

*These notes refer to the Employment Relations Act 1999
(c.26) which received Royal Assent on 27 July 1999*

EMPLOYMENT RELATIONS ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Trade unions

Section 4 and Schedule 3: Ballots and Notices

Separate Workplace Ballots

138. Section 228 of the 1992 Act defines the circumstances where unions can hold an aggregate ballot across two or more separate workplaces. *Paragraph 5* replaces this section with new sections 228 and 228A.
139. New section 228 requires a union, when balloting its members at two or more workplaces, to hold separate ballots at each workplace unless one or more of the following circumstances (listed in new section 228A) obtain, in which case the union may hold an aggregate ballot if it wishes:
- new section 228A(2) provides for an aggregate ballot to take place at those workplaces where at least one of a union's members is affected by the dispute. (New subsection (5) specifies which members of a union can be categorised as being "affected by a dispute" by reference to the definition of a "trade dispute" in section 244 of the 1992 Act.);
 - new section 228A(3) provides for an aggregate ballot to take place where a union reasonably believes that it is balloting all its members in a particular occupational category (or categories) who are employed by one or more of the employers with whom the union is in dispute; and
 - new section 228A(4) provides for an aggregate ballot to take place where a union reasonably believes that it is balloting all its members who are employed by one or more of the employers with whom the union is in dispute.

New section 228(4) provides the definition of a "workplace" for the purposes of these new provisions.