



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART V

#### PROTECTION FROM SUFFERING DETRIMENT IN EMPLOYMENT

##### *Rights not to suffer detriment*

#### 47 Employee representatives.

- (1) An employee 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, being—
- (a) an employee representative for the <sup>M1</sup>purposes of Chapter II of Part IV of the <sup>M2</sup>Trade Union and Labour Relations (Consolidation) Act 1992 (redundancies) or Regulations 10 and 11 of the Transfer of Undertakings (Protection of Employment) Regulations 1981, or
  - (b) a candidate in an election in which any person elected will, on being elected, be such an employee representative,

he performed (or proposed to perform) any functions or activities as such an employee representative or candidate.

[<sup>F1</sup>(1A) An employee has the right not to be subjected to any detriment by any act, or by any deliberate failure to act, by his employer done on the ground of his participation in an election of employee representatives for the purposes of Chapter II of Part IV of the Trade Union and Labour Relations (Consolidation) Act 1992 (redundancies) or Regulations 10 and 11 of the Transfer of Undertakings (Protection of Employment) Regulations 1981.]

- (2) <sup>F2</sup>. . . This section does not apply where the detriment in question amounts to a dismissal (within the meaning of [<sup>F3</sup>Part X]).

#### Textual Amendments

F1 S. 47(1A) inserted (28.7.1999) by S.I. 1999/1925, reg. 12

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*Status: Point in time view as at 05/12/2005. This version of this provision has been superseded.*

*Changes to legislation: Employment Rights Act 1996, Section 47 is up to date with all changes known to be in force on or before 19 July 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)*

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- F2** Words in s. 47(2) repealed (25.10.1999) by 1999 c. 26, ss. 18(2)(a), 44, **Sch. 9(3)**; S.I. 1999/2830, art. 2(1)(3), Sch. 1 Pt.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)
- F3** Words in s. 47(2) substituted (25.10.1999) by 1999 c. 26, s. 18(2)(b); S.I. 1999/2830, art. 2(1), **Sch. 1 Pt. I** (with Sch. 3 para. 2)

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**Marginal Citations**

- M1** S.I. 1981/1794.  
**M2** 1992 c. 52.

**Status:**

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