



Employment Act 1980

1980 CHAPTER 42

Trade union ballots and Codes of Practice

2 Secret ballots on employer's premises

- (1) Subject to subsection (3) below, where an independent trade union proposes that a relevant ballot be held and requests an employer to permit premises of his to be used for the purpose of giving workers employed by him who are members of the union a convenient opportunity of voting, the employer shall, so far as reasonably practicable, comply with the request.
- (2) A ballot is a relevant ballot for the purposes of this section if—
 - (a) as respects the purpose of the question (or one of the questions) to be voted upon, the ballot satisfies the requirements of a scheme under section 1 of this Act, and
 - (b) the proposals for the conduct of the ballot are such as to secure, so far as reasonably practicable, that those voting may do so in secret.
- (3) Subsection (1) above shall not apply where, at the time the request is made.—
 - (a) the union is not recognised by the employer to any extent for the purpose of collective bargaining, or
 - (b) the number of workers employed by the employer, added to the number employed by any associated employer, does not exceed twenty.
- (4) A trade union may present a complaint to an industrial tribunal that it has made a request in accordance with subsection (1) above and that it was reasonably practicable for the employer to comply with it, but that he has failed to do so.
- (5) An industrial tribunal shall not entertain a complaint under this section unless it is presented to the tribunal before the end of the period of three months beginning with the date of the failure, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of the period of three months.
- (6) Where a tribunal finds that a complaint under this section is well-founded, the tribunal shall make a declaration to that effect, and may make an award of compensation to

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be paid by the employer to the union which shall be of such amount as the tribunal considers just and equitable in all the circumstances having regard to the employer's default in failing to comply with the request and to any expenses incurred by the union in consequence of the failure.

- (7) An appeal shall lie to the Employment Appeal Tribunal on a question of law arising from any decision of, or arising in proceedings before, an industrial tribunal under this section.
- (8) The remedy of a trade union for a failure to comply with a request made in accordance with subsection (1) above shall be by way of a complaint under this section and not otherwise.
- (9) Expressions used in this section and in the 1974 Act have the same meanings in this section as in that Act.