Guidance

This document provides guidance for managers, employees and HR when dealing with queries relating to fertility treatment.

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Introduction

The guidance sets out the Research Council approach for employees who are undergoing fertility treatment.

The TU Side have been consulted about the contents of this guidance.

The Guidance for staff undergoing fertility treatment applies to Research Council employees. This includes those employed on temporary or fixed term contracts but does not include visiting workers, students or those workers provided by a third party agency.

The UK Shared Business Services Ltd (UK SBS) provides HR Services across the Research Councils. However, some employees are deployed at establishments/facilities/ships that do not access services from UK SBS. In these cases, references to the UK SBS or System (Employee Self Service) will not apply and employees should refer to their Research Council HR team for assistance.

Whether a worker is deemed to be a worker or employee is not always clear under employment legislation. In cases where managers or employees have any doubt as to whether the Fertility Treatment Guidance should apply, advice should be sought from the Research Council HR team.

1. Principles

1.1. The Research Council is committed to providing a fair, consistent and effective approach to the application of leave provision in relation to fertility treatment such as in vitro fertilisation (IVF). The Research Council acknowledges the emotional impact that fertility treatment can have on employees who are undergoing treatment, resulting from the underlying fertility issue, the physical and emotional stress of the treatment, the wait to see if the procedure has worked and the potential distress if it is unsuccessful.

1.2. Although employees do not have a statutory right to take time off, paid or unpaid, for fertility treatment, the Research Council are committed to support employees where possible by the use of flexible working, annual leave, flexi time etc.
1.3. Fertility treatment involves regular medical appointments. Time off work is likely to be needed for investigative appointments prior to the start of treatment and during the course of treatment.

1.4. A woman undergoing fertility treatment is deemed to be pregnant from the point of implantation of fertilised ova. From this point she will be entitled to the same employment rights as all pregnant employees. Employees should refer to the Research Council Maternity, Adoptive, Maternity Support and Parental Leave policy.

2. Time off for medical appointments and treatment

2.1. Whilst there is no statutory right for an employee to take time off work in connection with infertility investigations or treatment before the stage at which the employee is pregnant, the Research Council will support employees who are undergoing treatment.

2.2. All appointments for investigations and treatment will be treated in the same way as time off for any other medical appointments. Employees should refer to the Research Council Sickness Absence Management Policy.

2.3. To apply for time off, employees are required to give as much notice as they can and, wherever possible, should arrange appointments at the start or end of the working day. Managers have the right to ask for proof of attendance for medical appointments. It is recognised that employees undergoing fertility treatment may need to attend some longer medical appointments i.e. for an initial consultation, egg collection, embryo transfer. To cover appointments of this type employees will be granted paid time off for up to three full day appointments. Any other full day appointments can be taken as annual leave, flexi leave or as unpaid leave.

2.4. The nature of fertility treatment and the demands of the treatment may mean that the employee may need additional time off around the appointments. This can be taken as annual leave, flexi leave or as unpaid leave.

2.5 Both male and female employees involved in fertility treatment are likely to need time off. Employees who wish to take time off to support their partner's treatment would be required to take annual leave, flexi leave or unpaid leave.

2.6. Employees have the option to submit a request for a flexible working arrangement. This would need to be discussed between the line manager and employee to ascertain the needs of the individual and the workplace. Arrangements might include altering the hours worked on a temporary basis, part-time working or working from home for some or part of the employee's hours. Employees should refer to the Research Council Flexible Working Policy.

3. Sickness Absence

3.1. If an employee is unable to work due to the effects of the treatment and is signed off by her doctor, this will be treated like sickness absence for any other reason and an employee's entitlement to statutory sick pay and occupational sick pay will be paid in accordance with normal rules. Refer to the Research Council Sickness Absence Management Policy.
4. Confidentiality

4.1. Managers will treat information relating to an employee who is undergoing fertility treatment with respect and confidentiality and will not share any such information except where absolutely necessary for business purposes.

5. Additional support

5.1. The manager will remind the employee about the Employee Assistance Programme, and/or other welfare or occupational health support which is available. Details of the programme can be obtained from the Research Council HR team.

6. Review of Guidance

6.1. This guidance will be regularly reviewed to incorporate any legislation changes. The TU may request that this guidance is reviewed.

7. Amendment history

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