
STATUTORY RULES OF NORTHERN IRELAND

2023 No. 55

The Parental Bereavement Leave
Regulations (Northern Ireland) 2023

PART 3

TAKING PARENTAL BEREAVEMENT LEAVE

Unfair Dismissal

13.—(1) An employee who is dismissed is entitled under Article 131 of the 1996 Order⁽¹⁾ to be regarded for the purposes of Part 11 of that Order as unfairly dismissed if the reason or principal reason for the dismissal is of a kind specified in paragraph (3).

(2) An employee who is dismissed is also to be regarded for the purposes of Part 11 of the 1996 Order as unfairly dismissed if—

- (a) the reason or principal reason for the dismissal is that the employee was redundant;
- (b) it is shown that the circumstances constituting the redundancy applied equally to one or more employees in the same undertaking who had positions similar to that held by the employee and who have not been dismissed by the employer; and
- (c) it is shown that the reason or principal reason for which the employee was selected for dismissal was a reason of a kind specified in paragraph (3).

(3) The reasons referred to in paragraphs (1) and (2) are reasons connected with any of the following facts—

- (a) that the employee took, sought to take, or made use of the benefits of parental bereavement leave;
- (b) that the employer believed that the employee was likely to take parental bereavement leave.

(4) For the purposes of paragraph (3)(a), an employee makes use of the benefits of parental bereavement leave if, during a period of parental bereavement leave, the employee benefits from any of the terms and conditions of employment preserved by regulation 9 during that period.

⁽¹⁾ Article 131 was substituted by S.I. 1999/2790 (N.I. 9), Article 11 and Schedule 4, Part 3, paragraph 8, and amended for relevant purposes by 2015 c. 1 (N.I.), section 14(1) and Schedule 1, paragraph 4(16).