



# Employment Act 1982

## 1982 CHAPTER 46

### *Unfair dismissal*

#### 7 Awards against third parties

For section 76A of the 1978 Act (contribution in respect of compensation) there shall be substituted—

##### **“76A Awards against third parties.**

- (1) If in proceedings before an industrial tribunal on a complaint against an employer under section 67 either the employer or the complainant claims—
  - (a) that the employer was induced to dismiss the complainant by pressure which a trade union or other person exercised on the employer by calling, organising, procuring or financing a strike or other industrial action, or by threatening to do so, and
  - (b) that the pressure was exercised because the complainant was not a member of any trade union or of a particular trade union or of one of a number of particular trade unions,the employer or the complainant may request the tribunal to direct that the person who he claims exercised the pressure be joined, or in Scotland sisted, as a party to the proceedings.
- (2) A request under subsection (1) shall be granted if it is made before the hearing of the complaint begins, but may be refused if it is made after that time; and no such request may be made after the tribunal has made an award under section 68(2) or an order under section 69.
- (3) Where a 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 under section 68(2) or 71(2)(a) or (b), but
  - (b) finds that the claim mentioned in subsection (1) is well-founded,

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*Status: This is the original version (as it was originally enacted).*

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the award may be made against that person instead of against the employer, or partly against that person and partly against the employer, as the tribunal may consider just and equitable in the circumstances.”