



# Employment Act 1982

## 1982 CHAPTER 46

### *Action short of dismissal*

#### **10 Action relating to trade union membership**

(1) In section 23 of the 1978 Act, in subsection (2A) (rights of employees where there is a union membership agreement) in paragraph (b) for the words " section 58(3A), (3B) or (3C)" there shall be substituted the words " section 58 ".

(2) For subsection (2B) of that section there shall be substituted—

“(2B) A union membership agreement having effect in relation to the employees of any class of an employer shall be disregarded for the purposes of the application of subsection (2A)(a) to those employees unless the agreement has, for the purposes of section 58(3)(c), been approved in relation to them in accordance with section 58A through a ballot held within the period of five years ending with the date on which the action in question occurred.”.

(3) After subsection (1) of that section there shall be inserted—

“(1A) Every employee shall also have the right not to have action (short of dismissal) taken against him for the purpose of enforcing a requirement (whether or not imposed by his contract of employment or in writing) that, in the event of his failure to become or his ceasing to remain a member of any trade union or of a particular trade union or of one of a number of particular trade unions, he must make one or more payments.

(1B) For the purposes of this section, any deduction made by an employer from the remuneration payable to an employee of his in respect of that employee's employment shall, if the deduction is attributable to the employee's failure to become or his ceasing to remain a member of any trade union or of a particular trade union or of one of a number of particular trade unions, be treated as if it were action (short of dismissal) taken against the employee for the purpose of enforcing a requirement of a kind mentioned in subsection (1A).”.

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*Status: This is the original version (as it was originally enacted).*

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- (4) In subsection (1)(c) of that section, for the words " a trade union " there shall be substituted the words " any trade union or of a particular trade union or of one of a number of particular trade unions ".