



Employment Rights Act 1996

1996 CHAPTER 18

PART X

UNFAIR DISMISSAL

CHAPTER I

RIGHT NOT TO BE UNFAIRLY DISMISSED

Other dismissals

[^{F1}101A Working time cases.

[An employee who is dismissed shall be regarded for the purposes of this Part as ^{F2}(1)] unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that the employee—

- (a) refused (or proposed to refuse) to comply with a requirement which the employer imposed (or proposed to impose) in contravention of the ^{M1} Working Time Regulations 1998,
- (b) refused (or proposed to refuse) to forgo a right conferred on him by those Regulations,
- (c) failed to sign a workforce agreement for the purposes of those Regulations, or to enter into, or agree to vary or extend, any other agreement with his employer which is provided for in those Regulations, or
- (d) being—
 - (i) a representative of members of the workforce for the purposes of Schedule 1 to those Regulations, or
 - (ii) a candidate in an election in which any person elected will, on being elected, be such a representative,

performed (or proposed to perform) any functions or activities as such a representative or candidate.

Status: Point in time view as at 05/12/2022.

Changes to legislation: Employment Rights Act 1996, Section 101A is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- [A reference in this section to the Working Time Regulations 1998 includes a reference ^{F3}(2) to
- [^{F4}(a) the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003.
 - [^{F5}(b) the Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004.]
 - [^{F6}(c) the Cross-border Railway Services (Working Time) Regulations 2008]
 - [^{F7}(d) the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 ([S.I. 2018/58](#)).]]]

Textual Amendments

- F1** S. 101A inserted (1.10.1998) by [S.I. 1998/1833](#), **reg. 32(1)**
- F2** S. 101A renumbered as s. 101A(1) (24.12.2003) by [The Merchant Shipping \(Working Time: Inland Waterways\) Regulations 2003 \(S.I. 2003/3049\)](#), reg. 20, **Sch. 2 para. 3(3)**
- F3** S. 101A(2) inserted (24.12.2003) by [The Merchant Shipping \(Working Time: Inland Waterways\) Regulations 2003 \(S.I. 2003/3049\)](#), reg. 20, **Sch. 2 para. 3(3)**
- F4** Words in s. 101A(2) renumbered as s. 101A(2)(a) (16.8.2004) by [The Fishing Vessels \(Working Time: Sea-fishermen\) Regulations 2004 \(S.I. 2004/1713\)](#), regs. 1, 22, **Sch. 2 para. 2(3)(a)**
- F5** S. 101A(2)(b) inserted (16.8.2004) by [The Fishing Vessels \(Working Time: Sea-fishermen\) Regulations 2004 \(S.I. 2004/1713\)](#), regs. 1, 22, **Sch. 2 para. 2(3)(b)**
- F6** S. 101A(2)(c) inserted (27.7.2008) by [The Cross-border Railway Services \(Working Time\) Regulations 2008 \(S.I. 2008/1660\)](#), reg. 19, **Sch. 3 para. 2(3)**
- F7** S. 101A(2)(d) substituted (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), reg. 1, **Sch. 2 para. 2(b)** (with regs. 3, 4)

Marginal Citations

- M1** [S.I. 1998/1833](#)

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