



Employment Rights Act 1996

1996 CHAPTER 18

PART X

UNFAIR DISMISSAL

CHAPTER I

RIGHT NOT TO BE UNFAIRLY DISMISSED

Fairness

106 Replacements

- (1) Where this section applies to an employee he shall be regarded for the purposes of section 98(1)(b) as having been dismissed for a substantial reason of a kind such as to justify the dismissal of an employee holding the position which the employee held.
- (2) This section applies to an employee where—
 - (a) on engaging him the employer informs him in writing that his employment will be terminated on the resumption of work by another employee who is, or will be, absent wholly or partly because of pregnancy or childbirth, and
 - (b) the employer dismisses him in order to make it possible to give work to the other employee.
- (3) This section also applies to an employee where—
 - (a) on engaging him the employer informs him in writing that his employment will be terminated on the end of a suspension of another employee from work on medical grounds or maternity grounds (within the meaning of Part VII), and
 - (b) the employer dismisses him in order to make it possible to allow the resumption of work by the other employee.

Status: This is the original version (as it was originally enacted).

- (4) Subsection (1) does not affect the operation of section 98(4) in a case to which this section applies.