

Supporting Employees Undergoing IVF Treatment Guidance

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SECTION 1: INTRODUCTION

Purpose of the Guidance

This guidance is part of our Family Friendly suite of resources. These are designed to reflect that the demands and responsibilities vary from family to family, and can be applied to differing circumstances.

Aberdeen City Council acknowledges that employees experiencing fertility challenges, investigations or treatment should feel supported due to the possible physical and emotional strain placed on them and their partner. The Council will be as supportive as possible in relation to employees undergoing IVF treatment, in particular in relation to time off requests for investigative appointments and during treatment and will aim to take a fair and consistent approach with employees

Employees working in supportive and compassionate environments are more likely to feel able to discuss a wellbeing issue or a challenging life event, to ask for help when needed, and to make an effective return to work. When managers manage well and build trust-based relationships with their team, they help to create an environment that is open, respectful and kind.

The purpose of this guidance is to provide managers with relevant information in order to effectively manage and support employees (including partners of / support person for) who undergo IVF treatment

It also provides clarity for employees considering, or undergoing, IVF regarding the support they will receive. The guidance also details the support that the partners of those undergoing IVF are entitled to. Core to this guidance is that no employee will be adversely treated in the workplace due to them, or their partner, undergoing IVF.

Inclusivity Statement

This guidance is applicable to any employee considering or undergoing IVF treatment, or the partner of such an individual. The gender, sexual orientation or other characteristics are irrelevant in the application of any of our family friendly policies.

Responsibility of employees progressing with IVF

Employees are encouraged to inform their line manager once their plans to undergo IVF have been confirmed (or within a reasonable period of time) and provide a statement from a qualified medical practitioner that fertility treatment has been recommended and approved

Employees are expected to:

- Provide their line manager with as much notice as possible of any time off request(s) providing appropriate evidence of the appointment(s).
- Inform their line manager when the IVF treatment is to begin.
- Inform their line manager once the embryo transfer has been undertaken so the manager is aware of the employees pregnancy protection rights and the statutory

right to time off for antenatal care appointments.

By undertaking all the above, this will enable the manager to provide appropriate support to the employee and at the same time reduce the chances of any uncertainty or misunderstanding arising.

Responsibility of Managers

Managers should ensure that they are familiar with the IVF Guidance and are supportive of any employee and/or their partner/support person who is undergoing IVF treatment.

Managers will treat information relating to an employee who is undergoing IVF treatment with respect and confidentiality.

Where a manager is aware that an employee is undergoing an IVF process, they will make every effort to ensure that the employee is not subjected to any discrimination, harassment or victimisation by other employees in connection with the IVF process. Any instance of the above would be treated as a serious matter and would be investigated under the Council's Dignity and Respect at Work policy.

SECTION 2- Employees undergoing IVF

What is IVF?

In vitro fertilisation (IVF) is a form of fertility treatment. The IVF process involves hormonally controlling the ovulatory process, removing ova (i.e. unfertilized egg cells) from the individual and fertilising them outside the body. The fertilised ova are then implanted into the individual with the aim of establishing a successful pregnancy.

A pregnancy test is carried out two weeks after implantation to determine whether the treatment has been successful. The treatment may not succeed and may need to be repeated.

For the purpose of entitlement to employment rights for **pregnant** employees, an individual is regarded as “pregnant” from the date when the fertilised ova are implanted.

Time off for IVF investigative appointments and treatment

The IVF process generally involves regular medical appointments. The Council recognises, therefore, that an employee undergoing such treatment will likely require time off work for:

1. investigative appointments prior to the start of treatment
2. in the course of the IVF treatment itself

While there is no legal right for time off work for IVF treatment or related sickness, in line with the Special Leave Policy, any IVF appointments or sickness will be treated the same as any other medical appointment or sickness.

The Council will treat employees undergoing an IVF process with respect and consideration, with requests for time off being considered sensitively by managers with a supportive approach taken.

Depending on the frequency and length of appointments, as with medical appointment leave, it may be appropriate that alternative options (or a combination of these) can be explored by the manager and employee with the appropriate one(s) selected to accommodate the request. The options include the following:-

- Unpaid leave
- Annual leave
- Flexi leave (for those on flexi time)
- Making lost time up at a later date
- Altering hours on a temporary basis
- Making use of a Coreless Flexi day (for those on Flexi time)
- Consideration of other flexible working options (see the Council’s Smarter Working guidance)

It is acknowledged that fertility challenges, investigations or appointments can be difficult and therefore any individual who is the partner/support person may also use the above options

Pregnancy Protection and time off for antenatal care

An employee undergoing IVF treatment is deemed to be “pregnant” following their embryo transfer. The employee will therefore be legally protected from pregnancy and maternity discrimination, and will have the right to paid time off for antenatal care from this point.

A pregnancy test is usually undertaken two weeks after the transfer to determine whether or not the treatment has been successful. On notification of pregnancy the Council’s Maternity Guidance will apply, including the duty on the manager to carry out a risk assessment in relation to the employee’s role. The Maternity Guidance can be found on People Anytime.

If the IVF is unsuccessful, employees are protected against pregnancy discrimination for two weeks after finding out an embryo transfer was unsuccessful.

Employee sickness absence as a result of undergoing IVF treatment

At any stage of the IVF process, an employee may be absent from work due to the effects of the treatment, with it affecting people in different ways. This could be either due to the physical or mental effects (including depression or stress). If this arises, the employee will be regarded as being on **sick leave** and will report their absence in the normal way. The manager will undertake a Return to Work Discussion on the employee’s return to work after each absence, in line with the Supporting Attendance and Wellbeing policy at which the opportunity can be taken to explore whether any support can be given within the workplace. If there are any concerns regarding the employee’s emotional wellbeing, consideration can be given to referring the employee to the occupational health service and/or to making them aware of the contact details for the Employee Assistance Programme.

Where a sickness absence trigger point is met under the Supporting Attendance and Wellbeing policy, the employee will be managed normally under that policy.

Any absences related to IVF treatment that occur following the embryo transfer until pregnancy is determined, will be managed separately as pregnancy related absences (see Supporting Attendance and Wellbeing policy for further details).

If the employee’s implantation does **not** result in pregnancy, any IVF related absences from this confirmation will not be considered pregnancy related.

Further Advice

Any further advice or guidance on managing employees undergoing IVF can be obtained from the HR Service Centre by e-mailing askhr@aberdeencity.gov.uk

