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*Changes to legislation:* There are currently no known outstanding effects for the Employment Relations Act 1999, Cross Heading: Notice of industrial action. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 3

#### BALLOTS AND NOTICES

##### *Notice of industrial action*

- 11 (1) Section 234A (notice to employers of industrial action) shall be amended as follows.
- (2) In subsection (3)(a) (notice relating to industrial action must describe employees intended to take part in industrial action) for “describes (so that he can readily ascertain them) the employees of the employer who” substitute “ contains such information in the union’s possession as would help the employer to make plans and bring information to the attention of those of his employees whom ”.
- (3) After subsection (5) insert—
- “(5A) These rules apply for the purposes of paragraph (a) of subsection (3)—
- (a) if the union possesses information as to the number, category or work-place of the employees concerned, a notice must contain that information (at least);
  - (b) if a notice does not name any employees, that fact shall not be a ground for holding that it does not comply with paragraph (a) of subsection (3).”
- (4) In subsection (7)—
- (a) insert at the beginning the words “ Subject to subsections (7A) and (7B), ”, and
  - (b) in paragraph (a) the words “otherwise than to enable the union to comply with a court order or an undertaking given to a court” shall cease to have effect.
- (5) After subsection (7) insert—
- “(7A) Subsection (7) shall not apply where industrial action ceases to be authorised or endorsed in order to enable the union to comply with a court order or an undertaking given to a court.
- (7B) Subsection (7) shall not apply where—
- (a) a union agrees with an employer, before industrial action ceases to be authorised or endorsed, that it will cease to be authorised or endorsed with effect from a date specified in the agreement (“the suspension date”) and that it may again be authorised or endorsed with effect from a date not earlier than a date specified in the agreement (“the resumption date”),
  - (b) the action ceases to be authorised or endorsed with effect from the suspension date, and

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- (c) the action is again authorised or endorsed with effect from a date which is not earlier than the resumption date or such later date as may be agreed between the union and the employer.”
- (6) In subsection (9) for “subsection (7)” substitute “ subsections (7) to (7B) ”.

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