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STATUTORY INSTRUMENTS

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**1996 No. 1919**

**The Employment Rights (Northern Ireland) Order 1996**

[<sup>F1</sup>PART IX

[<sup>F2</sup>CHAPTER 1B

SHARED PARENTAL LEAVE

[<sup>F1</sup>]<sup>F2</sup>**Rights during and after shared parental leave**

**107K.**—(1) Regulations under Article 107E or 107G are to provide—

- (a) that an employee who is absent on leave under that Article is entitled, for such purposes and to such extent as may be specified, to the benefit of the terms and conditions of employment which would have applied if the employee had not been absent,
- (b) that an employee who is absent on leave under that Article is bound, for such purposes and to such extent as may be specified, by obligations arising under those terms and conditions, except in so far as they are inconsistent with Article 107E(1) or (4) or 107G(1) or (4), as the case may be, and
- (c) that an employee who is absent on leave under that Article is entitled to return from leave to a job of a kind that may be specified, subject to Article 107L(1).

(2) In paragraph (1)(a), “terms and conditions of employment”—

- (a) includes matters connected with an employee's employment whether or not they arise under the employee's contract of employment, but
- (b) does not include terms and conditions about remuneration.

(3) The reference in paragraph (1)(c) to absence on leave under Article 107E or 107G includes, where appropriate, a reference to a continuous period of absence attributable partly to leave under one of those Articles and partly to any one or more of the following—

- (a) leave under the other of those Articles,
- (b) maternity leave,
- (c) paternity leave,
- (d) adoption leave, <sup>F3</sup>...
- (e) parental leave [<sup>F4</sup>, and
- (f) parental bereavement leave.]

(4) Regulations under Article 107E or 107G may specify matters which are, or are not, to be treated as remuneration for the purposes of this Article.

(5) Regulations under Article 107E or 107G may make provision, in relation to the right to return mentioned in paragraph (1)(c), about—

- (a) seniority, pension rights and similar rights,
- (b) terms and conditions of employment on return.]]

**Status:** Point in time view as at 23/03/2022.

**Changes to legislation:** The Employment Rights (Northern Ireland) Order 1996, Section 107K is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F1** 1999 NI 9
- F2** Pt. 9 Ch. 1B inserted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), **ss. 2(2)**, 23(1); S.R. 2015/86, art. 3(1)(b)
- F3** Word in art. 107K(3)(d) omitted (23.3.2022) by virtue of Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5), ss. 4, 5(5)(6), **Sch. Pt. 1 para. 19(a)**; S.R. 2022/136, arts. 2, 3
- F4** Art. 107K(3)(f) and word inserted (23.3.2022) by Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5), ss. 4, 5(5)(6), **Sch. Pt. 1 para. 19(b)**; S.R. 2022/136, arts. 2, 3

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