
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Shared Parental Leave Regulations 2014

PART 5

TAKING SHARED PARENTAL LEAVE

Protection from detriment

42.—(1) An employee is entitled under section 47C(1) of the 1996 Act not to be subjected to any detriment by any act, or any deliberate failure to act, by an employer because—

- (a) the employee took, sought to take, or made use of the benefits of, shared parental leave;
- (b) the employer believed that the employee was likely to take shared parental leave; or
- (c) the employee undertook, considered undertaking, or refused to undertake work in accordance with regulation 37.

(2) For the purposes of paragraph (1)(a), the employee makes use of the benefits of shared parental leave if, during a period of shared parental leave, the employee benefits from any of the terms and conditions of employment preserved by regulation 38 during that period.

(3) Paragraph (1) does not apply where the detriment in question amounts to dismissal within the meaning of Part 10 of the 1996 Act.

(1) Section 47C was inserted by the Employment Relations Act 1999, Schedule 4, Part 3, paragraphs 5 and 8, and amended by the Children and Families Act 2014 (c. 6), Schedule 7, paragraphs 29 and 31; there are other amending instruments but none is relevant.