

# KLAVIYO FAMILY LEAVE POLICY, UK

## 1.0. Introduction

Klaviyo is pleased to support its employees who welcome a new child into their families. Our UK Family Leave Policies governs the leave of absence in this scenario. This allows us as a company to move towards “family friendly” measures, enabling employees to strike a better balance between work and family commitments

As a company, we recognise the diversity in family structures and acknowledge that the responsibilities in caring for a child are often shared between a primary and secondary caregiver. For the purpose of this policy, our definition on the two types of caregiver are as follows:

- **Primary Caregiver** refers to a Klaviyo employee who is given the primary and ongoing responsibility for the care of a child. This includes the birth mother of a child or a biological/adoptive parent taking a primary role in caring for a child.
- **Secondary Caregiver** refers to a Klaviyo employee who will be welcoming a child into their life but will not be taking on the primary responsibility for their care. This includes the father of a child or a biological/adoptive parent taking a secondary role in caring for a child.

This policy further outlines the compensation and leave of absence each leave type will be granted based on our global standards and in line with local legislation.

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## 2.0. Primary Caregiver Leave

Klaviyo is committed to retaining employees further to starting or adding to their family. Detailed below is an outline of entitlement to Primary Caregiver Leave, statutory maternity and adoption payments and antenatal care and adoption appointments.

Upon discovering you are pregnant, you should contact your Manager so that you can be briefed on entitlements and to ensure you are not exposed to any risks to your pregnancy during your work.

Alternatively, if you are notified of a new match from your adoption agency, you should contact your Manager within 7 days of receiving the notification so that you can be briefed on entitlements. You and your partner will need to decide who will be the main adopter and therefore who will be entitled to Primary Caregiver Leave.

Surrogate parents are also entitled to Primary Caregiver Leave providing the child is subject to a parental order and an official adoption agency is involved.

The rules and regulations are complicated and need to be adhered to, so valuable benefits are not lost.

### 2.1. Eligibility

All employees who have worked continuously for 26 weeks at Klaviyo are eligible for 52 weeks of primary caregiver leave. This is split into 26 weeks of Ordinary Maternity/Adoption Leave (OML/OAL) and up to further 26 weeks of Additional Maternity/Adoption Leave (AML/AOL). Details around benefits and remunerations are shared further below in section 2.2.

To qualify for both Ordinary and Additional Leave, we ask that an employee who is pregnant notifies the Company as soon as possible, and no later than the end of the 15th week before the expected week of childbirth.

- That they are pregnant
- The intended start date of the period of leave
- The expected week of childbirth (EWC).

For employees who are adopting, to qualify for the leave they must inform the Company as soon as possible, and no later than 7 days after being notified by the adoption agency:

- That they have been matched with a child;
- The date when the child is expected to be placed with them; and
- The intended start date of the primary Caregiver leave period.

For employees who are expecting a surrogate child arranged through an approved adoption agency, they must inform the Company as soon as possible, and no later than the end of the 15th week before the expected week of childbirth (EWC):

- That the surrogate is expecting;
- The date of the surrogate childbirth (EWC); and
- The intended start date of your adoption leave period.

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### **2.1.2. Early Leave**

Employees who are pregnant cannot start their leave earlier than the 11<sup>th</sup> week before the expected week of childbirth. The Primary Caregiver Leave period begins on the date that the employee notifies Klaviyo on when they would like their leave to begin. If an employee is absent from work (without arrangement), wholly or partly because of pregnancy however, after the start of the 4<sup>th</sup> week before the expected week of childbirth, the leave is calculated to start on the day after the first day of absence. If a pregnant employee is absent due to an early birth, the Primary Caregiver Leave will be calculated to start on the day after the day of birth.

If you are adopting a child, the period of leave can start:

- Up to 14 days before the date the child starts living with you (UK adoptions)
- When the child arrives in the UK or within 28 days of this date (overseas adoptions)
- The day the child is born or the day after (if you have used a surrogate to have a child)

### **2.1.3. Compulsory Leave**

Employees who are pregnant and have given birth are required to take a minimum of two weeks leave from the date the child is born. You cannot return to work until at least 2 weeks after the birth of the child.

