



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART X

#### UNFAIR DISMISSAL

#### CHAPTER I

#### RIGHT NOT TO BE UNFAIRLY DISMISSED

#### *Other dismissals*

#### [<sup>F1</sup>99] **Leave for family reasons.**

- (1) An employee who is dismissed shall be regarded for the purposes of this Part as unfairly dismissed if—
  - (a) the reason or principal reason for the dismissal is of a prescribed kind, or
  - (b) the dismissal takes place in prescribed circumstances.
- (2) In this section “prescribed” means prescribed by regulations made by the Secretary of State.
- (3) A reason or set of circumstances prescribed under this section must relate to—
  - (a) pregnancy, childbirth or maternity,
    - [ time off under section 57ZE,]  
<sup>F2</sup>(aa)
    - [ time off under section 57ZJ or 57ZL,]  
<sup>F3</sup>(ab)
  - (b) ordinary, compulsory or additional maternity leave,
    - [ ordinary or additional adoption leave,]  
<sup>F4</sup>(ba)
    - [ shared parental leave,]  
<sup>F5</sup>(bb)

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**Changes to legislation:** *Employment Rights Act 1996, Section 99 is up to date with all changes known to be in force on or before 14 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) View outstanding changes*

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- [ carer’s leave,]  
<sup>F6</sup>(bc)
  - (c) parental leave,  
<sup>F7</sup>(ca) [<sup>F8</sup>paternity leave],]
  - [ parental bereavement leave,] or  
<sup>F9</sup>(cb)
  - (d) time off under section 57A;
- and it may also relate to redundancy or other factors.

- (4) A reason or set of circumstances prescribed under subsection (1) satisfies subsection (3)(c) or (d) if it relates to action which an employee—
- (a) takes,
  - (b) agrees to take, or
  - (c) refuses to take,
- under or in respect of a collective or workforce agreement which deals with parental leave.
- (5) Regulations under this section may—
- (a) make different provision for different cases or circumstances;
  - (b) apply any enactment, in such circumstances as may be specified and subject to any conditions specified, in relation to persons regarded as unfairly dismissed by reason of this section.]

#### Textual Amendments

- F1** S. 99 substituted (15.12.1999) by 1999 c. 26, s. 9, **Sch. 4 Pt. III para. 16**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II** (with Sch. 3 paras. 10, 11)
- F2** S. 99(3)(aa) inserted (30.6.2014) by Children and Families Act 2014 (c. 6), **ss. 127(2)(b)**, 139(6); S.I. 2014/1640, art. 3(1)(i)
- F3** S. 99(3)(ab) inserted (30.6.2014) by Children and Families Act 2014 (c. 6), **ss. 128(2)(c)**, 139(6); S.I. 2014/1640, art. 3(1)(j)
- F4** S. 99(3)(ba) inserted (8.12.2002) by Employment Act 2002 (c. 22), s. 53, **Sch. 7 para. 33(2)**; S.I. 2002/2866, **art. 2(2)**, Sch. 1 Pt. 2
- F5** S. 99(3)(bb) inserted (30.6.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 39(a)**; S.I. 2014/1640, art. 3(2)(i)
- F6** S. 99(3)(bc) inserted (4.12.2023) by Carer’s Leave Act 2023 (c. 18), s. 3(3), **Sch. para. 8**; S.I. 2023/1283, reg. 2
- F7** S. 99(3)(ca) substituted (3.3.2010) by Work and Families Act 2006 (c. 18), ss. 11, 19, **Sch. 1 para. 41**; S.I. 2010/495, **art. 3(c)**
- F8** Words in s. 99(3)(ca) substituted (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 39(b)**; S.I. 2014/1640, art. 7(t) (with art. 16)
- F9** S. 99(3)(cb) inserted (18.1.2020) by Parental Bereavement (Leave and Pay) Act 2018 (c. 24), s. 2(2), **Sch. para. 27**; S.I. 2020/45, reg. 2

**Changes to legislation:**

Employment Rights Act 1996, Section 99 is up to date with all changes known to be in force on or before 14 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 8 Ch. 5 inserted by [2023 c. 20 Sch. para. 2](#)
- Pt. 8A Ch. 1 heading inserted by [2023 c. 46 s. 1\(3\)](#)
- Pt. 8A Ch. 2 inserted by [2023 c. 46 s. 1\(4\)](#)
- Pt. 8A Ch. 3 inserted by [2023 c. 46 s. 2](#)
- Pt. 8A Ch. 4 inserted by [2023 c. 46 s. 3\(2\)](#)
- s. 43K(1)(ca) and word omitted by [2013 c. 24 s. 20\(5\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 43K(2)(ba) omitted by [2013 c. 24 s. 20\(6\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 47C(2)(cc) inserted by [2023 c. 20 Sch. para. 22](#)
- s. 47H inserted by [2020 c. 7 Sch. 7 para. 9](#)
- s. 47AA inserted by [2008 c. 25 s. 37](#)
- s. 47EA inserted by [2023 c. 46 Sch. para. 4](#)
- s. 47EB inserted by [2023 c. 46 Sch. para. 5](#)
- s. 48(1C) inserted by [2020 c. 7 Sch. 7 para. 10\(a\)](#)
- s. 48(1C) inserted by [2023 c. 46 Sch. para. 6\(2\)](#)
- s. 48(1D) inserted by [2023 c. 46 Sch. para. 6\(3\)](#)
- s. 49(8) inserted by [2020 c. 7 Sch. 7 para. 11\(b\)](#)
- s. 49(8) inserted by [2023 c. 46 Sch. para. 7\(4\)](#)
- s. 49C inserted by [2017 c. 16 s. 32\(4\)](#)
- s. 75I(3)(g) and word inserted by [2023 c. 20 Sch. para. 23\(b\)](#)
- s. 80C(2)(bc) inserted by [2023 c. 20 Sch. para. 24\(2\)](#)
- s. 80C(4)(bc) inserted by [2023 c. 20 Sch. para. 24\(3\)](#)
- s. 80EB(2)(f) and word inserted by [2023 c. 20 Sch. para. 25\(b\)](#)
- s. 99(3)(cc) inserted by [2023 c. 20 Sch. para. 28](#)
- s. 101B inserted by [2008 c. 25 s. 38](#)
- s. 104H inserted by [2020 c. 7 Sch. 7 para. 14](#)
- s. 104CA inserted by [2023 c. 46 Sch. para. 9](#)
- s. 105(4B) inserted by [2008 c. 25 s. 39\(3\)](#)
- s. 105(7BC) inserted by [2020 c. 7 Sch. 7 para. 15](#)
- s. 105(7BAA) inserted by [2023 c. 46 Sch. para. 10](#)
- s. 108(3)(gia) inserted by [2023 c. 46 Sch. para. 11](#)
- s. 108(3)(de) inserted by [2008 c. 25 s. 39\(4\)](#)
- s. 108(3)(gn) inserted by [2020 c. 7 Sch. 7 para. 16](#)
- s. 110(3A) inserted by [2002 c. 22 s. 44](#)
- s. 205A(2)(ba) inserted by [2023 c. 46 Sch. para. 16\(2\)](#)
- s. 205A(8A) inserted by [2023 c. 46 Sch. para. 16\(3\)](#)
- s. 225(7)(8) inserted by [2023 c. 46 Sch. para. 17](#)
- s. 227(1)(zb)(zc) inserted by [2023 c. 46 Sch. para. 18](#)