
STATUTORY INSTRUMENTS

2010 No. 155

**The Employee Study and Training
(Procedural Requirements) Regulations 2010**

Detriment and dismissal

18.—(1) A person has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by the person's employer done on the ground that the person—

- (a) exercised or sought to exercise the right under regulation 16(2) or (5); or
- (b) at the employee's request, accompanied or sought to accompany an employee at a meeting held under regulation 4(1) or 10(1).

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

(3) A person who is dismissed is to be treated for the purposes of Part 10 of the 1996 Act as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that the person—

- (a) exercised or sought to exercise his right under regulation 16(2) or (5); or
- (b) at the employee's request, accompanied or sought to accompany an employee at a meeting held under regulation 4(1) or 10(1).

(4) Section 108 of the 1996 Act (qualifying period of employment) does not apply in relation to paragraph (3).

(5) Sections 128 to 132 of the 1996 Act⁽²⁾ (interim relief) 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 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), a reference to an employee is to be treated as a reference to a worker.

(1) Section 48 was amended by the Employment Rights (Dispute Resolution) Act 1998 (c.8), section 1(2)(a); the Employment Act 2002 (c.22), Schedule 7, paragraphs 24 and 27; the Employment Relations Act 2004 (c.24), section 41(3) and the Apprenticeships, Skills, Children and Learning Act 2009 (c.22), Schedule 1, paragraph 2.

(2) Sections 128, 131 and 132 were amended by the Employment Relations (Dispute Resolution) Act 1998 (c.8), section 1(2) (a). In addition, relevant amendments to sections 128 and 129 were made by the Public Interest Disclosure Act 1998 (c.23), section 9; the Employment Relations Act 1999 (c.26), section 6 and S.I. 1998/1833. The application of section 130 was modified in its application to employment by the governing body of a school having the right to a delegated budget, in respect of England by SI 2003/1964 and in respect of Wales by S.I. 2006/1073.