

*Your responses suggest that the statutory protection from dismissal does not cover your absence.*

## **772 Employment not to be terminated on certain grounds**

- (1) An employer must not terminate an employee's employment for one or more of the following reasons, or for reasons including one or more of the following reasons:
  - (a) temporary absence from work because of illness or injury of a kind prescribed by the regulations;

### **6.04 Temporary absence—illness or injury**

- (1) For paragraph 772(1)(a) of the Act, this regulation prescribes kinds of illness or injury.
- (4) An illness or injury is not a prescribed kind of illness or injury if:
  - (a) either:
    - (i) the employee's absence extends for more than 3 months; or
    - (ii) the total absences of the employee, within a 12 month period, have been more than 3 months (whether based on a single illness or injury or separate illnesses or injuries); and
  - (b) the employee is not on paid personal/carer's leave (however described) for a purpose mentioned in paragraph 97(a) of the Act for the duration of the absence.