



GUIDANCE ON LEAVE FOR EMPLOYERS

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Annual Leave

An employee is entitled to a minimum of 5 days paid leave a year. You can of course allow longer in the contract of employment

If your employee has worked for less than 12 months for the year then the amount of paid leave can be apportioned over the amount of time that he or she has worked.

If your employee leaves your employment when they have not taken all of their paid leave you should compensate him or her for the days you have not taken

You may also allow periods of unpaid leave, for example for trips abroad.

For guidance on dealing with applications for unpaid leave see the Code of Practice for Employers on Requests for Unpaid Leave or Part Time Work on the [Labour Regulating Authority website](#).

Sick Leave

You are required to pay your employee for 5 days sick leave a year. Whether this is self-certified or not will depend on the contract of employment you enter into. Normally you would allow a number of sick leave days as self-certified and the rest certified.

If your employee has worked for less than 12 months for you then the amount of sick leave can be apportioned over the amount of time that he or she has worked.

You may allow more paid sick leave but that should be stated in the contract of employment

After having taken the paid sick leave you are not required to pay for any further sick leave.

Maternity Leave

Female employees are entitled to 14 weeks maternity leave which can be taken at any time starting in the 3 months before the due date of the baby

At least 28 days before taking the maternity leave your employee must notify you:

- I. that she is pregnant and the due date
- II. the date on which she expects to commence maternity leave

If your employee has been employed with you for at least 26 weeks before she starts the maternity leave or the child is born then she is entitled to be on full pay for at least 4 weeks of the maternity leave

If the contract of employment allows for more than 4 weeks then your employee is entitled to what is in the contract

Your employee may ask for additional maternity leave, or that she be allowed to return to work part time, so long as she makes this request 28 days or more before she is due to return to work

For guidance on dealing with applications for part time work or unpaid leave see the Code of Practice for Employers on Requests for Unpaid Leave or Part Time Work on the [Labour Regulating Authority website](#).

Parental Leave

The father of the child, or a spouse or life partner of the mother who is not the father but who will be mainly responsible (with the mother) for bringing up the child, is entitled to parental leave.

Parental leave lasts 2 weeks and must be taken between the 3 months before the due date and one year after the date of the child's birth

If your employee has been employed for at least 26 weeks with you before they take the parental leave then the 2 weeks must be on full pay. This may be longer if the contract of employment allows it.

At least 28 days before your employee intends to take the paternity leave, or as soon as reasonably possible, he or she must tell you when they intend to take the parental leave

When might 'as soon as reasonably possible' apply? For example if the baby were born earlier than expected and your employee intended to be at home for the first 2 weeks of the child's life then 'as soon as reasonably possible' would be much less than 28 days

At least 10 days before your employee is due to return to work from parental leave he or she may ask you for additional leave or to return to work on a part time basis

For guidance on dealing with applications for part time work or unpaid leave see the Code of Practice for Employers on Requests for Unpaid Leave or Part Time Work on the [Labour Regulating Authority website](#).

Adoption Leave

If your employee adopts a child then he or she is entitled to 2 weeks adoption leave.

This leave also applies to the life partner or spouse of the person adopting the child.

The leave must be taken at any time between 3 months before the date your employee is notified of the date that the child is expected, or will be, placed with him or her and one year after the child is placed with them

At least 28 days before your employee intends to take their adoption leave, or as soon as reasonably possible, they must tell you when they intend to take their adoption leave

When might 'as soon as reasonably possible' apply? For example if the child is placed with your employee earlier than expected and he or she intended to be at home for the first 2 weeks the child is with them then 'as soon as reasonably possible' would be much less than 28 days.

If your employee has been employed for at least 26 weeks with you before they take the adoption leave then the 2 weeks must be on full pay. This may be longer if the contract of employment allows it.

At least 10 days before your employee returns to work from adoption leave they may ask you for additional leave or to return to work on a part time basis

For guidance on dealing with applications for part time work or unpaid leave see the Code of Practice for Employers on Requests for Unpaid Leave or Part Time Work on the [Labour Regulating Authority website](#).

Stillborn/Deceased Children

The requirements to allow maternity, parental or adoption leave apply if a child dies or is stillborn after 24 weeks of pregnancy.