



Employment Relations Act 1999

CHAPTER 26

EMPLOYMENT RELATIONS ACT 1999

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SCHEDULES

SCHEDULE 1 — Collective Bargaining: Recognition

SCHEDULE 2 — Union Membership: Detriment

Introduction

- 1 The Trade Union and Labour Relations (Consolidation) Act 1992 shall...

Detriment

- 2 (1) Section 146 (action short of dismissal on grounds related...

Time limit for proceedings

- 3 (1) Section 147 shall be amended as follows.

Consideration of complaint

4 (1) Section 148 shall be amended as follows.

Remedies

5 In section 149 for “action” there shall be substituted “act...

Awards against third parties

6 In section 150(1)— (a) in paragraph (a) for “action has...

SCHEDULE 3 — Ballots and notices

Introduction

1 The Trade Union and Labour Relations (Consolidation) Act 1992 shall...

Support of ballot

2 (1) Section 226 (requirement of ballot before action by trade...

Documents for employers

3 (1) Section 226A (notice of ballot and sample voting paper...

Entitlement to vote

4 In section 227 (entitlement to vote in ballot) subsection (2)...

Separate workplace ballots

5 The following shall be substituted for section 228 (separate workplace...

Voting paper

6 (1) Section 229 (voting paper) shall be amended as follows....

Conduct of ballot: merchant seamen

7 In section 230 (conduct of ballot) for subsections (2A) and...

Inducement

8 After section 232 insert— Inducement of member denied entitlement
to...

Disregard of certain failures

9 After section 232A there shall be inserted— Small accidental failures...

Period of ballot's effectiveness

10 In section 234 (period after which ballot ceases to be...

Notice of industrial action

11 (1) Section 234A (notice to employers of industrial action) shall...

SCHEDULE 4 — Leave for Family Reasons Etc

Part I — MATERNITY LEAVE AND PARENTAL LEAVE
 Part II — TIME OFF FOR DEPENDANTS
 Part III — CONSEQUENTIAL AMENDMENTS

Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

- 1 The Trade Union and Labour Relations (Consolidation) Act 1992 shall...
- 2 In section 237(1A) (dismissal of those taking part in unofficial...
- 3 In section 238(2A) (dismissal in connection with other industrial action)
- ...

Employment Tribunals Act 1996 (c. 17)

- 4 In section 13(2) of the Employment Tribunals Act 1996 (costs...

Employment Rights Act 1996 (c. 18)

- 5 The Employment Rights Act 1996 shall be amended as follows....
- 6 In section 37 (contractual requirements for Sunday work: protected workers)...
- 7 In section 43 (contractual requirements relating to Sunday work: opting...
- 8 After section 47B (protection from detriment: disclosures) insert—
Leave for...
- 9 In section 48(1) (detriment: complaints to employment tribunals) for “or...
- 10 In section 88(1)(c) (notice period: employment with normal working hours)...
- 11 In section 89(3)(b) (notice period: employment without normal working hours)...
- 12 In section 92(4)(b) (right to written statement of reasons for...
- 13 Omit section 96 (failure to permit return after childbirth treated...
- 14 Omit section 97(6) (effective date of termination: section 96).
- 15 In section 98 (fairness of dismissal)— (a) omit subsection (5),...
- 16 For section 99 (unfair dismissal: pregnancy and childbirth) substitute—
Leave...
- 17 In section 105 (unfair dismissal: redundancy) omit subsection (2).
- 18 In section 108 (qualifying period of employment) omit subsection (3) (a)...
- 19 In section 109 (upper age limit) omit subsection (2)(a).
- 20 In section 114 (order for reinstatement) omit subsection (5).
- 21 In section 115 (order for re-engagement) omit subsection (4).
- 22 In section 118(1)(b) (compensation: general) omit “, 127”.
- 23 In section 119 (compensation: basic award) omit subsection (6).
- 24 Omit section 127 (dismissal at or after end of maternity...
- 25 Omit section 137 (failure to permit return after childbirth treated...
- 26 In section 145 (redundancy payments: relevant date) omit subsection (7)....
- 27 In section 146 (supplemental provisions) omit subsection (3).
- 28 In section 156 (upper age limit) omit subsection (2).
- 29 In section 157 (exemption orders) omit subsection (6).
- 30 In section 162 (amount of redundancy payment) omit subsection (7)....
- 31 In section 192(2) (armed forces)— (a) after paragraph (aa) insert—...
- 32 In section 194(2)(c) (House of Lords staff) for “and 47”...

