



Employment Rights Act 1996

1996 CHAPTER 18

[^{F1}PART 8B

CARER'S LEAVE

[^{F1}80K Rights during and after carer's leave

- (1) Regulations under section 80J must provide—
 - (a) that an employee who is absent on leave under that section is entitled, for such purposes and to such extent as the regulations may prescribe, to the benefit of the terms and conditions of employment which would have applied but for the absence,
 - (b) that an employee who is absent on leave under that section is bound, for such purposes and to such extent as the regulations may prescribe, by obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1) of that section), and
 - (c) that an employee who is absent on leave under that section is entitled to return from leave to a job of a kind prescribed by regulations, subject to section 80L.
- (2) Regulations under section 80J may provide that where provision made by or under Part 8 provides for a reference to absence on leave under a section of that Part to include a reference to a continuous period of absence attributable—
 - (a) partly to leave under that section of Part 8, and
 - (b) partly to leave under another section of that Part,absence attributable to leave under section 80J is to be ignored in any determination of the continuity or duration of such a period.
- (3) In subsection (1)(a), “terms and conditions of employment”—
 - (a) includes matters connected with an employee's employment whether or not they arise under the contract of employment, but
 - (b) does not include terms and conditions about remuneration.
- (4) Regulations under section 80J may specify matters which are, or are not, to be treated as remuneration for the purposes of this section.

Status: Point in time view as at 04/12/2023.

Changes to legislation: Employment Rights Act 1996, Section 80K is up to date with all changes known to be in force on or before 24 May 2024. 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)

- (5) Regulations under section 80J may make provision, in relation to the right to return mentioned in subsection (1)(c), about—
- (a) seniority, pension rights and similar rights;
 - (b) terms and conditions of employment on return.]

Textual Amendments

F1 Pt. 8B inserted (4.12.2023) by [Carer’s Leave Act 2023 \(c. 18\)](#), s. 3(3), [Sch. para. 2](#); S.I. 2023/1283, [reg. 2](#)

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