

SCHEDULE 1

Regulation 2(1)

WORKFORCE AGREEMENTS

1. An agreement is a workforce agreement for the purposes of these Regulations if the following conditions are satisfied—

- (a) the agreement is in writing;
- (b) the agreement has effect for a specified period not exceeding five years;
- (c) the agreement 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)—
 - (aa) by the representatives of the workforce, or
 - (bb) if the employer employed 20 or fewer individuals on the date on which the agreement was first made available for signature, the majority of the individuals employed by the employer; or
 - (ii) in the case of an agreement of the kind referred to in sub-paragraph (c)(ii)—
 - (aa) 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
 - (bb) if the employer employed 20 or fewer individuals on the date on which the agreement was first made available for signature, the majority of the individuals employed by the employer; and
- (e) before the agreement was made available for signature, the employer provided all the employees 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 employees might reasonably require in order to understand it in full.

2. “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;

“employee” means an individual who has entered into or works under a contract of employment;

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

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

3. The requirements concerning elections referred to in the definition of “representatives of the workforce” are that—

- (a) the number of representatives to be elected is determined by the employer;

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018. (See end of Document for details)

- (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 employee who is eligible to be a candidate is unreasonably excluded from standing in the 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;
- (e) the employees 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 ensure that—
 - (i) so far as practicable, those voting do so in secret; and
 - (ii) the votes given at the election are fairly and accurately counted.

SCHEDULE 2

Regulation 31

CONSEQUENTIAL AMENDMENTS

1. In the Employment Tribunals Act 1996 ^{M1}—
 - (a) in section 18(1), for paragraph (n) substitute—
 - “(n) under regulation 26 of the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 (S.I. 2018/58).”;
 - (b) in section 21(1), for paragraph (z) substitute—
 - “(z) the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 (S.I. 2018/58).”.

Marginal Citations

M1 1996 c.17. Section 18 was amended by sections 7 and 9 of, and paragraph 5 of Schedule 1 to, the [Enterprise and Regulatory Reform Act 2013 \(c.24\)](#) and [S.I. 2014/431](#); there are other amending enactments but none are relevant. Section 21 was amended by section 1 of the [Employment Rights \(Dispute Resolution\) Act 1998 \(c.8\)](#), [S.I. 1998/1833](#) and [S.I. 2014/308](#); there are other amending enactments but none are relevant.

2. In the Employment Rights Act 1996 ^{M2}—
 - (a) in section 45A(5), for paragraph (d) substitute—
 - “(d) the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 (S.I. 2018/58).”;
 - (b) in section 101A(2), for paragraph (d) substitute—
 - “(d) the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 (S.I. 2018/58).”;
 - (c) in section 104(4)(d), for “the Merchant Shipping (Hours of Work) Regulations 2002” substitute “ the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 (S.I. 2018/58) ”.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018. (See end of Document for details)

Marginal Citations

M2 1996 c.18. Section 45A was added by [S.I. 1998/1833](#) and was amended by [S.I. 2003/3049](#) and [S.I. 2014/308](#); there are other amending enactments but none are relevant. Section 101A was added by 1998/1833 and subsection (2) was inserted by [S.I. 2003/3049](#), and amended by [S.I. 2004/1713](#), [S.I. 2008/1660](#) and [S.I. 2014/308](#). Section 104(4)(d) was inserted by [S.I. 1998/1833](#) and amended by [S.I. 2004/1713](#), [S.I. 20008/1660](#) and [S.I. 2014/308](#).

3. In the Employment Rights (Northern Ireland) Order 1996 ^{M3}—

(a) in article 68A(5), for sub-paragraph (d) substitute—

“(d) the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018.”;

(b) in article 132A(2), for sub paragraph (d) substitute—

“(d) the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018.”;

(c) in article 135(4)(d) for “the Merchant Shipping (Hours of Work) Regulations 2002” substitute “ the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 ”.

Marginal Citations

M3 [S.I. 1996/1919 \(N.I. 16\)](#). Article 68A was inserted by S.R. [1998 No. 386](#) and Article 68A(5) was inserted by [S.I. 2003/3049](#) and amended by [S.I. 2014/308](#). Article 132A was inserted by S.R. [1998 No. 386](#) and Article 132A(2) was inserted by [S.I. 2003/3049](#) and amended by [S.I. 2014/308](#). Article 135(4)(d) was inserted by S.R. [1998 No. 386](#) and amended by [S.I. 2004/1713](#) and [S.I. 2014/308](#). S.R. [1998 No. 386](#) was revoked by S.R. [2016 No. 49](#) but the amendments to [S.I. 1996/1919 \(N.I. 16\)](#) were saved. There are other instruments amending articles 68A, 132A and 135 but none are relevant.

4. In the Industrial Tribunals (Northern Ireland) Order 1996 ^{M4}, in article 20(1), for sub-paragraph (u) substitute—

“(u) under regulation 26 of the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018.”.

Marginal Citations

M4 [S.I. 1996/1921 \(N.I. 18\)](#). Article 20 was amended by [S.I. 2014/1614](#), by S.R. [2014 No. 88](#) and section 8 of the [Employment Act \(Northern Ireland\) 2011 \(c.13 \(N.I.\)\)](#); there are other amending enactments but none are relevant.

5. In the Working Time Regulations 1998 ^{M5}, in regulation 18(1)(a), for “the Merchant Shipping (Hours of Work) Regulations 2002” substitute “ the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 ”.

Marginal Citations

M5 [S.I. 1998/1833](#). Regulation 18 was amended by [S.I. 2003/1684](#), [S.I. 2003/3049](#), [S.I. 2004/1713](#) and [S.I. 2014/308](#).

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018. (See end of Document for details)

6. In the Working Time Regulations (Northern Ireland) 2016 ^{M6}, in regulation 22(1)(a), for “the Merchant Shipping (Hours of Work) Regulations 2002” substitute “ the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 ”.

Marginal Citations

M6 S.R. 2016 No. 49.

7. In the Merchant Shipping (Fees) Regulations 2006 ^{M7}, in Part 1 of Schedule 1, in the table in paragraph 1, in Section K (manning and certification)—

- (a) in the first column, for the entry relating to the Merchant Shipping (Hours of Work) Regulations 2002 substitute “ Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 ”;
- (b) in the second column, omit “2002/2125”; and
- (c) in the third column, omit “2003/3049”.

Marginal Citations

M7 S.I. 2006/2055.

8. In the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 ^{M8}, in Part 2 of the Schedule—

- (a) omit “Merchant Shipping (Hours of Work) Regulations 2002”; and
- (b) insert in the appropriate place “ Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 ”.

Marginal Citations

M8 S.I. 2007/3544. There are no relevant amending instruments.

9. In the Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2015 ^{M9}, in regulation 43(b)—

- (a) omit paragraph (ii); and
- (b) after paragraph (iii), insert—
 - “(iv) the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018.”.

Marginal Citations

M9 S.I. 2015/410.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018.