
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 93

The Shared Parental Leave Regulations (Northern Ireland) 2015

PART 5

TAKING SHARED PARENTAL LEAVE

Right to return after shared parental leave: supplementary

41.—(1) For the purposes of regulation 40 a job is—

- (a) the nature of the work which the employee is employed to do under the contract of employment; and
- (b) the capacity and place the employee was employed in before the absence.

(2) References in regulation 40 to the job in which the employee was employed before the absence are references to the job in which the employee was employed—

- (a) if the return is from an isolated period of shared parental leave, immediately before that period, or
- (b) if the return is from consecutive periods of leave provided for in Part 9 of the 1996 Order, immediately before the first such period.

(3) The right to return under regulation 40 is a right to return—

- (a) with the employee's seniority, pension rights and similar rights as they would have been if there had been no absence, and
- (b) on terms and conditions not less favourable than those which would have applied if there had been no absence.

(4) In the case of accrual of rights under an employment-related benefit scheme within the meaning given by paragraph 7 of Schedule 5 to the Social Security (Northern Ireland) Order 1989, nothing in paragraph (3)(a) imposes a requirement which exceeds the requirements of paragraphs 5A to 6 of that Schedule(1).

(1) Paragraph 5A was inserted by the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)), Article 242(1), and amended by S.I. 2006/1947 (N.I. 16), Schedule 1, paragraph 1. Paragraph 5B was inserted by S.I. 2005/255 (N.I. 1), section 242(1).