

Protection from dismissal and detriment

If someone takes action over a health and safety issue at work, they may be legally protected from dismissal and 'detriment'.

Detriment means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

Examples of detriment could be:

- they experience [bullying](#)
- they experience [harassment](#)
- their employer turns down their training requests without good reason
- they are overlooked for promotions or development opportunities
- their employer reduces their hours without good reason

If a worker is in serious and imminent danger

If a worker is in serious and imminent danger they may not be able to remove a risk safely.

In this situation, their employer must not cause them detriment because they either:

- left the work area
- left the workplace
- refused to return to work
- took other steps to protect themselves or others

Extra protection for employees

Anyone with the [legal status of employee](#) has extra protection if they take action over a health and safety issue. This protection is from both:

- unfair dismissal
- detriment

Someone is not likely to be an employee if they're:

- an agency worker
- a casual worker
- on a zero-hours contract

An employer must not dismiss an employee or cause them detriment because they:

- reported a health and safety issue to an appropriate person
- left work or refused to return to work, because they were in serious and imminent danger and unable to remove a risk safely
- took other steps to protect themselves or others, because they were in serious and imminent danger and unable to remove a risk safely
- took part in a health and safety consultation with the employer – or planned to take part in it
- took part in an election for health and safety representatives – this includes candidates, whether they were elected or not

If an employee has a health and safety role

If health and safety is part of an employee's job or role, their employer must not dismiss them or cause them detriment because:

- they're a health and safety representative
- they're a member of a health and safety committee
- they prevented or reduced a health and safety risk, in line with their health and safety duties

Whistleblowing

If someone reports a health and safety issue in the public interest, they could be protected under whistleblowing law.

[Find out more about whistleblowing at work](#)

If someone is dismissed or experiences detriment

If someone is dismissed or experiences detriment related to health and safety, they should [raise it with their employer](#).

If this does not resolve the problem, they could consider making a claim to an employment tribunal.

Making a claim to an employment tribunal

If someone has the [legal status of employee](#), they can make a claim to an employment tribunal for:

- [unfair dismissal](#)
- detriment

Dismissal for taking action over a health and safety issue is classed as 'automatically unfair dismissal'. Employees are protected from automatically unfair dismissal from the first day they start a job.

If someone has the [legal status of worker](#), they can make a claim to an employment tribunal for detriment. They cannot make a claim for unfair dismissal. But being dismissed might count as a detriment.

Find out more about:

- making a claim to an [employment tribunal](#)
- [employment tribunal time limits](#)

Interim relief for health and safety representatives

If a health and safety representative makes a claim for unfair dismissal, they may also be able to claim interim relief.

Interim relief is used to prevent financial difficulty in the time before the case has its full employment tribunal hearing.

They must make an application for interim relief within 7 days of the 'effective date of termination'.

[Find out more about interim relief](#)

Get more advice and support

[Find more advice on health and safety at work from the Health and Safety Executive \(HSE\)](#)

If you have a question about making a claim to an employment tribunal, [contact the Acas helpline](#).