

## SCHEDULES

### SCHEDULE 4

#### LEAVE FOR FAMILY REASONS ETC

#### PART III

#### CONSEQUENTIAL AMENDMENTS

#### *Employment Rights Act 1996 (c. 18)*

16 For section 99 (unfair dismissal: pregnancy and childbirth) substitute—

**“99 Leave for family reasons**

- (1) An employee who is dismissed shall be regarded for the purposes of this Part as unfairly dismissed if—
  - (a) the reason or principal reason for the dismissal is of a prescribed kind, or
  - (b) the dismissal takes place in prescribed circumstances.
- (2) In this section “prescribed” means prescribed by regulations made by the Secretary of State.
- (3) A reason or set of circumstances prescribed under this section must relate to—
  - (a) pregnancy, childbirth or maternity,
  - (b) ordinary, compulsory or additional maternity leave,
  - (c) parental leave, or
  - (d) time off under section 57A;and it may also relate to redundancy or other factors.
- (4) A reason or set of circumstances prescribed under subsection (1) satisfies subsection (3)(c) or (d) if it relates to action which an employee—
  - (a) takes,
  - (b) agrees to take, or
  - (c) refuses to take,under or in respect of a collective or workforce agreement which deals with parental leave.
- (5) Regulations under this section may—
  - (a) make different provision for different cases or circumstances;
  - (b) apply any enactment, in such circumstances as may be specified and subject to any conditions specified, in relation to persons regarded as unfairly dismissed by reason of this section.”