



# Employment Relations Act 2004

## 2004 CHAPTER 24

### PART 2

#### LAW RELATING TO INDUSTRIAL ACTION

#### **22 Information about employees to be balloted on industrial action**

- (1) Section 226A of the 1992 Act (notice of ballot and sample voting paper for employers) is amended as follows.
- (2) In subsection (1)(b) for “subsection (3)” substitute “subsection (2F)”.
- (3) For subsection (2)(c) substitute—
  - “(c) containing—
    - (i) the lists mentioned in subsection (2A) and the figures mentioned in subsection (2B), together with an explanation of how those figures were arrived at, or
    - (ii) where some or all of the employees concerned are employees from whose wages the employer makes deductions representing payments to the union, either those lists and figures and that explanation or the information mentioned in subsection (2C).”
- (4) After subsection (2) insert—
  - “(2A) The lists are—
    - (a) a list of the categories of employee to which the employees concerned belong, and
    - (b) a list of the workplaces at which the employees concerned work.
  - (2B) The figures are—
    - (a) the total number of employees concerned,
    - (b) the number of the employees concerned in each of the categories in the list mentioned in subsection (2A)(a), and

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*Status: This is the original version (as it was originally enacted).*

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- (c) the number of the employees concerned who work at each workplace in the list mentioned in subsection (2A)(b).
  - (2C) The information referred to in subsection (2)(c)(ii) is such information as will enable the employer readily to deduce—
    - (a) the total number of employees concerned,
    - (b) the categories of employee to which the employees concerned belong and the number of the employees concerned in each of those categories, and
    - (c) the workplaces at which the employees concerned work and the number of them who work at each of those workplaces.
  - (2D) The lists and figures supplied under this section, or the information mentioned in subsection (2C) that is so supplied, must be as accurate as is reasonably practicable in the light of the information in the possession of the union at the time when it complies with subsection (1)(a).
  - (2E) For the purposes of subsection (2D) information is in the possession of the union if it is held, for union purposes—
    - (a) in a document, whether in electronic form or any other form, and
    - (b) in the possession or under the control of an officer or employee of the union.
  - (2F) The sample voting paper referred to in paragraph (b) of subsection (1) is—
    - (a) a sample of the form of voting paper which is to be sent to the employees concerned, or
    - (b) where the employees concerned are not all to be sent the same form of voting paper, a sample of each form of voting paper which is to be sent to any of them.
  - (2G) Nothing in this section requires a union to supply an employer with the names of the employees concerned.
  - (2H) In this section references to the “employees concerned” are references to those employees of the employer in question who the union reasonably believes will be entitled to vote in the ballot.
  - (2I) For the purposes of this section, the workplace at which an employee works is—
    - (a) in relation to an employee who works at or from a single set of premises, those premises, and
    - (b) in relation to any other employee, the premises with which his employment has the closest connection.”
- (5) Omit subsections (3) to (3B).
- (6) In subsection (5) for “subsection (3)” substitute “subsection (2F)”.