### **2.1.4. Sharing Your Primary Caregiver Leave**

Shared Parental Leave is available to eligible employees as an alternative option to Primary Caregiver Leave. This enables you to share any remaining period of Primary Caregiver Leave and statutory maternity pay with your partner under Shared Parental Leave and pay arrangements (up to a maximum of 50 weeks in total). Your partner should discuss this with their employer directly and further details are contained in section 4.0 of this policy.

## **2.2. Benefits and Remuneration**

Employees are entitled to receive all the benefits that would have applied to their job (with the exception of remuneration) during the whole Primary Caregiver Leave period.

Remuneration comprises payments of salary and benefits with a transferable cash value. Non cash benefits, such as life insurance, private medical insurance and pension contributions continue\*. Benefits such as a company laptop where no private use is contractually permitted can be withdrawn.

All other basic contractual and statutory rights apply (unless the contract provides otherwise). These include terms relating to notice, redundancy and disciplinary and grievance procedures, statutory and contractual holiday entitlement, continuity of employment. The employee will, however, only continue to receive Statutory Maternity / Adoption pay up to the end of week 39 of their Primary Caregiver Leave.

Employers' pension contributions must continue as if the employee was receiving their normal pay during paid leave whether it is OML/OAL or AML/AOL. The employee only pays the contribution calculated at the same percentage rate of what they actually receive in pay, i.e. SMP/SAP or

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contractual maternity/adoption pay. No contributions are paid by either the employee or the employer during any period of unpaid leave unless the employment contract provides otherwise.

Salary sacrifice schemes are slightly different because they are a contract for the employer to pay an amount into a pension scheme on behalf of the employee. The employer must continue to pay the whole amount of the normal pension contribution payment during the whole of the paid primary caregiver leave period. Note: In salary sacrifice schemes the downside for the employee is that the SMP/SAP rate during the first 6 weeks is determined by the reduced salary (given up as part of the salary sacrifice).

### **2.2.1. Keeping in Touch Days**

An employee on Primary Caregiver Leave can agree with their employer to work for up to 10 days during this statutory leave period (but not during the first 2 weeks of compulsory leave if they have given birth) without bringing the Primary Caregiver Leave entitlement to an end. Work can include training and must be agreed between the parties – an employer cannot compel an employee to attend for this purpose. Attendance on these dates will not serve to extend the period of leave.

### **2.2.3. Antenatal Care / Adoption Appointments**

All employees who are the primary caregiver are entitled to time off with pay in order to receive ante-natal care or to attend up to 5 adoption appointments. The employee must however provide an appointment card or some other documentation showing the dates and times of the appointments.

### **2.2.4. Primary Caregiver Pay, including Statutory & Enhanced Payments**

Klaviyo offers enhanced pay for all employees who are eligible for Primary Caregiver leave. Enhanced Maternity/Adoption Pay (EMP/EAP) and Statutory Maternity/Adoption Pay (SMP/SAP) are payable by the Company for up to thirty-nine weeks (as long as certain conditions are fulfilled). SMP/SAP are payable to all employees who have been continuously employed by their employer for 26 weeks' at the start of the 15<sup>th</sup> week before the expected week of childbirth, if pregnant, or at the start of the week that you receive notification that you have been matched with a child, and as long as you earn above the lower earnings limit.

Where you comply with all conditions you are entitled during your Primary Caregiver Leave to:

- Pay at 100% of your average weekly earnings for the first 22 weeks
- A maximum of 17 weeks at the current SMP/SAP rate or 90% of your average weekly earnings if this is lower.

The payment of Enhanced Maternity or Adoption Pay may start on any day in accordance with section 2.1.2.

A pregnant employee who leaves work after the start of the 15<sup>th</sup> week before the week the baby is due, and satisfies all the eligibility rules, is entitled to receive SMP regardless of the reasons why they are leaving (includes resignation, redundancy and dismissal).

A pregnant employee who does not fulfil the service requirements may be entitled to Maternity Allowance payments which they should claim for via their Job Centre Plus.

