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STATUTORY INSTRUMENTS

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**1999 No. 3312**

**The Maternity and Parental Leave etc. Regulations 1999**

**PART IV**

**PROVISIONS APPLICABLE IN RELATION  
TO MORE THAN ONE KIND OF ABSENCE**

**Right to return after additional maternity leave or parental leave**

**18.**—(1) An employee who takes parental leave for a period of four weeks or less, other than immediately after taking additional maternity leave, is entitled to return from leave to the job in which she was employed before her absence.

(2) An employee who takes additional maternity leave, or parental leave for a period of more than four weeks, is entitled to return from leave to the job in which she was employed before her absence, or, if it is not reasonably practicable for the employer to permit her to return to that job, to another job which is both suitable for her and appropriate for her to do in the circumstances.

(3) An employee who takes parental leave for a period of four weeks or less immediately after additional maternity leave is entitled to return from leave to the job in which she was employed before her absence unless—

- (a) it would not have been reasonably practicable for her to return to that job if she had returned at the end of her additional maternity leave period, and
- (b) it is not reasonably practicable for the employer to permit her to return to that job at the end of her period of parental leave;

otherwise, she is entitled to return to another job which is both suitable for her and appropriate for her to do in the circumstances.

(4) Paragraphs (2) and (3) do not apply where regulation 10 applies.

(5) An employee's right to return under paragraph (1), (2) or (3) is to return—

- (a) on terms and conditions as to remuneration not less favourable than those which would have been applicable to her had she not been absent from work at any time since—
  - (i) in the case of an employee returning from additional maternity leave (or parental leave taken immediately after additional maternity leave), the commencement of the ordinary maternity leave period which preceded her additional maternity leave period, or
  - (ii) in the case of an employee returning from parental leave (other than parental leave taken immediately after additional maternity leave), the commencement of the period of parental leave;

- (b) with her seniority, pension rights and similar rights as they would have been if the period or periods of her employment prior to her additional maternity leave period, or (as the case may be) her period of parental leave, were continuous with her employment following her return to work (but subject, in the case of an employee returning from additional maternity

leave, to the requirements of paragraph 5 of Schedule 5 to the Social Security Act 1989<sup>(1)</sup> (equal treatment under pension schemes: maternity)), and

- (c) otherwise on terms and conditions not less favourable than those which would have been applicable to her had she not been absent from work after the end of her ordinary maternity leave period or (as the case may be) during her period of parental leave.

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<sup>(1)</sup> 1989 c. 24.