

Statutory rights with no qualifying period

Unfair dismissal

In the following cases of dismissal, the qualifying period does not apply (section 108(3), Employment Rights Act 1996 (ERA 1996)).

Statutory right	Statutory reference
Unfair dismissal for reasons connected with pregnancy, childbirth, or statutory maternity, paternity, adoption or parental or dependant care or leave.	Section 99, ERA 1996
Unfair dismissal for a health and safety reason	Section 100, ERA 1996
Unfair dismissal of a shop or betting worker for refusing to work on a Sunday	Section 101, ERA 1996
Unfair dismissal for a reason connected with rights under the Working Time Regulations 1998 (SI 1998/1833)	Section 101A, ERA 1996
Unfair dismissal for performing functions as an occupational pensions trustee	Section 102, ERA 1996
Unfair dismissal for performing functions as an employee representative on a TUPE transfer or collective redundancy	Section 103, ERA 1996
Unfair dismissal for making a protected disclosure	Section 103A, ERA 1996
Unfair dismissal for asserting a statutory right listed in section 104(4) of ERA 1996	Section 104, ERA 1996
Unfair dismissal related to the national minimum wage	Section 104A, ERA 1996
Unfair dismissal for enforcing rights in relation to working tax credits	Section 104B, ERA 1996
Unfair dismissal in connection with an application for flexible working	Section 104C, ERA 1996
Unfair dismissal in connection with pensions auto-enrolment	Section 104D, ERA 1996
Unfair dismissal in connection with the right to request time off for study or training	Section 104E, ERA 1996
Unfair dismissal in connection with a prohibited blacklist	Section 104F, ERA 1996
Unfair dismissal in connection with a refusal to accept an offer to become an employee shareholder	Section 104G, ERA 1996
Unfair dismissal in connection with carrying out jury service	Section 98B, ERA 1996
Unfair dismissal in connection with the employee's political opinions or affiliation	Section 108(4), ERA 1996
Unfair dismissal in connection with the employee's membership of a reserve force as defined in section 374 of the Armed Forces Act 2006 (such as the Territorial Army, Royal Naval Reserve or Royal Auxiliary Air Force)	Section 108(5), ERA 1996
Unfair dismissal in connection with information and consultation agreement activities	Regulation 30, Information and Consultation of Employees Regulations 2004 (SI 2004/3426)
Unfair dismissal related to the establishment of, or participation in, a European works council	Regulation 28, Transnational Information and Consultation of Employees Regulations 1999 (SI 1999/3323) and section 108, ERA 1996
Unfair dismissal related to status as a part-time worker	Regulation 7, Part-time Workers (Prevention of

	Less Favourable Treatment) Regulations 2000 (SI 2000/1551) and section 108, ERA 1996
Unfair dismissal related to status as a fixed-term employee	Regulation 6, Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 (SI 2002/2034)
Unfair dismissal in connection with trade union recognition	Schedule A1, Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA)
Unfair dismissal for trade union membership or non-membership, or participation in trade union activities	Sections 152 and 153, TULRCA
Unfair dismissal in connection with exercising the right to be accompanied to a disciplinary or grievance hearing	Section 12, Employment Relations Act 1999
Unfair dismissal for taking part in protected industrial action	Section 238A, TULRCA
Unfair dismissal following selection for redundancy on any of the grounds listed above	Section 105, ERA 1996
Unfair dismissal in connection with exercising prescribed rights as an agency worker	Regulation 17, Agency Worker Regulations 2010 (SI 2010/93)
Unfair dismissal in connection with the breach of an exclusivity term in a zero hours contract	Regulation 2, The Exclusivity Terms in Zero Hours Contracts (Redress) Regulations 2015 (SI 2015/2021)