- 33 In section 195(2)(c) (House of Commons staff) for “and 47”...
- 34 In section 199 (mariners)— (a) in subsection (2) for “50...
- 35 In section 200(1) (police officers)— (a) after “47B,” insert “47C,”...
- 36 In section 202(2) (national security)— (a) in paragraph (b) for...
- 37 In section 209 (power to amend Act) omit subsection (6)....
- 38 (1) Section 212 (weeks counted in computing period of employment)...
- 39 In section 225(5)(b) (calculation date: rights during employment) for
sub-paragraph...
- 40 In section 226 (rights on termination) omit subsections (3)(a) and...
- 41 In section 235(1) (interpretation: other definitions) omit the definitions
of...
- 42 (1) Section 236 (orders and regulations) shall be amended as...

SCHEDULE 5 — Unfair Dismissal of Striking Workers

Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

- 1 The Trade Union and Labour Relations (Consolidation) Act 1992 shall...
- 2 In section 238 (dismissals in connection with industrial action) after...
- 3 The following shall be inserted after section 238— Participation in...
- 4 (1) Section 239 (supplementary provisions relating to unfair dismissal)
shall...

Employment Rights Act 1996 (c. 18)

- 5 (1) Section 105 of the Employment Rights Act 1996 (redundancy)...

SCHEDULE 6 — The Certification Officer

Introduction

- 1 The Trade Union and Labour Relations (Consolidation) Act 1992 shall...

Register of members

- 2 In section 24 (duty to maintain register of members' names)...
- 3 In section 24A (securing confidentiality of register during ballots) the...
- 4 (1) Section 25 (application to Certification Officer for declaration of...
- 5 (1) Section 26 (application to court for declaration of breach)...

Accounting records

- 6 (1) Section 31 (remedy for failure to comply with request)...

Offenders

- 7 (1) Section 45C (application to Certification Officer or court for...

Trade union administration: appeals

- 8 After section 45C there shall be inserted— Appeals from Certification...

Elections

- 9 In section 54 (remedy for failure to comply with the...
- 10 (1) Section 55 (application to Certification Officer for declaration of...
- 11 (1) Section 56 (application to court for declaration of failure...

12 After section 56 there shall be inserted— Appeals from Certification...

Application of funds for political objects

13 After section 72 there shall be inserted— Application of funds...

Political ballot rules

14 In section 79 (remedy for failure to comply with political...

15 (1) Section 80 (application to Certification Officer for declaration of...

16 (1) Section 81 (application to court for declaration of failure...

Political fund

17 (1) Section 82 (rules as to political fund) shall be...

Amalgamation or transfer of engagements

18 (1) Section 103 (complaints about procedure relating to amalgamation or...

Breach of union rules

19 In Part I, after Chapter VII there shall be inserted—...

Employers' associations

20 (1) Section 132 (provisions about application of funds for political...

24 In section 258(1) (Certification Officer: annual report) for “calendar year”...

SCHEDULE 7 — Employment Agencies

Introduction

1 The Employment Agencies Act 1973 shall be amended as provided...

General regulations

2 (1) Section 5 (power to make general regulations) shall be...

Charges

3 For section 6(1) (restriction on demand or receipt of fee...

Inspection

4 (1) Section 9 (inspection) shall be amended as follows.

Offences

5 After section 11 there shall be inserted— Offences: extension of...

Regulations and orders

6 For section 12(5) (regulations and orders: procedure) there shall be...

Interpretation

- 7 In section 13(2) (definition of employment agency) for “workers” (in...

Exemptions

- 8 For section 13(7)(i) there shall be substituted—

SCHEDULE 8 — National Security

- 1 The following shall be substituted for section 193 of the...
2 Section 4(7) of the Employment Tribunals Act 1996 (composition of...
3 The following shall be substituted for section 10 of that...
4 Section 28(5) of the Employment Tribunals Act 1996 (composition of...
5 (1) Section 30 of that Act (Appeal Tribunal Procedure rules)...
6 After section 69(2) of the Race Relations Act 1976 (evidence:...
7 Paragraph 4(1)(b) of Schedule 3 to the Disability Discrimination Act...

SCHEDULE 9 — Repeals