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### **2.3. Notification of Intention to take Primary Caregiver Leave**

Notification should be made in writing, accompanied by a completed self-certificate, and should be supported by the following documentation:

- For pregnant employees, a Maternity Certificate (Form MATB1) supplied by a Doctor or Midwife
- For adoptive parents, a Matching Certificate supplied by the adoption agency, or a Parental Order in the case of Surrogacy.

The Company will presume that an employee will take the full fifty-two weeks Primary Caregiver Leave unless the employee notifies them of their intention to return earlier. Employees are not required to notify their employer of their intention to take advantage of the right to return to work, either prior to or during their period of leave. The Company must confirm in writing the date on which the employees Primary Caregiver Leave should end on receipt of an employee's notification of intention to take the Leave.

Employees can subsequently change the date on which their Primary Caregiver Leave will commence providing they give at least 28 days' notice prior to the new dates (wherever practicable).

#### **2.3.1. Notice of Intention to Return to Work**

An employee does not have to give their employer any advance notice if they intend to return to work immediately after the fifty-two week's Ordinary and Additional Leave periods. However, if an employee decides to return before the end of the AML/AAL period, they must give Klaviyo at least 8 weeks' notice of the intended return date. Should an employee decide not to return to work following Primary Caregiver leave then normal contractual notice must be given to the employer.

Once notification of a return to work is received, Klaviyo will arrange a meeting between you and your Manager to update you with any changes that may have happened inside the Company whilst you have been away on leave.

#### **2.4. Right to Return to Work**

Following Ordinary leave (26 weeks), employees are entitled to return to the same job in which they were employed prior to commencing Primary Caregiver Leave. Following Additional leave, if it is not reasonably practicable for the employee to return to the same job, an employee is entitled to return to another job that is both suitable and appropriate for them to do. These provisions would not apply if a redundancy situation had arisen.

### **3.0. Secondary Caregiver Leave**

Klaviyo is committed to encouraging family friendly policies where practicable. Detailed below is an outline of entitlement to Secondary Caregiver Leave. Immediately you discover your spouse/partner is pregnant you should contact your Manager so that you can be briefed on your entitlements.

Secondary Caregiver Leave and pay are also available to secondary caregivers following the placement of a child for adoption or the birth of a surrogate child.

#### **3.1. Eligibility**

Employees who have worked continuously for their employer for at least 26 weeks are entitled to secondary caregiver leave. They must notify at least 15 weeks before the expected birth date or placement of a child, or no later than 7 days after being notified by an adoption agency, to qualify for Secondary Caregiver Pay, which includes Statutory and Enhanced Paternity Pay

#### **3.2. Secondary Caregiver Pay, including entitlement to Statutory Paternity Pay (SPP)**

Ordinary Statutory Paternity Pay (SPP) is payable by the Company for a maximum of two working weeks (providing certain conditions are fulfilled).

Ordinary Paternity Leave (OPL) can start on any day of the week or following the child's birth or placement with you but must be taken within 56 days of the actual date of the birth or placement of the child. The only exception to this is if the child is born early. If so, the OPL must then be taken within the period from the actual date of birth up to 56 days after the 1<sup>st</sup> day of the expected week of birth.

As Klaviyo offers enhanced Secondary Caregiver Leave of up to 16 weeks at 100% pay, you must take 2 of these weeks within the parameters set out above, however, the following 14 weeks can be taken outside of this time period if required. You must take Secondary Caregiver Leave in consecutive weeks and cannot take odd days or weeks here and there.

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**3.3. Procedure**

Notification of your intention to claim Secondary Caregiver Leave must be made in writing, accompanied by a completed self-certificate which must be received by the Company by the 15th week before the baby is expected. You must also state the period that you wish your Secondary Caregiver Leave to run from.

The Company understands however that the nature of Secondary Caregiver Leave may mean that dates of leave may need to be changed in accordance with the birth/arrival date. You are asked however to try and provide as much notice as possible

**3.4. Right to Return to Work**

You are entitled to return to the same job following a period of Secondary Caregiver Leave.

## **4.0. Shared Parental Leave (SPL)**

Shared Parental Leave gives more choice in how 2 parents can care for their child. Eligible parents who are sharing responsibility for a child can get Shared Parental Leave in the first year after; the birth of their child; adopting a child; or getting a parental order if they had the child through surrogacy.

