



Employment Protection (Consolidation) Act 1978

1978 CHAPTER 44

PART II

RIGHTS ARISING IN COURSE OF EMPLOYMENT

[^{F1} Right not to suffer detriment in health and safety cases]

VALID FROM 22/08/1996

[^{F2F3}22B].

Textual Amendments

- F2** Ss. 22A-22C and cross heading inserted (30.8.1993) by 1993 c. 19, s. 28, **Sch. 5 para.1**; S.I. 1993/1908, art. 2(1), **Sch.1**.
- F3** S. 22B repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202) and subject to an amendment (1.8.1998) by 1998 c. 8, s. **1(2)** (with s. 16(2)); S.I. 1998/1658, art. 2, **Sch. 1**

^{F4}22B Proceedings for contravention of section 22A. **E+W+S**

- (1) An employee may present a complaint to an industrial tribunal on the ground that he has been subjected to a detriment in contravention of section 22A.
- (2) On such a complaint it shall be for the employer to show the ground on which any act, or deliberate failure to act, was done.
- (3) An industrial tribunal shall not consider a complaint under this section unless it is presented—

Status: Point in time view as at 16/05/1992. This version of this provision is not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Section 22B. (See end of Document for details)

- (a) before the end of the period of three months beginning with the date of the act or failure to act to which the complaint relates or, where that act or failure is part of a series of similar acts or failures, the last of them, or
 - (b) where the tribunal is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period, within such further period as it considers reasonable.
- (4) For the purposes of subsection (3)—
- (a) where an act extends over a period, the “date of the act” means the last day of that period, and
 - (b) a deliberate failure to act shall be treated as done when it was decided on; and, in the absence of evidence establishing the contrary, an employer shall be taken to decide on a failure to act when he does an act inconsistent with doing the failed act or, if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the failed act if it was to be done.

Textual Amendments

- F4** Ss. 22A-22C inserted (30.8.1993) by 1993 c. 19, s. 28, **Sch. 5 para.1**; S.I. 1993/1908, art. 2(1), **Sch. 1**

Modifications etc. (not altering text)

- C1** S. 22B extended (E.W.) (26.8.1994) by 1994 c. 20, s. 4, **Sch. 4 para. 16**; S.I. 1994/1841, art. 2
 S. 22B extended (3.1.1995) by 1994 c. 40, ss. 20, 82(2)(c), **Sch. 8 para. 16**
 S. 22B extended (*prosp.*) by 1995 c. 26, **ss. 46(3)**, 180(1)

Status:

Point in time view as at 16/05/1992. This version of this provision is not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Section 22B.