



Employment Protection Act 1975

1975 CHAPTER 71

PART II

RIGHTS OF EMPLOYEES

Guarantee payments

28 Exemption orders

- (1) If at any time there is in force a collective agreement, or a wages order, whereby employees to whom the agreement or order relates have a right to guaranteed remuneration and on the application of all the parties to the agreement, or as the case may be, of the council or Board making the order, the appropriate Minister, having regard to the provisions of the agreement or order is satisfied that section 22 above should not apply to those employees, he may make an order under this section excluding those employees from the operation of that section.
- (2) In subsection (1) above a wages order means an order made under any of the following provisions, that is to say—
 - (a) section 11 of the Wages Councils Act 1959 ;
 - (b) section 3 of the Agricultural Wages Act 1948 ;
 - (c) section 3 of the Agricultural Wages (Scotland) Act 1949.
- (3) In subsection (1) above the appropriate Minister means—
 - (a) as respects a collective agreement or such an order as is referred to in subsection (2)(a) or (c) above, the Secretary of State;
 - (b) as respects such an order as is referred to in subsection (2)(b) above, the Minister of Agriculture, Fisheries and Food.
- (4) The Secretary of State shall not make an order under this section in respect of an agreement unless—
 - (a) the agreement provides for procedures to be followed (whether by arbitration or otherwise) in cases where an employee claims that his employer has failed to pay the whole or any part of any guaranteed remuneration to which the

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employee is entitled under the agreement, and that those procedures include a right to arbitration or adjudication by an independent referee or body in cases where (by reason of an equality of votes or otherwise) a decision cannot otherwise be reached; or

- (b) the agreement indicates that an employee to whom the agreement relates may present a complaint to an industrial tribunal that his employer has failed to pay the whole or any part of any guaranteed remuneration to which the employee is entitled under the agreement ;

and where an order under this section is in force in respect of such an agreement as is described in paragraph (b) above an industrial tribunal shall have jurisdiction over such a complaint as if it were a complaint falling within section 27 above.

- (5) Without prejudice to section 123(4) below, an order under this section may be varied or revoked by a subsequent order thereunder, whether in pursuance of an application made by all or any of the parties to the agreement in question, or, as the case may be, by the council or Board which made the order in question, or without any such application: