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STATUTORY INSTRUMENTS

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**2002 No. 3207**

**The Flexible Working (Procedural Requirements) Regulations 2002**

**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) Section 48 of the 1996 Act shall apply in relation to contraventions of paragraph (1) above as it applies in relation to contraventions of certain sections of that Act.

(3) A person who is dismissed shall be regarded for the purposes of Part 10 of the 1996 Act as unfairly dismissed if the reason (or, if more than one, the principle 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) Sections 108 and 109 of the 1996 Act (qualifying period of employment and upper age limit) shall not apply in relation to paragraph (3) above.

(5) Sections 128 to 132 of the 1996 Act (interim relief) shall apply in relation to dismissal for the reason specified in paragraph 3(a) or (b) above as they apply in relation to dismissal for a reason specified in section 128(1)(b) of that Act.

(6) In the application of Chapter 2 of Part 10 of the 1996 Act in relation to paragraph (3) above, a reference to an employee shall be taken as a reference to a worker.