



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART VII

#### SUSPENSION FROM WORK

##### *Suspension on medical grounds*

#### **64 Right to remuneration on suspension on medical grounds.**

- (1) An employee who is suspended from work by his employer on medical grounds is entitled to be paid by his employer remuneration while he is so suspended for a period not exceeding twenty-six weeks.
- (2) For the purposes of this Part an employee is suspended from work on medical grounds if he is suspended from work in consequence of—
  - (a) a requirement imposed by or under a provision of an enactment or of an instrument made under an enactment, or
  - (b) a recommendation in a provision of a code of practice issued or approved under section 16 of the <sup>M1</sup>Health and Safety at Work etc. Act 1974,and the provision is for the time being specified in subsection (3).
- (3) The provisions referred to in subsection (2) are—
  - Regulation 16 of the <sup>M2</sup>Control of Lead at Work Regulations 1980,
  - [<sup>F1</sup>Regulation 24 of the Ionising Radiations Regulations 1999 [S.I. 1999/xxxx]],
  - and
  - Regulation 11 of the <sup>M3</sup>Control of Substances Hazardous to Health Regulations 1988.
- (4) The Secretary of State may by order add provisions to or remove provisions from the list of provisions specified in subsection (3).
- (5) For the purposes of this Part an employee shall be regarded as suspended from work on medical grounds only if and for so long as he—
  - (a) continues to be employed by his employer, but

*Status: Point in time view as at 26/05/2008.*

*Changes to legislation: Employment Rights Act 1996, Cross Heading: Suspension on medical grounds is up to date with all changes known to be in force on or before 05 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) is not provided with work or does not perform the work he normally performed before the suspension.

**Textual Amendments**

**F1** Words in s. 64(3) substituted (1.1.2000) by S.I. 1999/3232, reg. 41(1), **Sch. 9 para. 2**

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**Marginal Citations**

**M1** 1974 c. 37.  
**M2** S.I. 1980/1248.  
**M3** S.I. 1988/1657.

**65 Exclusions from right to remuneration.**

- (1) An employee is not entitled to remuneration under section 64 unless he has been continuously employed for a period of not less than one month ending with the day before that on which the suspension begins.
- (2) <sup>F2</sup> .....
- (3) An employee is not entitled to remuneration under section 64 in respect of any period during which he is incapable of work by reason of disease or bodily or mental disablement.
- (4) An employee is not entitled to remuneration under section 64 in respect of any period if—
  - (a) his employer has offered to provide him with suitable alternative work during the period (whether or not it is work which the employee is under his contract, or was under the contract in force before the suspension, employed to perform) and the employee has unreasonably refused to perform that work, or
  - (b) he does not comply with reasonable requirements imposed by his employer with a view to ensuring that his services are available.

**Textual Amendments**

**F2** S. 65(2) omitted (1.10.2002) by virtue of The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 (S.I. 2002/2034), reg. 11, **Sch. 2 Pt. 1 para. 3(3)** (with regs. 13-20 and subject to transitional provisions in Sch. 2 Pt. 2)

**Status:**

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**Changes to legislation:**

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