
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

[^{F1}PART IX

CHAPTER II

PARENTAL LEAVE

[^{F1}Rights during and after parental leave

109.—(1) Regulations under Article 108 shall provide—

- (a) that an employee who is absent on parental leave is entitled, for such purposes and to such extent as may be prescribed, to the benefit of the terms and conditions of employment which would have applied if he had not been absent,
- (b) that an employee who is absent on parental leave is bound, for such purposes and to such extent as may be prescribed, by any obligations arising under those terms and conditions (except in so far as they are inconsistent with Article 108(1)), and
- (c) that an employee who is absent on parental leave is entitled, subject to Article 110(1), to return from leave to a job of such kind as the regulations may specify.

(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 a contract of employment, but
- (b) does not include terms and conditions about remuneration.

(3) Regulations under Article 108 may specify matters which are, or are not, to be treated as remuneration for the purposes of paragraph (2)(b).

(4) The regulations 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.

[
^{F2}(5) In this Article, “prescribed” means prescribed by the regulations made under Article 108.]]

F1 1999 NI 9

F2 Art. 109(5) added (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), Sch. 1 para. 4(8); S.R. 2015/86, art. 3(2)(d)

Status:

Point in time view as at 15/03/2015.

Changes to legislation:

The Employment Rights (Northern Ireland) Order 1996, Section 109 is up to date with all changes known to be in force on or before 11 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.