
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

[^{F1}PART IX

CHAPTER II

PARENTAL LEAVE

[^{F1}Special cases

110.—(1) Regulations under Article 108 may make provision—

- (a) about redundancy during a period of parental leave;
- (b) about dismissal (other than by reason of redundancy) during a period of parental leave.

(2) Provision by virtue of paragraph (1) may include—

- (a) provision requiring an employer to offer alternative employment;
- (b) provision for the consequences of failure to comply with the regulations (which may include provision for a dismissal to be treated as unfair for the purposes of Part XI).

(3) Regulations under Article 108 may provide for an employee to be entitled to choose to exercise all or part of his entitlement to parental leave—

- (a) by varying the terms of his contract of employment as to hours of work, or
- (b) by varying his normal working practice as to hours of work,

in a way specified in or permitted by the regulations for a period specified in the regulations.

(4) Provision by virtue of paragraph (3)—

- (a) may restrict an entitlement to specified circumstances;
- (b) may make an entitlement subject to specified conditions (which may include conditions relating to obtaining the employer's consent);
- (c) may include consequential provision.

(5) Regulations under Article 108 may make provision permitting all or part of an employee's entitlement to parental leave in respect of a child to be transferred to another employee in specified circumstances.

(6) The reference in Article 109(1)(c) to absence on parental leave includes, where appropriate, a reference to a continuous period of absence attributable partly [^{F2} to parental leave and partly to—

- (a) maternity leave, or
- (b) adoption leave,

or to both.]

(7) Regulations under Article 108 may provide for specified provisions of the regulations not to apply in relation to an employee if any provision of his contract of employment—

- (a) confers an entitlement to absence from work for the purpose of caring for a child, and

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996, Section 110 is up to date with all changes known to be in force on or before 06 August 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (b) incorporates or operates by reference to all or part of a collective agreement, or workforce agreement, of a kind specified in the regulations.]

F1 [1999 NI 9](#)

F2 [2002 NI 2](#)

F1 [functions transfered SR 1999/481](#)

**Non-textual amendments applied to the whole Legislation
can be found in the
Introduction**

Changes to legislation:

The Employment Rights (Northern Ireland) Order 1996, Section 110 is up to date with all changes known to be in force on or before 06 August 2019. There are changes that may be brought into force at a future date. Changes that have been made 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:

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

- Pt. 4A inserted by [2016 c. 15 \(N.I.\) s. 18](#)
- Pt. 7A inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 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. 28(5) added by [2016 c. 15 \(N.I.\) Sch. 2 para. 12](#)
- art. 43(5) added by [2016 c. 15 \(N.I.\) Sch. 2 para. 13](#)
- art. 55(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 14](#)
- art. 66(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 15](#)
- art. 70F inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 4](#)
- art. 71(3A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 16](#)
- art. 74(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 17](#)
- art. 77C(1) art. 77 renumbered as art. 77C(1) by [2016 c. 15 \(N.I.\) Sch. 2 para. 18\(2\)](#)
- art. 77C(2) added by [2016 c. 15 \(N.I.\) Sch. 2 para. 18\(3\)](#)
- art. 79(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 19](#)
- art. 82(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 20](#)
- art. 85(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 21](#)
- art. 85B(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 27](#)
- art. 85ZC(3A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 22](#)
- art. 85ZF(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 23](#)
- art. 85ZH(3A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 24](#)
- art. 85ZM(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 25](#)
- art. 85ZQ(3A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 26](#)
- art. 88(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 28](#)
- art. 91(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 29](#)
- art. 91C(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 30](#)
- art. 95(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 31](#)
- art. 95F(5A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 32](#)
- art. 102(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 33](#)
- art. 102A(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 34](#)
- art. 112(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 35](#)
- art. 112H(7) added by [2016 c. 15 \(N.I.\) Sch. 2 para. 36](#)
- art. 135E inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 6](#)
- art. 137(6D) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 7](#)
- art. 140(3)(fj) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 8](#)
- 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](#)
- art. 145(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 37](#)
- art. 199(4) added by [2016 c. 15 \(N.I.\) Sch. 2 para. 38](#)
- art. 201(8ZA) inserted by [S.I. 2019/146 Sch. para. 257\(2\)\(b\)](#)
- art. 217(5A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 39](#)
- art. 220(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 40](#)
- art. 228(4ZA) inserted by [S.I. 2019/146 Sch. para. 257\(3\)\(b\)](#)
- art. 249B applied by [1995 c. 50, Sch. 3 para. 3\(1A\) \(as inserted\) by 2016 c. 15 \(N.I.\) Sch. 2 para. 11](#)
- art. 249B applied by [1998 c. 39, s. 11\(4B\) \(as inserted\) by 2016 c. 15 \(N.I.\) Sch. 2 para. 43](#)

- art. 249B applied by S.I. 1976/1042 (N.I.), art. 76(1A) (as inserted) by [2016 c. 15 \(N.I.\) Sch. 2 para. 3](#)
- art. 249B applied by S.I. 1997/869 (N.I.), art. 65(1A) (as inserted) by [2016 c. 15 \(N.I.\) Sch. 2 para. 42](#)
- art. 249B applied by S.I. 1999/2790 (N.I.), art. 13(2A) (as inserted) by [2016 c. 15 \(N.I.\) Sch. 2 para. 44](#)
- art. 249B and cross-heading inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 41](#)
- art. 251(1B)(1C) inserted by [2016 c. 15 \(N.I.\) s. 24\(3\)](#)
- art. 251(5B) inserted by [2016 c. 15 \(N.I.\) s. 24\(6\)](#)
- art. 251(7)-(9) added by [2016 c. 15 \(N.I.\) s. 24\(7\)](#)