
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART X

TERMINATION OF EMPLOYMENT

Minimum period of notice

Supplementary

123.—(1) An employer is not liable under Article 120 or 121 to make any payment in respect of a period during which an employee is absent from work with the leave of the employer granted at the request of the employee, including any period of time off taken in accordance with Part VII.

(2) No payment is due under Article 120 or 121 in consequence of a notice to terminate a contract given by an employee if, after the notice is given and on or before the termination of the contract, the employee takes part in a strike of employees of the employer.

(3) If, during the period of notice, the employer breaks the contract of employment, payments received under Article 120 or 121 in respect of the part of the period after the breach go towards mitigating the damages recoverable by the employee for loss of earnings in that part of the period of notice.

(4) If, during the period of notice, the employee breaks the contract and the employer rightfully treats the breach as terminating the contract, no payment is due to the employee under Article 120 or 121 in respect of the part of the period falling after the termination of the contract.

(5) If an employer fails to give the notice required by Article 118, the rights conferred by Articles 119 to 122 and this Article shall be taken into account in assessing his liability for breach of the contract.

(6) Articles 118 to 122 and this Article apply in relation to a contract all or any of the terms of which are terms which take effect by virtue of any statutory provision as in relation to any other contract.