

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Paragraph 161 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

^{F1}SCHEDULE A1

COLLECTIVE BARGAINING: RECOGNITION

Textual Amendments

F1 Sch. A1 (paras. 1-173) inserted (6.6.2000) by 1999 c. 26, s. 1(3), **Sch. 1**; S.I. 2000/1338, **art. 2(d)**

Modifications etc. (not altering text)

C1 Sch. A1 (paras. 1-173) applied (14.8.2000) by S.I. 2000/1282, **art. 2(5)(a)**

C1 Sch. A1 modified (temp. from 6.4.2005) by The Employment Relations Act 2004 (Commencement No.3 and Transitional Provisions) Order 2005 (S.I. 2005/872), arts. 4, **21**, Sch. (with arts. 6-21)

PART VIII

DETRIMENT

Dismissal

- 161 (1) For the purposes of Part X of the Employment Rights Act 1996 (unfair dismissal) the dismissal of an employee shall be regarded as unfair if the dismissal was made—
- (a) for a reason set out in sub-paragraph (2), or
 - (b) for reasons the main one of which is one of those set out in sub-paragraph (2).
- (2) The reasons are that—
- (a) the employee acted with a view to obtaining or preventing recognition of a union (or unions) by the employer under this Schedule;
 - (b) the employee indicated that he supported or did not support recognition of a union (or unions) by the employer under this Schedule;
 - (c) the employee acted with a view to securing or preventing the ending under this Schedule of bargaining arrangements;
 - (d) the employee indicated that he supported or did not support the ending under this Schedule of bargaining arrangements ;
 - (e) the employee influenced or sought to influence the way in which votes were to be cast by other workers in a ballot arranged under this Schedule;
 - (f) the employee influenced or sought to influence other workers to vote or to abstain from voting in such a ballot;
 - (g) the employee voted in such a ballot;
 - (h) the employee proposed to do, failed to do, or proposed to decline to do, any of the things referred to in paragraphs (a) to (g).
- (3) A reason does not fall within sub-paragraph (2) if it constitutes an unreasonable act or omission by the employee.

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Modifications etc. (not altering text)

- C1** Sch. A1 para. 161 modified (6.6.2000) S.I. 2000/1338, **art. 3(1)(b)**
Sch. A1 paras. 161-165 applied (with modifications) (14.8.2000) by S.I. 2000/1828, **art. 2(6)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 212A(1)(zb) inserted by [2023 c. 46 Sch. para. 1](#)