

**EMPLOYMENT LAW UPDATE**  
**MARCH 2010**

As part of the Government's commitment to give choice and flexibility to working parents, additional paternity leave for male employees is to be introduced. Subject to further consultation, the Government intends the new scheme to be in force by April 2010.

The current regulations allow for a maximum of two consecutive weeks of paid paternity leave.

The new provisions will be effective for employees with children due on, or born after 3 April 2011. They provide for female employees on maternity leave being able to transfer some or the entire second half of their maternity leave period to the father of their child.

Fathers will be granted the legal right to take up the final three months of paid maternity leave provided the mother returns to work. The rate of Statutory Maternity Pay (SMP) currently stands at £123.06 per week. Fathers will be entitled to the same rate for a maximum of three months.

The scheme has been designed to minimise the administrative demands on employers, whilst providing employees with children greater opportunity to balance the responsibilities of childcare and employment. Employers should ensure that their policies and practices are updated in anticipation of the new law being implemented.

On a separate point, from 6 April 2010, the format of medical certificates or "sick notes" will change. A statement of fitness for work or "fit note" will enable doctors to advise whether the patient either is not fit for work, or may be fit for work. Doctors may advise on the type of work an employee may be able to perform and/or make suggestions for adjustments, in order to facilitate a phased return to work. Whether this change will assist employers in dealing with sickness absence remains to be seen.

This letter is for guidance only and does not provide legal advice. If you require legal advice in relation to any of the points above, or employment law advice in general, please contact Neil Eaton, Andrew Connock, Jill Jack, Fatema Begum, Edward Browne or Nadine Berry.

