



# Employment Act 1980

## 1980 CHAPTER 42

### *Other rights of employees*

#### **14 Guarantee payments**

- (1) In section 15(2) of the 1978 Act (which restricts entitlement to five days in any one of the periods of three months beginning on 1st February, 1st May, 1st August and 1st November) for the words from " any " to the end there shall be substituted the words " any period of three months ".
- (2) This section shall not have effect in relation to workless days (within the meaning of section 12 of that Act) falling before the commencement of this section except so far as they are relevant in determining entitlement to guarantee payments in respect of days falling after that time.

#### **15 Action short of dismissal relating to trade union membership and activities**

- (1) In subsection (1)(c) of section 23 of the 1978 Act (right of employee not to have action taken by his employer to compel him to belong to a union which is not independent) the words " which is not independent" shall cease to have effect.
- (2) After subsection (2) of that section there shall be inserted—
  - “(2A) Where it is the practice, in accordance with a union membership agreement, for the employees of any class of an employer to belong to a specified independent trade union, or to one of a number of specified independent trade unions, then—
    - (a) subject to subsection (2B), the right conferred on employees of that class by virtue of subsection (1)(b) in relation to a union's activities shall extend to activities on the employer's premises only if the union is a specified union; and
    - (b) employees of that class shall not have the right conferred by virtue of subsection (1)(c) except in respect of action which, if it amounted to dismissal from employment to which section 54 applies, would be regarded as unfair by reason of section 58(3A), (3B) or (3C).

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*Status: This is the original version (as it was originally enacted).*

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- (2B) A union membership agreement which takes effect after the commencement of section 7 of the Employment Act 1980 in relation to the employees of any class of an employer shall be disregarded for the purposes of the application of subsection (2A)(a) to employees of that class of the employer unless the agreement has, for the purposes of section 58(3C), been approved in relation to them in accordance with section 58A.”
- (3) Subsections (3), (4), (5)(a) and (6) of section 23 and subsection (1)(b) of section 25 of the 1978 Act shall cease to have effect.
- (4) After section 26 of the 1978 Act there shall be inserted—

**“26A Contribution in respect of compensation on certain complaints under s. 24.**

- (1) Where—
- (a) a complaint is presented to an industrial tribunal under section 24 on the ground that action has been taken against the complainant by his employer for the purpose of compelling him to be or become a member of a trade union, and
  - (b) the employer claims in proceedings before the tribunal that he was induced to take the action by pressure which a trade union or other person exercised on him by calling, organising, procuring or financing a strike or other industrial action, or by threatening to do so, the employer may before the hearing of the complaint require the person who he claims exercised the pressure to be joined, or in Scotland sisted, as a party to the proceedings.
- (2) Where any person has been joined, or in Scotland sisted, as a party to proceedings before an industrial tribunal by virtue of subsection (1), and the tribunal—
- (a) makes an award of compensation in favour of the complainant, but
  - (b) finds that the claim of the employer (as specified in subsection (D)) is well-founded,
- the tribunal may make an order requiring that person to pay to the employer a contribution in respect of that compensation.
- (3) The amount of any contribution ordered to be paid under this section in respect of any compensation shall be such as the tribunal considers to be just and equitable in the circumstances, and may constitute a complete indemnity.”