

STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

[^{F1}PART IX

[^{F2}CHAPTER III

PATERNITY LEAVE

[^{F1}]^{F2}**Rights during and after paternity leave**

112C.—(1) Regulations under Article 112A ^{F3}... shall provide—

- (a) that an employee who is absent on leave under that Article is entitled, for such purposes and to such extent as [^{F4}may be specified] , to the benefit of the terms and conditions of employment which would have applied if he had not been absent;
- (b) that an employee who is absent on leave under that Article is bound, for such purposes and to such extent as [^{F5}may be specified] , by obligations arising under those terms and conditions (except in so far as they are inconsistent with paragraph (1) of that Article), and
- (c) that an employee who is absent, on leave under that Article is entitled to return from leave to a job of a kind [^{F6}that may be specified] , subject to Article 112D(1).

(2) The reference in paragraph (1)(c) to absence on leave under Article 112A ^{F7}... includes, where appropriate, a reference to a continuous period of absence attributable partly to leave under that Article and partly to any one or more of the following—

^{F8}(za)

- (a) maternity leave,
- (b) adoption leave, ^{F9}...
[shared parental leave]

^{F10}(ba)

- [parental bereavement leave,], and

^{F11}(bb)

- (c) parental leave.

(3) Paragraph (1) shall apply to regulations under Article 112B [^{F12}[^{F13}or 112BAA as it applies to regulations under Article 112A] .]

(4) In the application of paragraph (1)(c) to regulations under Article 112B [^{F14}or [^{F15}112BAA]] , the reference to absence on leave under that Article includes, where appropriate, a reference to a continuous period of absence attributable partly to leave under that Article and partly to anyone or more of the following—

^{F16}(za)

- (a) maternity leave,

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Employment Rights (Northern Ireland) Order 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) adoption leave,
 [shared parental leave,]
^{F17}(ba)
 [parental bereavement leave,]
^{F18}(bb)
 (c) parental leave, and
 (d) leave under Article 112A ^{F19}
- (5) In paragraph (1)(a), “terms and conditions of employment”
- (a) includes matters connected with an employee's employment whether or not they arise under his contract of employment, but
- (b) does not include terms and conditions about remuneration.
- (6) Regulations under [^{F20} Article 112A or 112B] may specify matters which are, or are not, to be treated as remuneration for the purposes of this Article.
- (7) Regulations under [^{F21} Article 112A or 112B] may make provision, in relation to the right to return mentioned in paragraph (1)(c), about—
- (a) seniority, pension rights and similar rights;
- (b) terms and conditions of employment on return.]]

- F1** 1999 NI 9
- F2** 2002 NI 2
- F3** Words in art. 112C(1) repealed (5.4.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), Sch. 1 para. 4(11)(a), **Sch. 2**; S.R. 2015/86, art. 4(2)(c)(3) (with art. 7(2))
- F4** Words in art. 112C(1)(a) substituted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(11)(b)**; S.R. 2015/86, art. 3(2)(d)
- F5** Words in art. 112C(1)(b) substituted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(11)(b)**; S.R. 2015/86, art. 3(2)(d)
- F6** Words in art. 112C(1)(c) substituted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(11)(c)**; S.R. 2015/86, art. 3(2)(d)
- F7** Words in art. 112C(2) repealed (5.4.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), Sch. 1 para. 4(11)(d)(i), **Sch. 2**; S.R. 2015/86, art. 4(2)(c)(3) (with art. 7(2))
- F8** Art. 112C(2)(za) repealed (5.4.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), Sch. 1 para. 4(11)(d)(ii), **Sch. 2**; S.R. 2015/86, art. 4(2)(c)(3) (with art. 7(2))
- F9** Word in art. 112C(2) repealed (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), Sch. 1 para. 4(11)(d)(iii), **Sch. 2**; S.R. 2015/86, art. 3(2)(d)(3)
- F10** Art. 112C(2)(ba) inserted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(11)(d)(iv)**; S.R. 2015/86, art. 3(2)(d)
- F11** Art. 112C(2)(bb) inserted (23.3.2022) by Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5), ss. 4, 5(5)(6), **Sch. Pt. 1 para. 20(2)**; S.R. 2022/136, arts. 2, 3
- F12** Words in art. 112C(3) substituted (9.9.2010) by Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (N.I. 16)), arts. 1(3), **7(4)**; S.R. 2010/295, **art. 2(a)**
- F13** Words in art. 112C(3) substituted (5.4.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(11)(e)**; S.R. 2015/86, art. 4(2)(c) (with art. 7(2))
- F14** Words in art. 112C(4) inserted (9.9.2010) by Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (N.I. 16)), arts. 1(3), **7(5)(a)**; S.R. 2010/295, **art. 2(a)**
- F15** Word in art. 112C(4) substituted (5.4.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(11)(f)(i)**; S.R. 2015/86, art. 4(2)(c) (with art. 7(2))
- F16** Art. 112C(4)(za) repealed (5.4.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), Sch. 1 para. 4(11)(f)(ii), **Sch. 2**; S.R. 2015/86, art. 4(2)(c)(3) (with art. 7(2))

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Employment Rights (Northern Ireland) Order 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F17** Art. 112C(4)(ba) inserted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(11)(f)(iii)**; S.R. 2015/86, art. 3(2)(d)
- F18** Art. 112C(4)(bb) inserted (23.3.2022) by Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5), ss. 4, 5(5)(6), **Sch. Pt. 1 para. 20(3)**; S.R. 2022/136, arts. 2, 3
- F19** Words in art. 112C(4)(d) repealed (5.4.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), Sch. 1 para. 4(11)(f)(iv), **Sch. 2**; S.R. 2015/86, art. 4(2)(c)(3) (with art. 7(2))
- F20** Words in art. 112C(6) substituted (5.4.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(11)(g)**; S.R. 2015/86, art. 4(2)(c) (with art. 7(2))
- F21** Words in art. 112C(7) substituted (5.4.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(11)(h)**; S.R. 2015/86, art. 4(2)(c) (with art. 7(2))

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Employment Rights (Northern Ireland) Order 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- [Act applied with modifications by S.R. 2023/156 reg. 15](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Pt. 7A inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 1](#)
- [Ch. 5 inserted by 2022 c. 27 \(N.I.\) s. 1\(1\)](#)
- [art. 21\(4B\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 2](#)
- [art. 23\(1\)\(zza\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 3](#)
- [art. 70F inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 4](#)
- [art. 70G inserted by 2020 c. 7 Sch. 7 para. 20](#)
- [art. 71\(1C\) inserted by 2020 c. 7 Sch. 7 para. 21\(a\)](#)
- [art. 72\(8\) inserted by 2020 c. 7 Sch. 7 para. 22\(b\)](#)
- [art. 85ZS\(3\)\(a\)-\(c\) substituted for words by 2022 c. 18 \(N.I.\) Sch. 3 para. 47\(4\)](#)
- [art. 95F\(5A\) inserted by 2016 c. 15 \(N.I.\) Sch. 2 para. 32](#)
- [art. 135E inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 6](#)
- [art. 135G inserted by 2020 c. 7 Sch. 7 para. 25](#)
- [art. 137\(6D\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 7](#)
- [art. 137\(7N\) inserted by 2020 c. 7 Sch. 7 para. 26\(b\)](#)
- [art. 140\(3\)\(fj\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 8](#)
- [art. 140\(3\)\(fl\) inserted by 2020 c. 7 Sch. 7 para. 27](#)
- [art. 143\(2\)\(ddd\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 9](#)
- [art. 144\(2\)\(ddd\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 10](#)