



Employment Rights Act 1996

1996 CHAPTER 18

[^{F1}PART VIII

[^{F2}CHAPTER 1B

SHARED PARENTAL LEAVE

[^{F1}[[^{F2}75I] **Rights during and after shared parental leave**

- (1) Regulations under section 75E or 75G are to provide—
 - (a) that an employee who is absent on leave under that section is entitled, for such purposes and to such extent as the regulations may prescribe, 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 section is bound, for such purposes and to such extent as the regulations may prescribe, by obligations arising under those terms and conditions, except in so far as they are inconsistent with section 75E(1) or (4) or 75G(1) or (4), as the case may be; and
 - (c) that an employee who is absent on leave under that section is entitled to return from leave to a job of a kind prescribed by the regulations, subject to section 75J(1).
- (2) In subsection (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 subsection (1)(c) to absence on leave under section 75E or 75G includes, where appropriate, a reference to a continuous period of absence attributable partly to leave under one of those sections and partly to any one or more of the following—
 - (a) leave under the other of those sections,

Status: Point in time view as at 06/04/2017. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 75I is up to date with all changes known to be in force on or before 26 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)

- (b) maternity leave,
 - (c) paternity leave,
 - (d) adoption leave, and
 - (e) parental leave.
- (4) Regulations under section 75E or 75G may specify matters which are, or are not, to be treated as remuneration for the purposes of this section.
- (5) Regulations under section 75E or 75G may make provision, in relation to the right to return mentioned in subsection (1)(c), about—
- (a) seniority, pension rights and similar rights;
 - (b) terms and conditions of employment on return.]]

Textual Amendments

- F1** Pt. 8 (ss. 71-80) substituted for Pt. 8 (ss. 71-85) (15.12.1999) by 1999 c. 26, s. 7, **Sch. 4 Pt. 1**; S.I. 1999/2830, art. 2(1)(2), **Sch. 1 Pt. 2** (with transitional provisions in Sch. 3 para. 10)
- F2** Pt. 8 Ch. 1B (ss. 75E-75K) inserted (30.6.2014) by Children and Families Act 2014 (c. 6), **ss. 117(1)**, 139(6); S.I. 2014/1640, **art. 3(1)(a)**

Status:

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