



Employment Protection Act 1975

1975 CHAPTER 71

PART II

RIGHTS OF EMPLOYEES

Trade union membership and activities

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- (1) Subject to the following provisions of this section, every employee shall have the right not to have action (short of dismissal) taken against him as an individual by his employer for the purpose of—
- (a) preventing or deterring him from being or seeking to become a member of an independent trade union, or penalising him for doing so; or
 - (b) preventing or deterring him from taking part in the activities of an independent trade union at any appropriate time, or penalising him for doing so; or
 - (c) compelling him to be or become a member of a trade union which is not independent.
- (2) In this section "appropriate time", in relation to an employee taking part in any activities of a trade union, means time which either—
- (a) is outside his working hours, or
 - (b) is a time within his working hours at which, in accordance with arrangements agreed with, or consent given by his employer, it is permissible for him to take part in those activities;
- and in this subsection "working hours", in relation to an employee, means any time when, in accordance with his contract of employment, he is required to be at work.
- (3) The provisions of subsection (4) below shall have effect in relation to an employee—
- (a) of the same class as employees for whom it is the practice in accordance with a union membership agreement to belong to a specified independent trade union or to one of a number of specified independent trade unions; or

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- (b) not of the same class as described in paragraph (a) above but of the same grade or category as such employees as are referred to in that paragraph.
- (4) In relation to such an employee the right conferred by subsection (1)(b) above in relation to the activities of an independent trade union shall extend to activities on the employer's premises only if that union is a specified union.
- (5) For the purposes of this section a trade union—
- (a) shall be taken to be specified for the purposes of, or in relation to, a union membership agreement if it is specified in the agreement or is accepted by the parties to the agreement as being the equivalent of a union so specified; and
 - (b) shall also be treated as so specified if—
 - (i) the Service has made a recommendation for recognition of that union covering the employee in question which is operative within the meaning of section 15 above ; or
 - (ii) the union has referred a recognition issue covering that employee to the Service under section 11 above and the Service has not declined to proceed on the reference under section 12 above, the union has not withdrawn the reference, or from the reference, and the issue has not been settled or reported on under that section.
- (6) An employee who genuinely objects on grounds of religious belief to being a member of any trade union whatsoever shall have the right not to have action (short of dismissal) taken against him by his employer for the purpose of compelling him to belong to a trade union.
- (7) In this section, unless the context otherwise requires, references to a trade union include references to a branch or section of a trade union.