
STATUTORY INSTRUMENTS

1995 No. 2587

**The Collective Redundancies and Transfer of Undertakings
(Protection of Employment) (Amendment) Regulations 1995**

Employment rights of employee representatives

Right not to suffer detriment.

12.—(1) After section 22A of the 1978 Act insert—

“Right of employee representatives not to suffer detriment.

22AA.—(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 purposes of Chapter II of Part IV of the Trade Union and Labour Relations (Consolidation) Act 1992 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.

(2) Except where an employee is dismissed in circumstances in which, by virtue of section 142, section 54 does not apply to the dismissal, this section shall not apply where the detriment in question amounts to dismissal.”

(2) In section 22B(1) of the 1978 Act, after “22A” insert “or 22AA”.

(3) In section 133(1)(a) of the 1978 Act, after “22A,” insert “22AA,”.

(4) In section 149(2A) of the 1978 Act—

- (a) for “sections 22A to 22C” substitute “section 22A”,
- (b) for “those sections” substitute “that section”, and
- (c) for “they apply” substitute “it applies”.