

Form 3

Notice to employee whose job is not being kept open

Section 38, Parental Leave and Employment Protection Act 1987

To be given to an employee within 21 days after the employee begins his or her parental leave.

To *[insert name and postal address of employee]*

.....
.....
.....
.....

1 Your parental leave ends on / /

2 You will, during the period of 26 weeks beginning on* / / be given preference by†

.....
over other applicants for any position that is vacant and that is substantially similar to the position held by you at the beginning of your parental leave.

*[*insert the date of the day after the employee's parental leave ends
† insert name of employer or me]*

3 You should read the information on below.

..... / /
Employer

Information about early ending and extension of parental leave

An employee who is on parental leave and whose job is not being kept open may end his or her parental leave early in certain circumstances.

These circumstances are-

- (a) if the child is miscarried; or
- (b) if the child is stillborn or dies; or
- (c) if the employee or the employee's spouse has consented to the adoption of the child and some other person has the care of the child with a view to its adoption; or
- (d) if the employee ceases to have care of the child; or
- (e) if his or her employer consents (which consents may, in the case of a female employee who has been pregnant, be conditional on a medical certificate stating that she is fit to return to work).

In any of these circumstances, the employee may choose to end the parental leave and begin the period of preference by giving his or her employer not less than 21 days' notice in writing of the date on which he or she intends to begin the period of preference.

An employee who is on parental leave may extend the parental leave to a specified date if his or her employer consents.