

SCHEDULES

SCHEDULE 2

UNION MEMBERSHIP: DETRIMENT

Consideration of complaint

4.—(1) Article 75 shall be amended as follows.

(2) In paragraph (1) for “action was taken against the complainant” substitute “he acted or failed to act”.

(3) In paragraph (2) for “action was taken by the employer or the purpose for which it was taken” substitute “the employer acted or failed to act, or the purpose for which he did so”.

(4) In paragraph (3)—

(a) for “action was taken by the employer against the complainant” substitute “the employer acted or failed to act”;

(b) for the words from “took the action” to “would take” substitute “acted or failed to act, unless it considers that no reasonable employer would act or fail to act in the way concerned”.

(5) For paragraph (4) substitute—

“(4) Where the tribunal determines that—

(a) the complainant has been subjected to a detriment by an act or deliberate failure to act by his employer; and

(b) the act or failure took place in consequence of a previous act or deliberate failure to act by the employer,

sub-paragraph (a) of paragraph (3) is satisfied if the purpose mentioned in that sub-paragraph was the purpose of the previous act or failure.”.