

## **EXPLANATORY NOTES**

### **EMPLOYMENT RELATIONS ACT 1999**

#### **INTRODUCTION**

#### **SUMMARY AND BACKGROUND**

**Trade union recognition and derecognition**

**Trade unions and individual employment rights related to trade unions**

**Family-related employment rights**

**Right to be accompanied in disciplinary and grievance hearings**

**Other rights of individuals**

**Other, miscellaneous provisions**

#### **COMMENTARY ON SECTIONS**

##### **Trade unions**

Section 1 and Schedule 1: Collective bargaining: Recognition

**Part I: Recognition**

**Part II: Voluntary Recognition**

**Part III: Changes affecting bargaining unit**

**Part IV: Derecognition: General**

**Part V: Derecognition where recognition automatic**

**Part VI: Derecognition where union not independent**

**Part VII: Loss of independence**

**Part VIII: Detriment**

**Part IX: General**

Section 2 and Schedule 2: Detriment related to trade union membership

Section 3 : Blacklists

Section 4 and Schedule 3: Ballots and Notices

*These notes refer to the Employment Relations Act 1999 (c.26)*

**Informing employers of the ballot result**

**Notices to employers of industrial action ballots and the taking of industrial action**

**Requirement to send sample voting papers to employers**

**Inducing members to take industrial action**

**Separate Workplace Ballots**

**Overtime and call-out bans**

**The statement on voting papers**

**Conduct of Ballot : Merchant Seamen**

**Disregard of certain minor and accidental failures**

**Ballots for industrial action : period of effectiveness**

**Suspension of industrial action**

Section 5: Training

Section 6: Unfair dismissal connected with recognition: interim relief

**Leave for family reasons**

Section 7 and Part I of Schedule 4: Maternity and parental leave

**New section 71: Ordinary maternity leave**

**New section 72: Compulsory maternity leave**

**New section 73: Additional maternity leave**

**New section 74: Redundancy and dismissal**

**New section 75: Sections 71 to 73: supplemental**

**Part VIII, Chapter II: Parental Leave**

**New section 76: Entitlement to parental leave**

**New section 77: Rights during and after parental leave**

**New section 78: Special cases**

**New section 79: Supplemental**

**New section 80: Complaint to employment tribunal**

Section 8 and Part II of Schedule 4: Time off for dependants

*These notes refer to the Employment Relations Act 1999 (c.26)*

**New section 57A: Right to time off for dependants**

**New section 57B: Complaint to employment tribunal**

Section 9 and Part III of Schedule 4: Consequential amendments

Sections 10-15 : Right to be accompanied in disciplinary and grievance hearings

Section 16 and Schedule 5: Unfair dismissal of striking workers

Section 17: Collective agreements: detriment and dismissal

Section 18: Agreement to exclude dismissal rights

Sections 19-21: Part-time work

Section 22: National Minimum Wage: Communities

Section 23: Power to confer rights on individuals

**CAC, ACAS, Commissioners and Certification Officer**

Sections 24 and 25: Central Arbitration Committee

Section 24: CAC: members

Section 25: CAC: proceedings

Section 26: ACAS: General duty

Section 27: ACAS: Reports

Section 28: Abolition of Commissioners

Section 29 and Schedule 6: The Certification Officer

**Miscellaneous**

Section 30: Partnerships at work

Section 31 and Schedule 7: Employment agencies

Section 32: Employment rights outside Great Britain

Section 33: Unfair dismissal: special and additional awards

Section 34: Indexation of amounts, &c.

Section 35: Guarantee payments

Section 36: Sections 33-35: consequential

Section 37: Compensatory award etc: removal of limit in certain cases

Section 38: Transfer of undertakings

Section 39: National Minimum Wage: Information

*These notes refer to the Employment Relations Act 1999 (c.26)*

Section 40: Dismissal of school staff

Section 41 and Schedule 8: National security

**General**

**HANSARD REFERENCES**

**COMMENCEMENT**