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STATUTORY INSTRUMENTS

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**2020 No. 249**

**The Parental Bereavement Leave Regulations 2020**

**PART 3**

**TAKING PARENTAL BEREAVEMENT LEAVE**

**Protection from detriment**

**12.**—(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, parental bereavement leave, or
- (b) the employer believed that the employee was likely to take parental bereavement leave.

(2) For the purposes of paragraph (1)(a), an employee makes use of the benefits of parental bereavement leave if, during a period of parental bereavement leave, the employee benefits from any of the terms and conditions of employment preserved by regulation 9 during that period.

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

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(1) Section 47C was inserted by the Employment Relations Act 1999, Schedule 4, Part 3, paragraphs 5 and 8 and amended by the Parental Bereavement (Leave and Pay) Act 2018, Schedule, Part 3, paragraphs 20 and 22.