
STATUTORY INSTRUMENTS

1995 No. 2587

**The Collective Redundancies and Transfer of Undertakings
(Protection of Employment) (Amendment) Regulations 1995**

Employment rights of employee representatives

Unfair dismissal

14.—(1) After section 57A of the 1978 Act insert—

“Dismissal of employee representatives.

57AA. The dismissal of an employee by an employer shall be regarded for the purposes of this Part as having been unfair if the reason for it (or, if more than one, the principal reason) was that the employee, being—

- (a) an employee representative for the purposes of Chapter II of Part IV of the Trade Union and Labour Relations (Consolidation) Act 1992 or Regulations 10 and 11 of the Transfer of Undertakings (Protection of Employment) Regulations 1981, or
- (b) a candidate in an election in which any person elected will, on being elected, be such an employee representative,

performed, or proposed to perform, any functions or activities as such an employee representative or candidate.”

(2) In sections 59(2) and 64(4) of the 1978 Act, after “57A(1) (read with (2) and (3)),” insert “57AA,”.

(3) In sections 71(2B), 72(3), 73(6B), 77(1) and 77A(1) of the 1978 Act, after “section 57A(1) (a) and (b)” insert “or section 57AA”.

(4) In sections 138(4) and 146A(2)(e) of, and paragraph 2(2) of Schedule 9 to, the 1978 Act, after “section 57A,” insert “57AA,”.

(5) In section 138A(1) of the 1978 Act, after “sections 57A” insert “, 57AA”.

(6) In section 149(2) of the 1978 Act, after “57A,” insert “57AA,”.

(7) In sections 237(1A) and 238(2A) of the 1992 Act—

- (a) after “57A” insert “, 57AA”, and
- (b) after “safety cases” insert “, employee representative cases”.