

Changes to legislation: There are currently no known outstanding effects for the Strikes (Minimum Service Levels) Act 2023, Paragraph 8. (See end of Document for details)

SCHEDULE

MINIMUM SERVICE LEVELS FOR CERTAIN STRIKES

PART 2

RELATED AMENDMENTS TO THE 1992 ACT

- 8 (1) Section 238A (unfair dismissal: participation in official industrial action) is amended as follows.
- (2) In subsection (2) (circumstances in which employee who took protected industrial action is to be regarded as unfairly dismissed)—
- (a) omit the “and” at the end of paragraph (a), and
 - (b) after paragraph (a) insert—
 - “(aa) where the protected industrial action was a strike relating to the provision of a relevant service, the employee—
 - (i) was not an identified worker in relation to that strike, or
 - (ii) was an identified worker in relation to that strike and did not take part in the strike except to an extent that complied with the work notice, and”.
- (3) For subsection (9) (meaning of “date of dismissal”) substitute—
- “(9) In this section—
- “date of dismissal” has the meaning given by section 238(5);
 - “identified worker”, in relation to a strike relating to the provision of a relevant service, means a person who—
 - (a) is identified in a work notice given in accordance with section 234C relating to the strike, and
 - (b) before any day on which the work notice requires the person to work, is given by the employer—
 - (i) notice in writing of the work specified in the work notice as required to be carried out by the person on that day, and
 - (ii) a statement that, under this section, the person is an identified worker in relation to the strike and must comply with the work notice;
- “strike” has the same meaning as in section 234C (see section 234G(2)).”

Commencement Information

II Sch. para. 8 in force at Royal Assent, see [s. 5](#)

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