



Trade Union Reform and Employment Rights Act 1993

1993 CHAPTER 19

PART II

EMPLOYMENT RIGHTS

Unfair dismissal: assertion of statutory right

29 Dismissal on ground of assertion of statutory right.

- (1) After section 60 of the 1978 Act (as substituted by section 24 of this Act), there shall be inserted—

“60A Dismissal on grounds of assertion of statutory right.

- (1) The dismissal of an employee by an employer shall be regarded for the purposes of this Part as having been unfair if the reason for it (or, if more than one, the principal reason) was that the employee—
- (a) brought proceedings against the employer to enforce a right of his which is a relevant statutory right; or
 - (b) alleged that the employer had infringed a right of his which is a relevant statutory right.
- (2) It is immaterial for the purposes of subsection (1) whether the employee has the right or not and whether it has been infringed or not, but, for that subsection to apply, the claim to the right and that it has been infringed must be made in good faith.
- (3) It shall be sufficient for subsection (1) to apply that the employee, without specifying the right, made it reasonably clear to the employer what the right claimed to have been infringed was.

Status: Point in time view as at 30/08/1993.

Changes to legislation: There are currently no known outstanding effects for the Trade Union Reform and Employment Rights Act 1993, Cross Heading: Unfair dismissal: assertion of statutory right. (See end of Document for details)

(4) The following statutory rights are relevant for the purposes of this section, namely—

(a) any right conferred by—

(i) this Act, or

(ii) the ^{M1}Wages Act 1986,

for which the remedy for its infringement is by way of a complaint or reference to an industrial tribunal;

(b) the right conferred by section 49 (minimum notice);

(c) the rights conferred by the following provisions of the ^{M2}Trade Union and Labour Relations (Consolidation) Act 1992, namely, sections 68, 86, 146, 168, 169 and 170 (deductions from pay, union activities and time off).”.

(2) In section 59 of the 1978 Act (dismissal on ground of redundancy), in subsection (2) (inserted by section 24(2) of this Act), after the word (e) there shall be inserted the words “ or 60A(1) (read with (2) and (3)) ”.

(3) In section 64 of the 1978 Act (qualifying period for right not to be unfairly dismissed), in subsection (4) (inserted by section 24(3) of this Act), after the word (e) there shall be inserted the words “ or 60A(1) (read with (2) and (3)) ”.

Modifications etc. (not altering text)

C1 S. 29 restricted (27.7.1993) by S.I. 1993/1908, art. 3(11).

Marginal Citations

M1 1986 c. 48.

M2 1992 c. 52.

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