



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART X

#### UNFAIR DISMISSAL

#### CHAPTER I

##### RIGHT NOT TO BE UNFAIRLY DISMISSED

##### *Fairness*

#### **99 Pregnancy and childbirth.**

- (1) An employee who is dismissed shall be regarded for the purposes of this Part as unfairly dismissed if—
- (a) the reason (or, if more than one, the principal reason) for the dismissal is that she is pregnant or any other reason connected with her pregnancy,
  - (b) her maternity leave period is ended by the dismissal and the reason (or, if more than one, the principal reason) for the dismissal is that she has given birth to a child or any other reason connected with her having given birth to a child,
  - (c) her contract of employment is terminated after the end of her maternity leave period and the reason (or, if more than one, the principal reason) for the dismissal is that she took, or availed herself of the benefits of, maternity leave,
  - (d) the reason (or, if more than one, the principal reason) for the dismissal is a relevant requirement, or a relevant recommendation, as defined by section 66(2), or
  - (e) her maternity leave period is ended by the dismissal, the reason (or, if more than one, the principal reason) for the dismissal is that she is redundant and section 77 has not been complied with.
- (2) For the purposes of subsection (1)(c)—

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*Status: Point in time view as at 01/11/1998. This version of this provision has been superseded.*

*Changes to legislation: Employment Rights Act 1996, Section 99 is up to date with all changes known to be in force on or before 06 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)*

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- (a) a woman takes maternity leave if she is absent from work during her maternity leave period, and
  - (b) a woman avails herself of the benefits of maternity leave if, during her maternity leave period, she avails herself of the benefit of any of the terms and conditions of her employment preserved by section 71 during that period.
- (3) An employee who is dismissed shall also be regarded for the purposes of this Part as unfairly dismissed if—
- (a) before the end of her maternity leave period she gave to her employer a certificate from a registered medical practitioner stating that by reason of disease or bodily or mental disablement she would be incapable of work after the end of that period,
  - (b) her contract of employment was terminated within the period of four weeks beginning immediately after the end of her maternity leave period in circumstances in which she continued to be incapable of work and the certificate remained current, and
  - (c) the reason (or, if more than one, the principal reason) for the dismissal is that she has given birth to a child or any other reason connected with her having given birth to a child.
- (4) Where—
- (a) an employee has the right conferred by section 79,
  - (b) it is not practicable by reason of redundancy for the employer to permit her to return in accordance with that right, and
  - (c) no offer is made of such alternative employment as is referred to in section 81,
- the dismissal of the employee which is treated as taking place by virtue of section 96 is to be regarded for the purposes of this Part as unfair.

**Status:**

Point in time view as at 01/11/1998. This version of this provision has been superseded.

**Changes to legislation:**

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