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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 471**

**Maternity and Parental Leave  
etc. Regulations (Northern Ireland) 1999**

**Part IV**

Provisions applicable in relation to more than one kind of absence

**Protection from detriment**

**19.**—(1) An employee is entitled under Article 70C(1) of the 1996 Order not to be subjected to any detriment by any act, or any deliberate failure to act, by her employer done for any of the reasons specified in paragraph (2).

(2) The reasons referred to in paragraph (1) are that the employee—

- (a) is pregnant;
- (b) has given birth to a child;
- (c) is the subject of a relevant requirement, or a relevant recommendation, as defined by Article 98(2) of the 1996 Order;
- (d) took, sought to take or availed herself of the benefits of, ordinary maternity leave;
- (e) took or sought to take—
  - (i) additional maternity leave;
  - (ii) parental leave, or
  - (iii) time off under Article 85A(2) of the 1996 Order;
- (f) declined to sign a workforce agreement for the purposes of these Regulations, and
- (g) being—
  - (i) a representative of members of the workforce for the purposes of Schedule 1, or
  - (ii) a candidate in an election in which any person elected will, on being elected, become such a representative or candidate,performed (or proposed to perform) any functions or activities as such a representative or candidate.

(3) For the purposes of paragraph (2)(d), a woman avails herself of the benefits of ordinary maternity leave if, during her ordinary maternity leave period, she avails herself of the benefits of any of the terms and conditions of her employment preserved by Article 103 of the 1996 Order during that period.

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(1) Article 70C was inserted into the 1996 Order by paragraph 3 of Part III of Schedule 4 to the Employment Relations (N.I.) Order 1999.  
(2) Article 85A was inserted into the 1996 Order by Part II of Schedule 4 to the Employment Relations (Northern Ireland) Order 1999

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(4) Paragraph (1) does not apply in a case where the detriment in question amounts to dismissal within the meaning of Part XI of the 1996 Order.

(5) Paragraph (2)(b) only applies where the act or failure to act takes place during the employee's ordinary or additional maternity leave period.

(6) For the purposes of paragraph (5)—

(a) where an act extends over a period, the reference to the date of the act is a reference to the last day of that period, and

(b) a failure to act is to be treated as done when it was decided on.

(7) For the purposes of paragraph (6), in the absence of evidence establishing the contrary an employer shall be taken to decide on a failure to act—

(a) when he does an act inconsistent with doing the failed act, or

(b) if he has done no such inconsistent act, when the period expired within which he might reasonably have been expected to do the failed act if it were to be done.