Families and pregnancy

Statutory right	Statutory reference
Right to paid time off to attend antenatal appointments	Sections 55 and 56, ERA 1996
Right to unpaid time off to accompany partner to antenatal appointments	Section 57ZE, ERA 1996
Right to paid time off to attend adoption appointments	Sections 57ZJ and 57ZK, ERA 1996
Right to unpaid time off to accompany partner to adoption appointments	Section 57ZL, ERA 1996
Right to unpaid time off to care for dependants	Section 57A, ERA 1996
Right to be offered alternative work before maternity suspension	Section 67, ERA 1996
Right to be paid during maternity suspension	Section 68, ERA 1996
Right to 26 weeks' ordinary maternity leave (OML) and to a further 26 weeks' additional maternity leave (AML)	Sections 71 and 73, ERA 1996
Right not to suffer detriment in relation to pregnancy, childbirth, maternity, compulsory, ordinary or additional maternity leave, ordinary or additional adoption leave, paternity leave, parental leave or time off for dependants	Section 47C, ERA 1996

Redundancy, transfers and insolvency

Statutory right	Statutory reference
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Consultation with appropriate representatives over a business transfer	Regulation 13, Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)
Consultation with appropriate representatives over proposed collective redundancies	Section 188, TULRCA
Failure to comply with a compensation order made under regulation 15 of TUPE 2006	Regulation 15(10), TUPE
Failure to pay remuneration under a protective award	Section 190, TULRCA
Rights on insolvency of employer	Part XII, ERA 1996

Discrimination

Statutory right	Statutory reference
Right not to be treated less favourably because of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation	Section 13, Equality Act 2010 (EqA 2010)
Right not to be treated unfavourably because of pregnancy or maternity	Section 18, EqA 2010
Right not to be indirectly discriminated against in relation to age, disability, gender reassignment, marriage or civil partnership, race, religion or belief, sex or sexual orientation	Section 19, EqA 2010
Right not to be treated unfavourably because of something arising in consequence of a disabled person's disability	Section 15(1), EqA 2010
Right not to be discriminated against by a failure to comply with a duty to make reasonable adjustments	Section 21, EqA 2010
Right not to be harassed by unwanted conduct related to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation	Section 26(1), EqA 2010
Right not to be sexually harassed	Section 26(2), EqA 2010
Right not to be treated less favourably for rejecting or submitting to sexual harassment or harassment related to gender reassignment or sex	Section 26(3), EqA 2010
Right not to be victimised because of a protected act	Section 27, EqA 2010
Right to a sex equality clause (equal pay for equal work)	Section 66, EqA 2010
Right to a maternity equality clause	Section 73, EqA 2010

Trade unions and collective issues

Statutory right	Statutory reference
Compensation after a successful claim for unjustifiable discipline under section 66	Section 67, TULRCA
Compensation after a finding of unlawful exclusion or expulsion from a union	Section 176, TULRCA
Interim relief pending a claim for unfair dismissal on grounds related to union membership or activities	Section 161, TULRCA
Refusal of employment on grounds related to union membership	Section 137, TULRCA
Refusal of service of an employment agency on grounds related to union membership	Section 138, TULRCA
Right not to be unjustifiably disciplined by a trade union	Section 64, TULRCA

Right not to suffer detriment as a result of union membership or activities	Section 146, TULRCA
Unauthorised deduction of union subscriptions	Section 68, TULRCA
Unlawful exclusion or expulsion from a union	Section 174, TULRCA

Time off

Statutory right	Statutory reference
Right to paid time off for employee representatives	Sections 61 and 62, ERA 1996
Right to paid time off for pension scheme trustees	Sections 58 and 59, ERA 1996
Right to paid time off for safety representatives	Safety Representatives and Safety Committees Regulations 1977 (SI 1977/500) and Health and Safety (Consultation with Employees) Regulations 1996 (SI 1996/1513)
Right to paid time off for union duties	Sections 168 and 169, TULRCA
Right to time off for study or training (Wales and Scotland only)	Sections 63A-C, ERA 1996
Right to unpaid time off for public duties	Section 50, ERA 1996
Right to unpaid time off for union activities	Section 170, TULRCA
Right not to suffer detriment in relation to taking time off for study or training	Section 47A, ERA 1996
Right not to suffer detriment in relation to undertaking dependant care leave	Section 47C, ERA 1996

