

SCHEDULE 1

Regulation 2(1)

WORKFORCE AGREEMENTS

1. The following are the conditions that must be satisfied for an agreement between an employer and workers employed by him or their representatives to constitute a workforce agreement for the purposes of these Regulations—

- (a) the agreement is in writing;
- (b) it has effect or a specified period not exceeding five years;
- (c) it applies either—
 - (i) to all of the relevant members of the workforce, or
 - (ii) to all of the relevant members of the workforce who belong to a particular group;
- (d) the agreement is signed—
 - (i) in the case of an agreement of the kind referred to in sub-paragraph (c)(i), by the representatives of the workforce, and in the case of an agreement of the kind referred to in sub-paragraph (c)(ii), by the representatives of the group to which the agreement applies (excluding, in either case, any representative not a relevant member of the workforce on the date on which the agreement was first made available for signature), or
 - (ii) if the employer employed 20 or fewer workers on the date referred to in sub-paragraph (d)(i), either by the appropriate representatives in accordance with that sub-paragraph or by the majority of the workers employed by him; and
- (e) before the agreement was made available for signature, the employer provided all the workers to whom it was intended to apply on the date on which it came into effect with copies of the text of the agreement and such guidance as those workers might reasonably require in order to understand it fully.

2. For the purposes of this Schedule—

“a particular group” is a group of the relevant members of a workforce who undertake a particular function, work at a particular workplace or belong to a particular department or unit within their employer’s business;

“relevant members of the workforce” are all of the workers employed by a particular employer, excluding any worker whose terms and conditions of employment are provided for, wholly or in part, in a collective agreement;

“representatives of the workforce” are workers duly elected to represent the relevant members of the workforce, “representatives of the group” are workers duly elected to represent the members of a particular group, and representatives are “duly elected” if the election at which they were elected satisfied the requirements of paragraph 3 of this Schedule.

3. The requirements concerning elections referred to in paragraph 2 are that—

- (a) the number of representatives to be elected is determined by the employer;
- (b) the candidates for election as representatives of the workforce are relevant members of the workforce, and the candidates for election as representatives of a group are members of the group;
- (c) no worker who is eligible to be a candidate is unreasonably excluded from standing for election;
- (d) all the relevant members of the workforce are entitled to vote for representatives of the workforce, and all the members of a particular group are entitled to vote for representatives of the group;

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Working Time: Inland Waterways) Regulations 2003. (See end of Document for details)

- (e) the workers entitled to vote may vote for as many candidates as there are representatives to be elected; and
- (f) the election is conducted so as to secure that—
 - (i) so far as reasonably practicable, those voting do so in secret, and
 - (ii) the votes given at the election are fairly and accurately counted.

SCHEDULE 2

Regulation 20

AMENDMENTS TO LEGISLATION

F1

Textual Amendments

F1 Sch. 2 para. 1 revoked (1.1.2007) by The Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters’ Qualifications and Hours of Work) Regulations 2006 (S.I. 2006/3223), regs. 1(b), 2, Sch. 1

2.—(1) The Employment Tribunals Act 1996 ^{M1} is amended as follows.

(2) In section 18(1)(cases where conciliation provisions apply), the word “or” preceding paragraph (1) is omitted and after that paragraph there is inserted—

“(m) under regulation 18 of the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003.”.

(3) In section 21(1) (jurisdiction of the Employment Appeal Tribunal), the word “or” preceding paragraph (m) is omitted and after that paragraph there is inserted—

“(n) the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003.”.

Marginal Citations

M1 1996 c. 17.

3.—(1) The Employment Rights Act 1996 ^{M2} is amended as follows.

(2) In section 45A (right not to suffer detriment: working time cases), after subsection (4) there is inserted—

“(5) A reference in this section to the Working Time Regulations 1998 includes a reference to the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003.”.

(3) In section 101A (fairness in dismissal: working time cases), the existing provision shall become subsection (1) and after it there is inserted—

“(2) A reference in this section to the Working Time Regulations 1998 includes a reference to the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003.”.

(4) In section 104(4)(d) (fairness in dismissal: assertion of statutory right), at the end there is inserted “ or the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003 ”.

Marginal Citations

M2 1996 c. 18; section 45A was inserted by regulation 31(1) of the Working Time Regulations 1998, S.I. 1998/1833 (the 1998 Regulations) and amended by the Employment Relations Act 1999 (c. 26), section 18(3) and Schedule 9, Table 3; section 101A was inserted by regulation 32(1) of the 1998 Regulations and section 104(4)(d) was inserted by regulation 32(2) of those Regulations.

4.—(1) The Employment Rights (Northern Ireland) Order 1996^{M3} is amended as follows.

(2) In Article 68A (right not to suffer detriment: working time cases), after paragraph (4) there is inserted—

“(5) A reference in this Article to the Working Time Regulations (Northern Ireland) 1998 includes a reference to the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003.”

(3) In Article 132A (fairness in dismissal: working time cases), the existing provision shall become paragraph (1) and after it there is inserted—

“(2) A reference in this Article to the Working Time Regulations (Northern Ireland) 1998 includes a reference to the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003.”

(4) In Article 135(4)(d) (fairness in dismissal: assertion of statutory right), at the end there is inserted “ or the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003 ”.

Marginal Citations

M3 S.I. 1996/1919 (N.I. 16); Article 68A was inserted by regulation 31(1) of the Working Time Regulations (Northern Ireland) 1998 (S.R. (N.I.) 1998 No. 386) (“the 1998 Regulations”) and amended by the Employment Relations (Northern Ireland) Order 1999, S.I. 1999/2790 (N.I. 9), Article 20(3) and Schedule 9; Articles 132A and 135(4)(d) were inserted by regulation 32(1) and (2) of the 1998 Regulations, respectively.

5. In Article 20(1) of the Industrial Tribunals (Northern Ireland) Order 1996^{M4} (cases where conciliation provisions apply), at the end there is inserted—

“(k) under regulation 18 of the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003”.

Marginal Citations

M4 See footnote (b) on page 3.

6. In regulation 18(1) of the Working Time Regulations 1998^{M5} (excluded sectors), for paragraph (c) there is substituted—

“(c) to workers to whom the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003 apply”.

Marginal Citations

M5 S.I. 1998/1833; regulation 18 was substituted by the Working Time (Amendment) Regulations 2003, S.I. 2003/1684, regulation 4.

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7. In regulation 18(1) of the Working Time Regulations (Northern Ireland) 1998 ^{M6} (excluded sectors), for paragraph (c) there is substituted—

“(c) to workers to whom the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003 apply”.

Marginal Citations

M6 S.R. (N.I.) 1998 No. 386; regulation 18 was substituted by the Working Time (Amendment No. 2) Regulations (Northern Ireland) 2003, S.R. (N.I.) 2003 No. 330.

8. In regulation 3(3) of the Merchant Shipping (Medical Examination) Regulations 2002 ^{M7} (application of Regulations), at the end there is inserted “ or the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003 ”.

Marginal Citations

M7 S.I. 2002/2055.

9. In regulation 3(2) of the Merchant Shipping (Hours of Work) Regulations 2002 ^{M8} (application of Regulations), at the end there is inserted “ or the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003 ”.

Marginal Citations

M8 S.I. 2002/2125.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Working Time: Inland Waterways) Regulations 2003.