
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 173

**Flexible Working (Procedural Requirements)
Regulations (Northern Ireland) 2003**

Detriment and dismissal

16.—(1) A person 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 he –

- (a) exercised or sought to exercise the right under regulation 14(2) or (4); or
- (b) accompanied or sought to accompany an employee pursuant to a request under that regulation.

(2) Article 71 of the 1996 Order shall apply in relation to contraventions of paragraph (1) as it applies in relation to contraventions of certain Articles of that Order.

(3) A person who is dismissed shall be regarded for the purposes of Part XI of the 1996 Order as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that he –

- (a) exercised or sought to exercise his right under regulation 14(2) or (4); or
- (b) accompanied or sought to accompany an employee pursuant to a request under that regulation.

(4) Articles 140 and 141 of the 1996 Order (qualifying period of employment and upper age limit) shall not apply in relation to paragraph (3).

(5) Articles 163 to 167 of the 1996 Order (interim relief) shall apply in relation to dismissal for the reason specified in paragraph 3(a) or (b) as they apply in relation to dismissal for a reason specified in Article 163(1)(b) of that Order.

(6) In the application of Chapter II of Part XI of the 1996 Order in relation to paragraph (3), a reference to an employee shall be taken as a reference to a worker.