
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Parental Bereavement Leave Regulations 2020

PART 3

TAKING PARENTAL BEREAVEMENT LEAVE

Unfair Dismissal

13.—(1) An employee who is dismissed is entitled under section 99 of the 1996 Act⁽¹⁾ to be regarded for the purposes of Part 10 of that Act as unfairly dismissed if the reason or principal reason for the dismissal is of a kind specified in paragraph (3).

(2) An employee who is dismissed is also to be regarded for the purposes of Part 10 of the 1996 Act as unfairly dismissed if—

- (a) the reason or principal reason for the dismissal is that the employee was redundant,
- (b) it is shown that the circumstances constituting the redundancy applied equally to one or more employees in the same undertaking who had positions similar to that held by the employee and who have not been dismissed by the employer, and
- (c) it is shown that the reason or principal reason for which the employee was selected for dismissal was a reason of a kind specified in paragraph (3).

(3) The reasons referred to in paragraphs (1) and (2) are reasons connected with any of the following facts—

- (a) that the employee took, sought to take, or made use of the benefits of parental bereavement leave,
- (b) that the employer believed that the employee was likely to take parental bereavement leave.

(4) For the purposes of paragraph (3)(a), an employee makes use of the benefits of parental bereavement leave if, during a period of parental bereavement leave, the employee benefits from any of the terms and conditions of employment preserved by regulation 9 during that period.

(1) Section 99 was substituted by the Employment Relations Act 1999, Schedule 4, Part 3, paragraphs 5 and 16, and amended by the Parental Bereavement (Leave and Pay) Act 2018, Schedule, Part 3, paragraphs 20 and 27.