
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART VIII

SUSPENSION FROM WORK

Suspension on maternity grounds

Meaning of suspension on maternity grounds

98.—(1) For the purposes of this Part an employee is suspended from work on maternity grounds if, in consequence of any relevant requirement or relevant recommendation, she is suspended from work by her employer on the ground that she is pregnant, has recently given birth or is breastfeeding a child.

(2) In paragraph (1)—

“relevant requirement” means a requirement imposed by or under a specified statutory provision, and

“relevant recommendation” means a recommendation in a specified provision of a code of practice issued or approved under Article 18 of the Health and Safety at Work (Northern Ireland) Order 1978;

and in this paragraph “specified” means for the time being specified in an order made by the Department under this paragraph.

(3) For the purposes of this Part an employee shall be regarded as suspended from work on maternity grounds only if and for so long as she—

- (a) continues to be employed by her employer, but
- (b) is not provided with work or (disregarding alternative work for the purposes of Article 99) does not perform the work she normally performed before the suspension.

Right to offer of alternative work

99.—(1) Where an employer has available suitable alternative work for an employee, the employee has a right to be offered to be provided with the alternative work before being suspended from work on maternity grounds.

(2) For alternative work to be suitable for an employee for the purposes of this Article—

- (a) the work must be of a kind which is both suitable in relation to her and appropriate for her to do in the circumstances, and
- (b) the terms and conditions applicable to her for performing the work, if they differ from the corresponding terms and conditions applicable to her for performing the work she normally performs under her contract of employment, must not be substantially less favourable to her than those corresponding terms and conditions.

Right to remuneration

100.—(1) An employee who is suspended from work on maternity grounds is entitled to be paid remuneration by her employer while she is so suspended.

- (2) An employee is not entitled to remuneration under this Article in respect of any period if—
- (a) her employer has offered to provide her during the period with work which is suitable alternative work for her for the purposes of Article 99, and
 - (b) the employee has unreasonably refused to perform that work.