

SCHEDULES

SCHEDULE 4

RIGHTS OF SHOP WORKERS AS RESPECTS SUNDAY WORKING

Transitional modifications relating to maternity cases

- 18 (1) Where an employee exercises a right to return to work under Part III of the 1978 Act (maternity) and, because amendments of that Part made by the Trade Union Reform and Employment Rights Act 1993 (in this paragraph referred to as “the 1993 Act”) do not have effect in her case, her right is a right to return to work in the job in which she was employed under the original contract of employment—
- (a) the preceding provisions of this Schedule shall have effect subject to the modifications in sub-paragraphs (2) and (3) below, and
 - (b) sub-paragraph (4) below shall have effect.
- (2) In paragraph 1(6), for “her contract of employment on the last day of her maternity leave period” there shall be substituted “her original contract of employment”.
- (3) In paragraph 2(7), for paragraph (b) there shall be substituted—
- “(b) under her original contract of employment, she was a shop worker and was not employed to work only on Sunday”.
- (4) If the employee was employed as a shop worker under her original contract of employment, she shall not be regarded as failing to satisfy the condition in paragraph 2(2)(a) or (d) or 5(1)(c) above merely because during her pregnancy she was employed under a different contract of employment by virtue of section 60(2) of the 1978 Act (as it has effect before the commencement of section 24 of the 1993 Act) or otherwise by reason of her pregnancy.
- (5) In this paragraph and in paragraphs 1 and 2 above as modified by sub-paragraphs (2) and (3) above “original contract of employment” has the meaning given by section 153(1) of the 1978 Act as originally enacted.