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STATUTORY INSTRUMENTS

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**2004 No. 752**

**The Employment Act 2002 (Dispute Resolution) Regulations 2004**

**Failure to attend a meeting**

**13.**—(1) Without prejudice to regulation 11(2) and (3)(c), if it is not reasonably practicable for—

- (a) the employee, or, if he is exercising his right under section 10 of the 1999 Act (right to be accompanied), his companion; or
- (b) the employer,

to attend a meeting organised in accordance with the applicable statutory procedure for a reason which was not foreseeable when the meeting was arranged, the employee or, as the case may be, employer shall not be treated as having failed to comply with that requirement of the procedure.

(2) In the circumstances set out in paragraph (1), the employer shall continue to be under the duty in the applicable statutory procedure to invite the employee to attend a meeting and, where the employee is exercising his rights under section 10 of the 1999 Act and the employee proposes an alternative time under subsection (4) of that section, the employer shall be under a duty to invite the employee to attend a meeting at that time.

(3) The duty to invite the employee to attend a meeting referred to in paragraph (2) shall cease if the employer has invited the employee to attend two meetings and paragraph (1) applied in relation to each of them.

(4) Where the duty in paragraph (2) has ceased as a result of paragraph (3), the parties shall be treated as having complied with the applicable statutory procedure.