
STATUTORY INSTRUMENTS

2014 No. 3050

The Shared Parental Leave Regulations 2014

PART 5

TAKING SHARED PARENTAL LEAVE

Application of terms and conditions during shared parental leave

38.—(1) An employee who takes shared parental leave is, during any period of leave—

- (a) entitled to the benefit of all of the terms and conditions of employment which would have applied if the employee had not been absent, and
- (b) bound by any obligations arising under those terms and conditions, subject only to the exception in section 75I(1)(b)(1) of the 1996 Act.

(2) In paragraph (1), “terms and conditions of employment” has the meaning given by section 75I(2) of the 1996 Act, and accordingly does not include terms and conditions about remuneration.

(3) For the purposes of section 75I of the 1996 Act, only sums payable to the employee by way of wages or salary are to be treated as remuneration.

(4) In the case of accrual of rights under an employment-related benefit scheme within the meaning given by paragraph 7 of Schedule 5 to the Social Security Act 1989(2), nothing in paragraph (1)(a) above imposes a requirement which exceeds the requirements of paragraph 5C(3) of that Schedule.

(1) Section 75I was inserted by the Children and Families Act 2014, section 117.

(2) 1989 c. 24.

(3) Paragraph 5C was inserted by the Children and Families Act 2014, Schedule 7, paragraphs 1 and 4.