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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

**The Shared Parental Leave Regulations 2014**

**PART 5**

**TAKING SHARED PARENTAL LEAVE**

**Right to return after shared parental leave**

**40.**—(1) Where an employee returns to work after a period of shared parental leave which, when added to any other period of relevant statutory leave (see paragraph (3)) taken by the employee in relation to C, means that the total amount of relevant statutory leave taken by the employee in relation to C is 26 weeks or less, the employee is entitled to return from leave to the job in which the employee was employed before the absence, except where paragraph (2)(b) applies.

(2) Where an employee returns to work after a period of shared parental leave which—

- (a) when added to any other period of relevant statutory leave taken by the employee in relation to C, means that the total amount of relevant statutory leave taken by the employee in relation to C is more than 26 weeks; or
- (b) was the last of two or more consecutive periods of relevant statutory leave which included a period of parental leave of more than four weeks, a period of additional maternity leave, or a period of additional adoption leave,

the employee is entitled to return from leave to the job in which the employee was employed before the absence, or, if it is not reasonably practicable for the employer to permit the employee to return to that job, to another job which is both suitable for the employee and appropriate for the employee to do in the circumstances.

(3) In this regulation—

“additional adoption leave” means leave under section 75B of the 1996 Act<sup>(1)</sup>;

“additional maternity leave” means leave under section 73 of the 1996 Act<sup>(2)</sup>;

“parental leave” means leave under section 76 of the 1996 Act<sup>(3)</sup>;

“relevant statutory leave” means leave provided for in Part 8 of the 1996 Act<sup>(4)</sup> except any period of parental leave.

(4) This regulation does not apply where it is not practicable by reason of redundancy for the employer to continue to employ the employee under the existing contract of employment.

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(1) Section 75B was inserted by the Employment Act 2002, (c. 22), section 3.

(2) Section 73 was substituted by the Employment Relations Act 1999 (c. 26), Schedule 4, Part 1, and amended by the Employment Act 2002, section 17, and by the Work and Families Act 2006 (c. 18), Schedule 1, paragraph 32.

(3) Section 76 was substituted by the Employment Relations Act 1999, Schedule 4, Part 1.

(4) Part 8 was substituted by the Employment Relations Act 1999. Sections 75A to 75D were inserted by the Employment Act 2002, sections 1, and sections 80A to 80E were inserted by section 3 of that Act.