



# Employment Relations Act 1999

## 1999 CHAPTER 26

### *Disciplinary and grievance hearings*

#### **12 Detriment and dismissal.**

- (1) A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that he—
  - (a) exercised or sought to exercise the right under section [<sup>F1</sup>10(2A), (2B)] or (4),  
or
  - (b) accompanied or sought to accompany another worker (whether of the same employer or not) pursuant to a request under that section.
- (2) Section 48 of the <sup>M1</sup>Employment Rights Act 1996 shall apply in relation to contraventions of subsection (1) above as it applies in relation to contraventions of certain sections of that Act.
- (3) A worker who is dismissed shall be regarded for the purposes of Part X of the Employment Rights Act 1996 as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that he—
  - (a) exercised or sought to exercise the right under section [<sup>F2</sup>10(2A), (2B)] or (4),  
or
  - (b) accompanied or sought to accompany another worker (whether of the same employer or not) pursuant to a request under that section.
- (4) Sections 108 and 109 of that Act (qualifying period of employment and upper age limit) shall not apply in relation to subsection (3) above.
- (5) Sections 128 to 132 of that Act (interim relief) shall apply in relation to dismissal for the reason specified in subsection (3)(a) or (b) above as they apply in relation to dismissal for a reason specified in section 128(1)(b) of that Act.
- (6) In the application of Chapter II of Part X of that Act in relation to subsection (3) above, a reference to an employee shall be taken as a reference to a worker.

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**Changes to legislation:** There are currently no known outstanding effects for the Employment Relations Act 1999, Section 12. (See end of Document for details)

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[<sup>F3</sup>(7) References in this section to a worker having accompanied or sought to accompany another worker include references to his having exercised or sought to exercise any of the powers conferred by section 10(2A) or (2B).]

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**Textual Amendments**

- F1** Words in s. 12(1)(a) substituted (1.10.2004) by [Employment Relations Act 2004 \(c. 24\), ss. 37\(3\)\(a\), 59\(3\)](#); S.I. 2004/2566, art. 3(a) (with art. 8)
- F2** Words in s. 12(3)(a) substituted (1.10.2004) by [Employment Relations Act 2004 \(c. 24\), ss. 37\(3\)\(a\), 59\(3\)](#); S.I. 2004/2566, art. 3(a) (with art. 8)
- F3** S. 12(7) added (1.10.2004) by [Employment Relations Act 2004 \(c. 24\), ss. 37\(3\)\(b\), 59\(3\)](#); S.I. 2004/2566, art. 3(a) (with art. 8)
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**Marginal Citations**

- M1** 1996 c. 18.

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There are currently no known outstanding effects for the Employment Relations Act 1999, Section 12.