



Employment Rights Act 1996

1996 CHAPTER 18

PART VIII

MATERNITY RIGHTS

Right to return to work

82 Exercise of right to return.

- (1) An employee shall exercise the right conferred by section 79 by giving written notice to the employer (who may be her employer before the end of her maternity leave period or a successor of his) at least twenty-one days before the day on which she proposes to return of her proposal to return on that day (the “notified day of return”).
- (2) An employer may postpone an employee’s return to work until a date not more than four weeks after the notified day of return if he notifies her before that day that for specified reasons he is postponing her return until that date; and, accordingly, she will be entitled to return to work with him on that date.
- (3) An employee to whom subsection (4) applies may—
 - (a) postpone her return to work until a date not more than four weeks after the notified day of return (even if that date falls after the end of the period of twenty-nine weeks beginning with the week in which childbirth occurred), and
 - (b) where no day of return has been notified to the employer, extend the time during which she may exercise her right to return in accordance with subsection (1), so that she returns to work not more than four weeks after the end of that period of twenty-nine weeks.
- (4) This subsection applies to an employee if she gives to her employer, before the notified day of return (or the end of the period of twenty-nine weeks), a certificate from a registered medical practitioner stating that by reason of disease or bodily or mental disablement she will be incapable of work on the notified day of return (or at the end of that period).

Status: Point in time view as at 22/08/1996. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 82 is up to date with all changes known to be in force on or before 27 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) Where an employee has once exercised a right of postponement or extension under subsection (3), she is not entitled again to exercise a right of postponement or extension under that subsection in connection with the same return to work.
- (6) If an employee has notified a day of return but there is an interruption of work (whether due to industrial action or some other reason) which renders it unreasonable to expect the employee to return to work on the notified day of return, she may instead return to work when work resumes after the interruption or as soon as reasonably practicable afterwards.
- (7) Where in the case of an employee who has not already notified a day of return—
 - (a) there is an interruption of work (whether due to industrial action or some other reason) which renders it unreasonable to expect the employee to return to work before the end of the period of twenty-nine weeks beginning with the week in which childbirth occurred, or which appears likely to have that effect, and
 - (b) in consequence, the employee does not notify a day of return,the employee may exercise her right to return in accordance with subsection (1) so that she returns to work at any time before the end of the period of twenty-eight days after the end of the interruption even though that means that she returns to work outside the period of twenty-nine weeks.
- (8) Where an employee has exercised the right under subsection (3)(b) to extend the period during which she may exercise her right to return, subsection (7) applies as if for the reference to the end of the period of twenty-nine weeks there were substituted a reference to the end of the further period of four weeks after the end of that period.
- (9) Where in the case of an interruption of work an employee has refrained from notifying the day of return in the circumstances described in subsection (7), subsection (3)(b) applies as if for the reference to the end of the period of twenty-nine weeks there were substituted a reference to the end of the period of twenty-eight days after the end of the interruption of work.

Status:

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