
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART XI

UNFAIR DISMISSAL

CHAPTER I

RIGHT NOT TO BE UNFAIRLY DISMISSED

[^{F1}Other Dismissals]

^{X1}**[^{F1}Leave for family reasons**

131.—(1) An employee who is dismissed shall be regarded for the purposes of this Part as unfairly dismissed if—

- (a) the reason or principal reason for the dismissal is of a prescribed kind, or
- (b) the dismissal takes place in prescribed circumstances.

(2) In this Article “prescribed” means prescribed by regulations made by the Department.

(3) A reason or set of circumstances prescribed under this Article must relate to—

- (a) pregnancy, childbirth or maternity,

[time off under Article 85ZE,]

^{F2}(aa)

[time off under Article 85ZJ or 85ZL,]

^{F3}(ab)

- (b) ordinary, compulsory or additional maternity leave,

[ordinary or additional adoption leave,]

^{F4}(ba)

[shared parental leave,]

^{F5}(bb)

- (c) parental leave,

^{F6}(ca) paternity leave,]

- (d) time off under Article 85A;

and it may also relate to redundancy or other factors.

(4) A reason or set of circumstances prescribed under paragraph (1) satisfies paragraph (3)(c) if it relates to action which an employee—

- (a) takes,
- (b) agrees to take, or

Status: Point in time view as at 05/04/2015. This version of this provision has been superseded.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996, Section 131 is up to date with all changes known to be in force on or before 27 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)

- (c) refuses to take,
under or in respect of a collective or workforce agreement which deals with parental leave.
- (5) Regulations under this Article may apply any statutory provision, in such circumstances as may be specified and subject to any conditions specified, in relation to persons regarded as unfairly dismissed by reason of this Article]

Editorial Information

- X1** The insertion of the new arts. 130ZA-130ZH preceded by new "Retirement" crossheading and followed by new "Other Dismissals" crossheading on 1.10.2006 gives rise to a change in the structure of this Order on legislation.gov.uk which breaks the continuity of historical versions of the existing provisions which are brought under new "Other Dismissals" crossheading
- F1** [1999 NI 9](#)
- F2** Art. 131(3)(aa) inserted (15.3.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\), ss. 15\(5\), 23\(1\)](#); S.R. 2015/86, art. 3(1)(l)
- F3** Art. 131(3)(ab) inserted (15.3.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\), ss. 17\(6\), 23\(1\)](#); S.R. 2015/86, art. 3(1)(n)
- F4** [2002 NI 2](#)
- F5** Art. 131(3)(bb) inserted (15.3.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\), s. 23\(1\), Sch. 1 para. 4\(16\)\(a\)](#); S.R. 2015/86, art. 3(2)(d)
- F6** Art. 131(3)(ca) substituted (5.4.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\), s. 23\(1\), Sch. 1 para. 4\(16\)\(b\)](#); S.R. 2015/86, art. 4(2)(c) (with art. 7(2))

Status:

Point in time view as at 05/04/2015. This version of this provision has been superseded.

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