

# **Employment Relations Act 2004**

## CHAPTER 24

# **EMPLOYMENT RELATIONS ACT 2004**

### PART 1

#### UNION RECOGNITION

- 1 Application for decision on whether proposed bargaining unit is appropriate
- 2 Power of the CAC to end period for agreement on bargaining unit
- 3 Duty of employer to supply information to union
- 4 Determination of appropriate bargaining unit
- 5 Union communications with workers after acceptance of application
- 6 Circumstances in which the CAC must arrange a ballot
- 7 Power of the CAC to extend notification period
- 8 Postal votes for workers absent from ballot at workplace
- 9 Additional duties on employers informed of ballots
- 10 Unfair practices in relation to recognition ballots
- 11 Application where agreement does not cover pay, hours and holidays
- 12 Employer's notice to end bargaining arrangements
- 13 Unfair practices in relation to derecognition ballots
- 14 Appeals against demands for costs
- 15 Power to amend Schedule A1 to the 1992 Act
- 16 Means of communicating with workers
- 17 Unfair practices: power to make provision about periods before notice of ballot
- 18 Power to make provision about effect of amalgamations etc.
- 19 Information about union membership and employment in bargaining unit
- 20 "Pay" and other matters subject to collective bargaining

# 21 Information required by ACAS for ballots and ascertaining union membership

## PART 2

#### LAW RELATING TO INDUSTRIAL ACTION

- 22 Information about employees to be balloted on industrial action
- 23 Entitlement to vote in ballot on industrial action
- 24 Inducement of members not accorded entitlement to vote
- 25 Information about employees to be contained in notice of industrial action
- 26 Dismissal where employees taking protected industrial action locked out
- 27 Date of dismissal
- 28 Dismissal after end of protected period

#### PART 3

#### RIGHTS OF TRADE UNION MEMBERS, WORKERS AND EMPLOYEES

#### Inducements and detriments in respect of membership etc. of independent trade union

- 29 Inducements relating to union membership or activities
- 30 Extension of protection against detriment for union membership etc.
- 31 Detriment for use of union services or refusal of inducement
- 32 Dismissal for use of union services or refusal of inducement

#### Exclusion and expulsion from trade unions

- 33 Exclusion or expulsion from trade union attributable to conduct
- 34 Applications no longer to be made to Employment Appeal Tribunal

#### Other rights of workers and employees

- 35 Disapplication of qualifying period and upper age limit for unfair dismissal
- 36 National security: powers of employment tribunals
- 37 Role of companion at disciplinary or grievance hearing
- 38 Extension of jurisdiction of Employment Appeal Tribunal
- 39 Ways in which provision conferring rights on individuals may be made
- 40 Protection of employees in respect of jury service
- 41 Flexible working
- 42 Information and consultation: Great Britain
- 43 Information and consultation: Northern Ireland

#### PART 4

#### ENFORCEMENT OF MINIMUM WAGE LEGISLATION

- 44 Information supplied by worker and employer
- 45 Enforcement notices
- 46 Withdrawal and replacement of, and appeals against, notices
- 47 Enforcement officers for agricultural wages legislation

#### PART 5

### THE CERTIFICATION OFFICER

- 48 Striking out by Certification Officer of applications or complaints
- 49 Restriction of proceedings orders: proceedings before Certification Officer
- 50 Amalgamations: approval, listing and certification
- 51 Restriction of grounds of appeal from Certification Officer

#### PART 6

#### MISCELLANEOUS

- 52 Additional case in which election for president of union not required
- 53 Removal of rule preventing appointment of body corporate as auditor
- 54 Means of voting in ballots and elections
- 55 Provision of money for trade union modernisation

#### PART 7

#### SUPPLEMENTARY PROVISIONS

- 56 Meaning of "the 1992 Act"
- 57 Minor and consequential amendments and repeals
- 58 Corresponding provision for Northern Ireland
- 59 Citation, commencement and extent

#### SCHEDULES

SCHEDULE 1 — Minor and consequential amendments

- 1 Agricultural Wages Act 1948
- 2 Agricultural Wages (Regulation) (Northern Ireland) Order 1977
- 3 The 1992 Act
- 4 In section 41(3) of the 1992 Act (date of next...
- 5 In section 54(3) of the 1992 Act (time limit for...
- 6 In section 82 of the 1992 Act (rules as to...
- 7 In section 103 of the 1992 Act (complaints as regards...
- 8 In section 146 of the 1992 Act (action short of...
- 9 In section 148 of the 1992 Act (consideration of complaint),...
- 10 In section 150 of the 1992 Act (awards against third...
- 11 (1) Section 155 of the 1992 Act (matters to be...
- 12 In section 161(3) of the 1992 Act (application for interim...
- 13 In section 229(4) of the 1992 Act (statement which must...
- 14 In section 233 of the 1992 Act (calling of industrial...
- 15 In section 263A of the 1992 Act (proceedings of the...
- 16 (1) Section 284 of the 1992 Act (share fishermen) is...
- 17 (1) Section 285 of the 1992 Act (employment outside Great...
- 18 In section 286(1) of the 1992 Act (provisions that may...
- 19 In section 288(1)(b) of the 1992 Act (provisions restricting rights...
- 20 (1) Section 292 of the 1992 Act (death of employee...
- 21 In section 296 of the 1992 Act (meaning of "worker"...
- 22 In section 299 of the 1992 Act (index of defined...
- 23 (1) Schedule A1 to the 1992 Act (union recognition) is...

- 24 Employment Tribunals Act 1996
- 25 In section 18 of that Act (conciliation), in subsection (1)(b),...
- 26 In section 30(2) of that Act (matters which may be...
- 27 In section 36 of that Act (enforcement of decisions of...
- 28 Employment Rights Act 1996
- 29 In section 95(1) of that Act (circumstances in which employee...
- 30 In section 98(6)(b) of that Act (provisions to which provision...
- 31 In section 104(4)(c) of that Act (assertion of statutory right),...
- 32 In section 108(3) of that Act (exceptions to one year...
- 33 In section 109(2) of that Act (exceptions to upper age...
- 34 (1) Section 191 of that Act (application to the Crown)...
- 35 In subsection (2) of section 192 of that Act (provisions...
- 36 (1) Section 194 of that Act (provisions of the Act...
- 37 (1) Section 195 of that Act (provisions of the Act...
- 38 In section 200 of that Act (application of certain provisions...
- 39 (1) Section 202 of that Act (restrictions on disclosure of...
- 40 National Minimum Wage Act 1998
- 41 In section 16 of that Act (disclosure of information obtained...
- 42 Employment Relations Act 1999
- 43 Employment Act 2002

SCHEDULE 2 — Repeals