



Employment Rights Act 1996

1996 CHAPTER 18

PART IX

TERMINATION OF EMPLOYMENT

Minimum period of notice

90 Short-term incapacity benefit and industrial injury benefit

- (1) This section has effect where the arrangements in force relating to the employment are such that—
- (a) payments by way of sick pay are made by the employer to employees to whom the arrangements apply, in cases where any such employees are incapable of work because of sickness or injury, and
 - (b) in calculating any payment so made to any such employee an amount representing, or treated as representing, short-term incapacity benefit or industrial injury benefit is taken into account, whether by way of deduction or by way of calculating the payment as a supplement to that amount.
- (2) If—
- (a) during any part of the period of notice the employee is incapable of work because of sickness or injury,
 - (b) one or more payments by way of sick pay are made to him by the employer in respect of that part of the period of notice, and
 - (c) in calculating any such payment such an amount as is referred to in paragraph (b) of subsection (1) is taken into account as mentioned in that paragraph,

for the purposes of section 88 or 89 the amount so taken into account shall be treated as having been paid by the employer to the employee by way of sick pay in respect of that part of that period, and shall go towards meeting the liability of the employer under that section accordingly.