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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations replace with additional provisions the Labour Relations Continuity of Employment) Regulations 1976 (“the 1976 Regulations”). The 1976 Regulations provided for the preservation of continuity of employment for the purposes of the employment protection rights (previously contained in enactments which have since been repealed) now contained in the Employment Protection (Consolidation) Act 1978 (“the 1978 Act”) and the Trade Union and Labour Relations (Consolidation) Act 1992 “the 1992 Act”), where a dismissed employee was reinstated or re-engaged in consequence of–

- (a) the presentation of a complaint of unfair dismissal,
- (b) the making of a claim in accordance with a dismissal procedures agreement designated by an order under section 65 of the 1978 Act, or
- (c) action taken by a conciliation officer in a dispute relating to an unfair dismissal claim.

The 1976 Regulations also provided that continuity of employment was not broken in redundancy cases where any such employee repaid a redundancy payment or an equivalent payment.

The additional provisions in these Regulations provide for the preservation of continuity of employment for the purposes of the employment protection rights contained in the 1978 Act and the 1992 Act where a dismissed employee is reinstated or re-engaged in consequence of the following action–

- (a) the making of a compromise contract authorised by–
  - (i) section 140(2)(fb) of the 1978 Act and relating to a complaint of unfair dismissal,
  - (ii) section 77(4)(aa) of the Sex Discrimination Act 1975 (“the 1975 Act”) and relating to a complaint arising out of a dismissal, or
  - (iii) section 72(4)(aa) of the Race Relations Act 1976 (“the 1976 Act”) and relating to a complaint arising out of a dismissal,
- (b) the presentation of a complaint under section 63 of the 1975 Act arising out of a dismissal or the presentation of a complaint under section 54 of the 1976 Act arising out of a dismissal, or
- (c) action taken by a conciliation officer under section 64(2) of the 1975 Act or section 55(2) of the 1976 Act.