Upon discovering you or your spouse/partner is either pregnant or will be newly matched with a child, you should contact your manager so that you can be briefed on your entitlements.

### **4.1. Eligibility**

Primary and secondary caregivers who have worked continuously for their employer for at least 26 weeks, 15 weeks before the expected birth date or placement of a child and earn above the lower earnings threshold should be eligible for Shared Parental Leave and Pay.

You must share responsibility for the child at birth, or the date they are placed with you if you are adopting and will not be eligible if you start sharing responsibility for the child after this time.

The primary caregiver of the child must give written binding notice to end their maternity or adoption leave before the commencement of any Shared Parental Leave.

### **4.2. Entitlement**

Shared Parental Leave is up to a maximum of 50 working weeks and can be shared between the primary and secondary Caregivers. You may take leave at the same time, and you can give up to 3 separate notices of leave. Each notice of leave must be taken in full weeks and can be split into shorter discontinuous periods if the Company agrees. The earliest date that you may start any Shared Parental Leave is 2 weeks after the child has been born or placed for adoption and all leave must be completed within one year of the child's birth or placement for adoption.

#### **4.2.1. Shared Parental Pay (ShPP)**

Statutory Shared Parental Pay (ShPP) is payable by the Company for any remaining period of you or your partner's 39 week Maternity Allowance, Statutory Maternity or Statutory Adoption Pay period (providing certain conditions are fulfilled). ShPP is payable to all employees whose weekly earnings are above the lower earnings limit and who have 26 weeks of continuous employment with Klaviyo at the start of the qualifying week. The qualifying week is the 15<sup>th</sup> week before the expected due date. During Shared Parental Leave, you will receive either the fixed weekly ShPP entitlement or 90% of your average weekly earnings, if this is less than the fixed weekly ShPP entitlement

You must give Klaviyo at least 8 weeks written notice of the date that you plan your ShPP to start.

#### **4.2.2. Shared Parental Leave in Touch Days**

An employee on Shared Parental Leave can agree with their employer to work for up to 20 days during their Shared Parental Leave period without bringing the Shared Parental Leave entitlement to an end. Work can include training and must be agreed between the parties – an employer cannot compel an employee to attend for this purpose. Attendance on these dates will not serve to extend the period of Shared Parental Leave.



### **4.3. Notification of Intention to take Shared Parental Leave**

To claim Shared Parental Leave or ShPP the primary caregiver must either return to work (which ends any maternity or adoption leave) or give their employer 'binding notice' of the date they plan to end their leave.

Once binding notice has been given the decision can only be changed if both the planned end date has not passed and the primary caregiver has not returned to work. One of the following conditions must also apply;

- You find out during the 8 week notice period that neither of you is eligible for SPL or ShPP
- The mother or adopter's partner has died
- The mother tells their employer less than 6 weeks after the birth (and they gave their employer notice before the birth)

Both the primary and secondary caregivers must apply to their employers for SPL

Notification of your intention to claim Shared Parental Leave must be made in writing and must be received by the Company at least 8 weeks before the baby is due and state the period that you wish your Shared Parental Leave to cover.

A Notice of Entitlement and Declaration of Consent form must be completed at the relevant time. You must also declare that your partner meets the employment and earnings test and provide a completed declaration from the other caregiver. Klaviyo can ask you for more information within 14 days of you applying for SPL or ShPP. We can ask for:

- A copy of the birth certificate
- A declaration of the place and date of birth (if the birth has not been registered yet)
- Name and address of adoption agency (if adopting)
- Date you were matched with the child and the date the child will start to live with you (if adopting)
- The name and address of your partner's employer or a declaration that your partner has no employer

You must provide this information within 14 days of being asked for it, if required.

A Notice to Book Leave will then need to be completed when you know the exact dates that you wish to take any leave.

### **4.4. Right to Return to Work**

You are entitled to return to work in the same job or a similar job with equally favourable conditions following a period of Shared Parental Leave.

For further details regarding all Family Leave policies, including current statutory pay rates and required forms & documentation, please contact [HR@klaviyo.com](mailto:HR@klaviyo.com)