



Employment Act 1982

1982 CHAPTER 46

Unfair dismissal

9 Dismissal in connection with strike or other industrial action

- (1) Section 62 of the 1978 Act (dismissal in connection with a lock-out, strike or other industrial action) shall be amended in accordance with subsections (2) to (4) below.
- (2) In subsection (2), for paragraph (b) there shall be substituted—
 - “(b) that any such employee has, before the expiry of the period of three months beginning with that employee's date of dismissal, been offered re-engagement and that the complainant has not been offered re-engagement.”.
- (3) In subsection (4)(b) for sub-paragraph (ii) there shall be substituted—
 - “(ii) in relation to a strike or other industrial action, those employees at the establishment who were taking part in the action at the complainant's date of dismissal; ' establishment', in sub-paragraph (ii), meaning that establishment of the employer at or from which the complainant works; and”.
- (4) In subsection (1), after the words " an employee " there shall be inserted the words " (the ' complainant') " ; and in subsections (1)(b) and (3) for the word " employee " there shall be substituted, in each case, the word " complainant " .
- (5) In section 67 of the 1978 Act (complaint to industrial tribunal) for subsection (3) there shall be substituted—
 - “(3) Subsection (2) shall apply in relation to a complaint to which section 62(3) applies as if—
 - (a) for the references to three months there were substituted, in each case, a reference to six months; and
 - (b) as if for the reference to the effective date of termination there were substituted a reference to the complainant's date of dismissal (within the meaning of section 62(4)).”.