Working Time Regulations 1998

Statutory right	Statutory reference
Right to annual leave	Regulation 13, Working Time Regulations 1998 (WTR 1998) (SI 1998/1833)
Right to compensatory rest in cases where the above regulations are modified or excluded	Regulation 24, WTR 1998
Right to daily rest breaks	Regulation 10, WTR 1998
Right to pay during annual leave	Regulation 16, WTR 1998
Right to payment in lieu of holiday on termination of employment	Regulation 14, WTR 1998
Right to rest breaks during a day	Regulation 12, WTR 1998
Right to weekly rest breaks	Regulation 11, WTR 1998
Right not to suffer detriment in relation to exercising rights under the WTR 1998	Section 45A, ERA 1996

Wages

Statutory right	Statutory reference
Right to receive the national minimum wage (NMW)	National Minimum Wage Act 1998 (NMWA 1998)
Failure to allow access to records relating to the NMW	Section 11, NMWA 1998
Itemised pay statement	Section 8, ERA 1996

Right not to suffer detriment in relation to payment of tax credits by the employer	Section 27 and Schedule 1, Tax Credits Act 2002
Right not to suffer detriment in relation to the national minimum wage	Section 23, NMWA 1998
Right not to suffer unlawful deductions from wages	Section 13, ERA 1996

Atypical working

Statutory right	Statutory reference
Right not to be treated less favourably because of fixed term status	Regulation 3, Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 (SI 2002/2034)
Right not to be treated less favourably because of part-time status	Regulation 5, Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (SI 2000/1551)
Right not to suffer detriment in relation to part-time working	Regulation 7, Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
Right not to suffer detriment in relation to fixed term employment	Regulation 6(2), Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002
Right of agency worker to have access to collective facilities and amenities	Regulation 12, Agency Workers Regulations 2010
Right of agency worker to have information about hirer's job vacancies	Regulation 13, Agency Workers Regulations 2010
Right of employee employed under successive fixed term contracts to be regarded as a permanent employee	Regulation 8, Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002
Right of employee employed under successive fixed term contracts to receive a written statement that he or she is a permanent employee	Regulation 9, Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002
Right of fixed term employee to be informed by employer of permanent vacancies	Regulation 3(6), Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002
Right of fixed term employee to receive written statement of reasons for less favourable treatment	Regulation 5, Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002
Right of part-time worker to receive written statement of reasons for less favourable treatment	Regulation 6, Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
Right not to suffer a detriment for breaching an exclusivity term in a zero hours contract	Regulation 2, The Exclusivity Terms in Zero Hours Contracts (Redress) Regulations 2015 (SI 2015/2021)

Miscellaneous

Statutory right	Statutory reference
Breach of contract claim by an employee	N/A
Right not to suffer a detriment in relation to a protected disclosure	Section 47B, ERA 1996
Right not to suffer a detriment in relation to certain health and safety issues	Section 44, ERA 1996

Right not to suffer a detriment in relation to performing functions as a pension trustee	Section 46, ERA 1996
Right not to suffer detriment in relation to performing functions as an employee representative	Section 47, ERA 1996
Right not to suffer detriment in relation to a request for flexible working	Section 47E, ERA 1996
Right not to suffer a detriment in relation to jury service	Section 43M, ERA 1996
Right not to suffer a detriment in relation to Sunday working	Section 45, ERA 1996
Right not to suffer detriment in relation to pensions auto-enrolment	Section 55, Pensions Act 2008
Right to be accompanied at a grievance or disciplinary hearing	Section 10, Employment Relations Act 1999