

1st August, 2020

HESPL - MATERNITY BENEFITS POLICY

As a universal truth, maternal care to the child during early childhood is very crucial for growth and development of the child.

In view of the Maternity Benefit Act, 1961, and Maternity Benefit (Amendment) Bill 2016, New Social Security Code, 2020, the Organization shall provide maternity benefits to its women employees as per the provisions mentioned below. In the light of significance of the growing Organization that HESPL is, the Organization retains the right to bring amendments, it deems fit at any point of time.

I) Entitlement

1. Every woman employee who has worked in the organization as a full time employee¹ for a period of not less than 80 days in the 12 months immediately preceding the date of her expected delivery is entitled to maternity benefits of the Organization.
2. All women are eligible to avail a period of 26 weeks for two surviving children and 12 weeks for more than two children and 12 weeks to a commissioning mother and adopting mother.
3. A maximum of 8 weeks of leave prior to the expected date of delivery shall be permissible.
4. Any holiday / Organizational non-working day falling within the period of maternity leave is to be counted as part of the maternity leave.
5. Application for maternity leave, supported by a certificate/medical report issued by the attending doctor, should be submitted to the CEO, HR & Line Manager after the pregnancy has been confirmed.
6. Maternity leave for adoptive and commissioning mothers: Maternity leave of 12 weeks to be available to mothers adopting a child below the age of three months from the date of adoption as well as to the "commissioning mothers". The commissioning mother has been defined as biological mother who uses her egg to create an embryo planted in any other woman.

II) Salary benefits

1. This period of leave will not affect the salary and benefits that the employee is eligible for.
2. The salary for the maternity leave period will be paid as per the monthly remuneration of the employee in accordance with the monthly salary cycle of the Organization.
3. The Maternity leave shall not affect the appraisal or review eligibility of the employee.
4. Post completion of Maternity Leave period, in exceptional cases of Work from Home (beyond the 'Policy Entitlement') OR part-time or any other form of engagement (other than full-time engagement) as mutually worked out, the percentage of compensation shall be decided basis the quantum of work² in consultation with the Line Manager, CEO and HR.
5. Any employee covered under ESIC (Employees State Insurance Corporation) will not be eligible to avail the monetary benefits under this Policy. Rest of the norms under this Policy shall hold applicable.

III) Medical Bonus

Every woman entitled under the Maternity Benefit Act, under this Act shall also be entitled to receive from her employer a one-time medical bonus of Rs. 3500/- (rupees three thousand five hundred only), if no pre-natal confinement and post natal care is provided for by the employer.

IV) Miscarriage / any other emergency or illness during pregnancy

- In case of miscarriage (medical termination of pregnancy) there will be entitlement to leave with wages for a period of 6 weeks immediately following the day of miscarriage or medical termination of pregnancy on production of the medical reports. This will not be counted/ considered as one event of pregnancy.
- In case of tubectomy operation, a female employee is entitled to a period of two weeks immediately following the day of her tubectomy operation.
- In case of illness arising out of pregnancy, delivery, premature birth of child [miscarriage, medical termination of pregnancy or tubectomy operation], the employee is entitled to leave up to a maximum period of one month.
- This period of leave availed under this policy will not affect the salary and benefits the employee is eligible for.

1: Policy covers all full time women employees and refer to the workforce excluding those working on tenure or project based engagement with HESPL, consultants, or part-time working engagement, internship, fellowship-basis

2: Quantum of 'Work from Home' shall be approved by the Line Manager in consent with the CEO & HR mutually decided upon with the employee.

V) Resuming work

- The employee may resume work full time six months post delivery.
- If the employee does not resume work, full time, on completion of six months of maternity leave period, company may need to review the terms of engagement/continuation.
- In case of discontinuation, the last month of Maternity leave period shall be treated as a notice period and payment for the last month i.e. Full and Final payment shall be made basis the norms (checks and balances) of the HESPL Exit Policy.
- Either of the parties (the Organization or the employee) may discontinue the engagement by providing the notice period of 30 days against the last month of the Maternity Leave period.
- In case of inability to join post completion of maternity leave and requirement of extended leave, the employee should share prior intimation on the same to the Organization. Any such extended leave shall be hence treated outside the purview of leave entitlements. (*the quantum/ period of permissible leave post Maternity Leave shall be determined basis the Management discretion).
- The Management reserves the right to change the scope of role and engagement basis the then organizational and vertical requirements.

VI) Dismissal of Maternity Benefits

- The employer may by order in writing, communicate to the employee, dismiss her from the Maternity benefits (inclusive of medical bonus) in case of any ‘misconduct’ or breach of Non-Compete and Non-Solicitation or other agreements - on part of the employee - as may be prescribed by the Organization.
- Also note that during the 26 weeks of Maternity Leave, the employee is not permitted to work in any other establishment availing monetary or non-monetary benefits.
- Absence of adherence of all clauses and non-compliance as mentioned in the Offer Letter and all Organisational norms and policies as applicable, shall be treated as ‘misconduct’.

VII) Medical Documents

- Employee leave application with appropriate medical documents (pre- pregnancy & post pregnancy report) confirming pregnancy and expected date of delivery are necessary for availing leave benefits.
- Appropriate medical documents should also be provided in case of any contingency as mentioned in Section IV above.

VIII) Miscellaneous

(I) Nature of work

- No pregnant woman shall perform any task assigned which is of an arduous nature or which involves long hours of standing or which in any way is likely to interfere with her pregnancy or the normal development of the fetus or is likely to cause her miscarriage or otherwise during the period specified below:
 - a) The period of one month immediately preceding the period of six weeks, before the date of her expected delivery
 - b) Any period during the said period of six weeks for which the pregnant woman does not avail leave of absence.

(II) Entitlement in case of unfortunate incident

Under the following said circumstances, the entitlement shall be liable as follows:

- a) In situations which leads to the passing away or departing of the employee, the maternity benefit shall be payable only for the days up to and includes the exact day of the passing away of the employee.
- b) The employer shall pay the liable amount to the person nominated by the woman employee ³ and in case there is no such nominee, to her legal representative.
- c) If the child also passes away (still born here) then the period which will lead to passing away of the child will also be computed while providing the maternity benefit. This period is also to be calculated as per the discretion of the management.

³ It is important that the employee nominates next in kin in the family / representative to whom the liable amount can be paid to, in case of demise of the employee.