
STATUTORY INSTRUMENTS

2004 No. 752

The Employment Act 2002 (Dispute Resolution) Regulations 2004

General circumstances in which the statutory procedures do not apply or are treated as being complied with

11.—(1) Where the circumstances specified in paragraph (3) apply and in consequence the employer or employee does not commence the procedure that would otherwise be the applicable statutory procedure (by complying with paragraph 1, 4, 6 or 9 of Schedule 2), the procedure does not apply.

(2) Where the applicable statutory procedure has been commenced, but the circumstances specified in paragraph (3) apply and in consequence a party does not comply with a subsequent requirement of the procedure, the parties shall be treated as having complied with the procedure.

(3) The circumstances referred to in paragraphs (1) and (2) are that—

- (a) the party has reasonable grounds to believe that commencing the procedure or complying with the subsequent requirement would result in a significant threat to himself, his property, any other person or the property of any other person;
- (b) the party has been subjected to harassment and has reasonable grounds to believe that commencing the procedure or complying with the subsequent requirement would result in his being subjected to further harassment; or
- (c) it is not practicable for the party to commence the procedure or comply with the subsequent requirement within a reasonable period.

(4) In paragraph (3)(b), “harassment” means conduct which has the purpose or effect of—

- (a) violating the person’s dignity, or
- (b) creating an intimidating, hostile, degrading, humiliating or offensive environment for him,

but conduct shall only be regarded as having that purpose or effect if, having regard to all the circumstances, including in particular the perception of the person who was the subject of the conduct, it should reasonably be considered as having that purpose or effect.