



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART III

RIGHTS IN RELATION TO UNION MEMBERSHIP AND ACTIVITIES

Dismissal [^{F1}of employee]

152 Dismissal [^{F1}of employee] on grounds related to union membership or activities.

- (1) For purposes of [^{F2}Part X of the Employment Rights Act 1996] (unfair dismissal) the dismissal of an employee shall be regarded as unfair if the reason for it (or, if more than one, the principal reason) was that the employee—
- (a) was, or proposed to become, a member of an independent trade union, ^{F3} . . .
 - (b) had taken part, or proposed to take part, in the activities of an independent trade union at an appropriate time, ^{F3} . . .
 - [^{F4}(ba) had made use, or proposed to make use, of trade union services at an appropriate time,
 - (bb) had failed to accept an offer made in contravention of section 145A or 145B, or]
 - (c) was not a member of any trade union, or of a particular trade union, or of one of a number of particular trade unions, or had refused, or proposed to refuse, to become or remain a member.
- (2) In subsection [^{F5}(1)] “an appropriate time” means—
- (a) a time outside the employee’s working hours, or
 - (b) 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 the activities of a trade union [^{F6}or (as the case may be) make use of trade union services];

Status: Point in time view as at 01/10/2004.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Section 152 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

and for this purpose “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.

[^{F7}(2A) In this section—

- (a) “trade union services” means services made available to the employee by an independent trade union by virtue of his membership of the union, and
- (b) references to an employee’s “making use” of trade union services include his consenting to the raising of a matter on his behalf by an independent trade union of which he is a member.

(2B) Where the reason or one of the reasons for the dismissal was that an independent trade union (with or without the employee’s consent) raised a matter on behalf of the employee as one of its members, the reason shall be treated as falling within subsection (1)(ba).]

(3) Where the reason, or one of the reasons, for the dismissal was—

- (a) the employee’s refusal, or proposed refusal, to comply with a requirement (whether or not imposed by his contract of employment or in writing) that, in the event of his not being a member of any trade union, or of a particular trade union, or of one of a number of particular trade unions, he must make one or more payments, or
- (b) his objection, or proposed objection, (however expressed) to the operation of a provision (whether or not forming part of his contract of employment or in writing) under which, in the event mentioned in paragraph (a), his employer is entitled to deduct one or more sums from the remuneration payable to him in respect of his employment,

the reason shall be treated as falling within subsection (1)(c).

(4) References in this section to being, becoming or ceasing to remain a member of a trade union include references to being, becoming or ceasing to remain a member of a particular branch or section of that union or of one of a number of particular branches or sections of that trade union ^{F8}

[^{F9}(5) References in this section—

- (a) to taking part in the activities of a trade union, and
- (b) to services made available by a trade union by virtue of membership of the union,

shall be construed in accordance with subsection (4).]

Textual Amendments

- F1** S. 152 sidenote: words inserted (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 30(10)**, 59(2)-(4); S.I. 2004/2566, **art. 3(a)** (with arts. 4-8)
- F2** Words in s. 152(1) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch.1 para. 56(7)(a)** (with ss. 191-195, 202)
- F3** Words in s. 152(1)(a)(b) repealed (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), ss. 32(2), 57(2), 59(2)-(4), **Sch. 2**; S.I. 2004/2566, **art. 3(a)(c)** (with arts. 4-8)
- F4** S. 152(1)(ba)(bb) inserted (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 32(2)**, 59(2)-(4); S.I. 2004/2566, **art. 3(a)** (with arts. 4-8)
- F5** Word in s. 152(2) substituted (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 32(3)(a)**, 59(2)-(4); S.I. 2004/2566, **art. 3(a)** (with arts. 4-8)

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- F6** Words in s. 152(2) inserted (1.10.2004) by Employment Relations Act 2004 (c. 24), **ss. 32(3)(b)**, 59(2)-(4); S.I. 2004/2566, **art. 3(a)** (with arts. 4-8)
- F7** S. 152(2A)(2B) inserted (1.10.2004) by Employment Relations Act 2004 (c. 24), **ss. 32(4)**, 59(2)-(4); S.I. 2004/2566, **art. 3(a)** (with arts. 4-8)
- F8** Words in s. 152(4) repealed (1.10.2004) by Employment Relations Act 2004 (c. 24), **ss. 32(5)**, 57(2), 59(2)(4), **Sch. 2**; S.I. 2004/2566, **art. 3(a)(c)** (with arts. 4-8)
- F9** S. 152(5) inserted (1.10.2004) by Employment Relations Act 2004 (c. 24), **ss. 32(6)**, 59(2)-(4); S.I. 2004/2566, **art. 3(a)** (with arts. 4-8)

Modifications etc. (not altering text)

- C1** S. 152 modified (E.W.) (2.3.1998) by S.I. 1998/218, art. 3, **Sch.**
S. 152 modified (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.**
- C2** Ss. 152-154 modified (E.) (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order 2003 (S.I. 2003/1964), art. 3, **Sch.**
- C3** Ss. 152-154 modified (W.) (12.5.2006) by The Education (Modification of Enactments Relating to Employment) (Wales) Order 2006 (S.I. 2006/1073), art. 3, **Sch**

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