
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Statutory Shared Parental Pay (General) Regulations 2014

PART 4

CONDITIONS OF ENTITLEMENT RELATING
TO EMPLOYMENT AND EARNINGS

Continuous employment and unfair dismissal

35.—(1) Where in consequence of specified action in relation to a person’s dismissal, the person is reinstated or re-engaged by their employer or by a successor or associated employer of that employer then—

- (a) the continuity of their employment shall be preserved for the purposes of sections 171ZU and 171ZY of the 1992 Act (see also regulations 30 and 31) for the period beginning with the effective date of termination and ending with the date of reinstatement or re-engagement; and
- (b) any week which falls within the interval beginning with the effective date of termination and ending with the date of reinstatement or re-engagement, as the case may be, shall count in the computation of their period of continuous employment.

(2) In this regulation—

- (a) “associated employer” shall be construed in accordance with section 231 of the Employment Rights Act 1996;
- (b) “dismissal procedure agreement” and “successor” have the same meanings as in section 235 of the Employment Rights Act 1996;
- (c) “specified action in relation to a person’s dismissal” means action which consists of—
 - (i) the presentation by that person of a complaint under section 111(1) (complaints to employment tribunal) of the Employment Rights Act 1996⁽¹⁾;
 - (ii) that person making a claim in accordance with a dismissal procedure agreement designated by an order under section 110 of that Act⁽²⁾; or
 - (iii) any action taken by a conciliation officer under section 18 (conciliation) of the Employment Tribunals Act 1996⁽³⁾.

(1) 1996 c.18.

(2) Section 110 was amended by sections 1(2)(a) and (c) and 12(1) to (3) and (5) of the Employment Rights (Dispute Resolution) Act 1998 c.8.

(3) 1996 c.17.