
STATUTORY INSTRUMENTS

2010 No. 93

The Agency Workers Regulations 2010

PART 3

Liability, Protections and Remedies

Unfair dismissal and the right not to be subjected to detriment

17.—(1) An agency worker who is an employee and is dismissed shall be regarded as unfairly dismissed for the purposes of Part 10 of the 1996 Act if the reason (or, if more than one, the principal reason) for the dismissal is a reason specified in paragraph (3).

(2) An agency worker has the right not to be subjected to any detriment by, or as a result of, any act, or any deliberate failure to act, of a temporary work agency or the hirer, done on a ground specified in paragraph (3).

(3) The reasons or, as the case may be, grounds are—

(a) that the agency worker—

- (i) brought proceedings under these Regulations;
- (ii) gave evidence or information in connection with such proceedings brought by any agency worker;
- (iii) made a request under regulation 16 for a written statement;
- (iv) otherwise did anything under these Regulations in relation to a temporary work agency, hirer, or any other person;
- (v) alleged that a temporary work agency or hirer has breached these Regulations;
- (vi) refused (or proposed to refuse) to forgo a right conferred by these Regulations; or

(b) that the hirer or a temporary work agency believes or suspects that the agency worker has done or intends to do any of the things mentioned in sub-paragraph (a).

(4) Where the reason or principal reason for subjection to any act or deliberate failure to act is that mentioned in paragraph (3)(a)(v), or paragraph 3(b) so far as it relates to paragraph (3)(a)(v), neither paragraph (1) nor paragraph (2) applies if the allegation made by the agency worker is false and not made in good faith.

(5) Paragraph (2) does not apply where the detriment in question amounts to a dismissal of an employee within the meaning of Part 10 of the 1996 Act.

Changes to legislation:

There are currently no known outstanding effects for the The Agency Workers Regulations 2010, Section 17.