



Employment Rights Act 1996

1996 CHAPTER 18

PART V

PROTECTION FROM SUFFERING DETRIMENT IN EMPLOYMENT

Rights not to suffer detriment

[^{F1}45A Working time cases.

- (1) A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that the worker—
 - (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,
 - (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,
 - (e) brought proceedings against the employer to enforce a right conferred on him by those Regulations, or
 - (f) alleged that the employer had infringed such a right.
- (2) It is immaterial for the purposes of subsection (1)(e) or (f)—
 - (a) whether or not the worker has the right, or

Status: Point in time view as at 06/04/2018.

Changes to legislation: Employment Rights Act 1996, Section 45A is up to date with all changes known to be in force on or before 19 May 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)

- (b) whether or not the right has been infringed, but, for those provisions to apply, the claim to the right and that it has been infringed must be made in good faith.
- (3) It is sufficient for subsection (1)(f) to apply that the worker, without specifying the right, made it reasonably clear to the employer what the right claimed to have been infringed was.
- (4) This section does not apply where a worker is an employee and the detriment in question amounts to dismissal within the meaning of Part X^{F2}
- [A reference in this section to the Working Time Regulations 1998 includes a reference^{F3}(5) 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. 45A inserted (1.10.1998) by S.I. 1998/1833, **reg. 31(1)**
- F2** Words in s. 45A repealed (25.10.1999) by 1999 c. 26, ss. 18(3), 44, **Sch. 9(3)**; S.I. 1999/2830, art. 2(1)(3), **Sch. 1 Pt. I, Sch. 2 Pt. I** (with Sch. 3 para. 2(2))
- F3** S. 45A(5) inserted (24.12.2003) by [The Merchant Shipping \(Working Time: Inland Waterways\) Regulations 2003 \(S.I. 2003/3049\)](#), reg. 20, **Sch. 2 para. 3(2)**
- F4** S. 45A(5): words renumbered as s. 45A(5)(a) inserted (16.8.2004) by [The Fishing Vessels \(Working Time: Sea-fishermen\) Regulations 2004 \(S.I. 2004/1713\)](#), reg. 22, **Sch. 2 para. 2(2)(a)**
- F5** S. 45A(5)(b) inserted (16.8.2004) by [The Fishing Vessels \(Working Time: Sea-fishermen\) Regulations 2004 \(S.I. 2004/1713\)](#), reg. 22, **Sch. 2 para. 2(2)(b)**
- F6** S. 45A(5)(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(2)**
- F7** S. 45A(5)(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(a)** (with regs. 3, 4)

Marginal Citations

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

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