



Employment Rights Act 1996

1996 CHAPTER 18

PART VIII

MATERNITY RIGHTS

Right to return to work

81 Redundancy before return.

- (1) This section applies where an employee has the right conferred by section 79 but it is not practicable by reason of redundancy for the employer to permit her to return in accordance with that right.
- (2) Where there is a suitable available vacancy, the employee is entitled to be offered alternative employment with her employer or his successor, or an associated employer, under a new contract of employment which complies with subsection (3).
- (3) The new contract of employment must be such that—
 - (a) the work to be done under it is of a kind which is both suitable in relation to the employee and appropriate for her to do in the circumstances, and
 - (b) its provisions as to the capacity and place in which she is to be employed, and as to the other terms and conditions of her employment, are not substantially less favourable to her than if she had returned to work pursuant to the right conferred by section 79.

Status:

Point in time view as at 01/04/1998. This version of this provision has been superseded.

Changes to legislation:

Employment Rights Act 1996, Section 81 is up to date with all changes known to be in force on or before 03 June 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.