STATUTORY INSTRUMENTS

2026 No. 1099

TRADE UNIONS

The Protection Against Detriment (Industrial Action) Regulations 2026

Made - - - -	*15th October 2026*
Coming into force - -	*30th October 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 207A(6)(**a**), 236A(1) and (4)(**b**) and 293(1) and (2) of the Trade Union and Labour Relations (Consolidation) Act 1992.

In accordance with sections 207A(9) and 293(4) and (5) of the Trade Union and Labour Relations (Consolidation) Act 1992, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Protection Against Detriment (Industrial Action) Regulations 2026.

(2) These Regulations come into force on 30th October 2026.

(3) These Regulations extend to England and Wales and Scotland.

Interpretation

2. In these Regulations "the 1992 Act" means the Trade Union and Labour Relations (Consolidation) Act 1992.

Protection against detriment

3. Any detriment is a prescribed detriment(**c**) for the purpose of section 236A(1) (protection against detriment for taking industrial action) of the 1992 Act.

Common law rules on deduction of pay

4. Nothing in these Regulations affects the common law rules enabling the deduction of pay on account of a worker having taken part in protected industrial action(**d**).

(**a**) 1992 c. 52; section 207A was inserted by the Employment Act 2008 (c. 24), section 3(2).
(**b**) Section 236A was inserted by the Employment Rights Act 2025 (c. 36), section 76.
(**c**) Section 236A of the 1992 Act provides that a worker has the right not to be subjected to a detriment of a prescribed description.
(**d**) "Protected industrial action" has the meaning given to it in section 236A(2) of the 1992 Act.

Amendment of Schedule A2 to the Trade Union and Labour Relations (Consolidation) Act 1992

5. In the list in Schedule A2(**a**) to the 1992 Act (tribunal jurisdictions to which section 207A applies), after the entry relating to section 189 of that Act insert—

"Section 236A of this Act (detriment on grounds of industrial action)".

Kate Dearden
Minister of State
15th October 2026 Department for Business, Innovation, Science and Trade

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the power contained in section 236A(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act") to prescribe detriments in relation to a worker taking industrial action.

Pursuant to section 236A(4) of the 1992 Act, regulation 3 prohibits all detriments in relation to a worker taking industrial action.

Regulation 4 confirms that the common law rules which allow an employer to deduct pay from a worker for having taken part in protected industrial action are not affected by these Regulations.

Regulation 5 adds section 236A to the jurisdictions listed in Schedule A2 to the 1992 Act. Under section 207A of the 1992 Act, this allows an adjustment of an award by a tribunal where there is a failure to comply with certain codes of practice.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary sector or community bodies is foreseen.

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(**a**) Schedule A2 was inserted into the 1992 Act by section 3 of the Employment Act 2008 (c. 24).

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