used for any other purpose.

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