

STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART X

TERMINATION OF EMPLOYMENT

Minimum period of notice

Employments with normal working hours

120.—(1) If an employee has normal working hours under the contract of employment in force during the period of notice and during any part of those normal working hours—

- (a) the employee is ready and willing to work but no work is provided for him by his employer,
- (b) the employee is incapable of work because of sickness or injury,
- (c) the employee is absent from work wholly or partly because of pregnancy or childbirth^[F1] or on^[F2] adoption leave, ^[F3]shared parental leave,^[F4]parental bereavement leave,^[F5]parental leave or ^[F5]paternity leave^{]]} , or
- (d) the employee is absent from work in accordance with the terms of his employment relating to holidays,

the employer is liable to pay the employee for the part of normal 8 working hours covered by any of sub-paragraphs (a), (b), (c) and (d) a sum not less than the amount of remuneration for that part of normal working hours calculated at the average hourly rate of remuneration produced by dividing a week's pay by the number of normal working hours.

(2) Any payments made to the employee by his employer in respect of the relevant part of the period of notice (whether by way of sick pay, statutory sick pay, maternity pay, statutory maternity pay,^[F2] paternity pay, ^[F6]statutory paternity pay[]] , adoption pay, statutory adoption pay,^[F7]shared parental pay, statutory shared parental pay,^[F8]parental bereavement pay, statutory parental bereavement pay,[]] holiday pay or otherwise) go towards meeting the employer's liability under this Article.

(3) Where notice was given by the employee, the employer's liability under this Article does not arise unless and until the employee leaves the service of the employer in pursuance of the notice.

F1 1999 NI 9

F2 2002 NI 2

F3 Words in art. 120(1)(c) inserted (15.3.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\)](#), s. 23(1), [Sch. 1 para. 4\(14\)\(a\)\(i\)](#); S.R. 2015/86, art. 3(2)(d)

F4 Words in art. 120(1)(c) 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. 21\(2\)](#); S.R. 2022/136, arts. 2, 3

F5 Words in art. 120(1)(c) substituted (5.4.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\)](#), s. 23(1), [Sch. 1 para. 4\(14\)\(a\)\(ii\)](#); 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. (See end of Document for details) View outstanding changes*

- F6** Words in art. 120(2) substituted (5.4.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(14)(b)(i)**; S.R. 2015/86, art. 4(2)(c) (with art. 7(2))
- F7** Words in art. 120(2) inserted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(14)(b)(ii)**; S.R. 2015/86, art. 3(2)(d)
- F8** Words in art. 120(2) 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. 21(3)**; S.R. 2022/136, arts. 2, 3

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Changes and effects yet to be applied to :

- [art. 120\(1\)\(c\) words inserted by 2020 c. 7 Sch. 7 para. 23](#)

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](#)