



# Employment Relations Act 1999

## CHAPTER 26

### EMPLOYMENT RELATIONS ACT 1999

#### *Trade unions*

- 1 Collective bargaining: recognition.
- 2 Detriment related to trade union membership.
- 3 Blacklists.
- 4 Ballots and notices.
- 5 Training.
- 6 Unfair dismissal connected with recognition: interim relief.

#### *Leave for family and domestic reasons*

- 7 Maternity and parental leave.
- 8 Time off for domestic incidents.
- 9 Consequential amendments.

#### *Disciplinary and grievance hearings*

- 10 Right to be accompanied.
- 11 Complaint to employment tribunal.
- 12 Detriment and dismissal.
- 13 Interpretation.
- 14 Contracting out and conciliation.
- 15 National security employees.

#### *Other rights of individuals*

- 16 Unfair dismissal of striking workers.
- 17 .....
- 18 Agreement to exclude dismissal rights.
- 19 Part-time work: discrimination.

*Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 1999. (See end of Document for details)*

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- 20 Part-time work: code of practice.
- 21 Code of practice: supplemental.
- 22 National minimum wage: communities.
- 23 Power to confer rights on individuals.

*CAC, ACAS, Commissioners and Certification Officer*

- 24 CAC: members.
- 25 CAC: proceedings.
- 26 ACAS: general duty.
- 27 ACAS: reports.
- 28 Abolition of Commissioners.
- 29 The Certification Officer.

*Miscellaneous*

- 30 Partnerships at work.
- 31 Employment agencies.
- 32 Employment rights: employment outside Great Britain.
- 33 Unfair dismissal: special and additional awards.
- 34 Indexation of amounts, &c.
- 35 Guarantee payments.
- 36 Sections 33 to 35: consequential.
- 37 Compensatory award etc: removal of limit in certain cases.
- 38 Transfer of undertakings.
- 39 Minimum wage: information.
- 40 Dismissal of school staff.
- 41 National security.

*General*

- 42 Orders and regulations.
- 43 Finance.
- 44 Repeals.
- 45 Commencement.
- 46 Extent.
- 47 Citation.

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**SCHEDULES**

SCHEDULE 1 — Collective Bargaining: Recognition  
The Schedule to be inserted immediately before Schedule 1 to...

SCHEDULE 2 — Union Membership: Detriment

*Introduction*

- 1 The Trade Union and Labour Relations (Consolidation) Act 1992 shall...

*Detriment*

- 2 (1) Section 146 (action short of dismissal on grounds related...

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*Time limit for proceedings*

3 (1) Section 147 shall be amended as follows.

*Consideration of complaint*

4 (1) Section 148 shall be amended as follows.

*Remedies*

5 In section 149 for “action” there shall be substituted “...

*Awards against third parties*

6 In section 150(1)— (a) in paragraph (a) for “action has...

SCHEDULE 3 — Ballots and notices

*Introduction*

1 The Trade Union and Labour Relations (Consolidation) Act 1992 shall...

*Support of ballot*

2 (1) Section 226 (requirement of ballot before action by trade...

*Documents for employers*

3 (1) Section 226A (notice of ballot and sample voting paper...

*Entitlement to vote*

4 In section 227 (entitlement to vote in ballot) subsection (2)...

*Separate workplace ballots*

5 The following shall be substituted for section 228 (separate workplace...

*Voting paper*

6 (1) Section 229 (voting paper) shall be amended as follows....

*Conduct of ballot: merchant seamen*

7 In section 230 (conduct of ballot) for subsections (2A) and...

*Inducement*

8 After section 232 insert— Inducement of member denied entitlement to...

*Disregard of certain failures*

9 After section 232A there shall be inserted— Small accidental failures...

*Period of ballot's effectiveness*

10 .....

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*Notice of industrial action*

11 (1) Section 234A (notice to employers of industrial action) shall...

SCHEDULE 4 — Leave for Family Reasons Etc

Part I — MATERNITY LEAVE AND PARENTAL LEAVE

**NEW PART VIII OF EMPLOYMENT RIGHTS ACT 1996**

Part VIII Chapter I Maternity Leave (1) An employee may, provided that she satisfies any conditions...

Part II — TIME OFF FOR DEPENDANTS

**PROVISIONS TO BE INSERTED AFTER SECTION 57 OF THE EMPLOYMENT RIGHTS ACT 1996**

Dependants Time off for dependants. (1) An employee is entitled to be permitted by his...

Part III — CONSEQUENTIAL AMENDMENTS

*Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*

- 1 The Trade Union and Labour Relations (Consolidation) Act 1992 shall...
- 2 In section 237(1A) (dismissal of those taking part in unofficial...
- 3 In section 238(2A) (dismissal in connection with other industrial action) —...

*Employment Tribunals Act 1996 (c. 17)*

4 .....

*Employment Rights Act 1996 (c. 18)*

5 The Employment Rights Act 1996 shall be amended as follows....

6 .....

7 .....

8 After section 47B (protection from detriment: disclosures) insert—  
Leave for...

9 In section 48(1) (detriment: complaints to employment tribunals) for “or...

10 In section 88(1)(c) (notice period: employment with normal working hours)...

11 In section 89(3)(b) (notice period: employment without normal working hours)...

12 In section 92(4)(b) (right to written statement of reasons for...

13 .....

14 .....

15 In section 98 (fairness of dismissal)— (a) . . . . .

16 For section 99 (unfair dismissal: pregnancy and childbirth) substitute—  
Leave...

17 .....

18 .....

19 .....

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- 20 .....
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- 24 .....
- 25 .....
- 26 .....
- 27 .....
- 28 .....
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- 31 In section 192(2) (armed forces)— (a) . . . . .
- 32 In section 194(2)(c) (House of Lords staff) for “and 47”...
- 33 In section 195(2)(c) (House of Commons staff) for “and 47”...
- 34 In section 199 (mariners)— (a) in subsection (2) for “50...
- 35 In section 200(1) (police officers)— (a) after “47B,” insert “...
- 36 In section 202(2) (national security)— (a) in paragraph (b) for...
- 37 .....
- 38 (1) Section 212 (weeks counted in computing period of employment)...
- 39 In section 225(5)(b) (calculation date: rights during employment) for sub-paragraph...
- 40 .....
- 41 .....
- 42 (1) Section 236 (orders and regulations) shall be amended as...

SCHEDULE 5 — Unfair Dismissal of Striking Workers

*Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*

- 1 The Trade Union and Labour Relations (Consolidation) Act 1992 shall...
- 2 In section 238 (dismissals in connection with industrial action) after...
- 3 The following shall be inserted after section 238— Participation in...
- 4 (1) Section 239 (supplementary provisions relating to unfair dismissal) shall...

*Employment Rights Act 1996 (c. 18)*

- 5 (1) Section 105 of the Employment Rights Act 1996 (redundancy)...

SCHEDULE 6 — The Certification Officer

*Introduction*

- 1 The Trade Union and Labour Relations (Consolidation) Act 1992 shall...

*Register of members*

- 2 .....
- 3 .....
- 4 (1) Section 25 (application to Certification Officer for declaration of...
- 5 (1) Section 26 (application to court for declaration of breach...

*Accounting records*

- 6 (1) Section 31 (remedy for failure to comply with request...

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### *Offenders*

7 (1) Section 45C (application to Certification Officer or court for...

#### *Trade union administration: appeals*

8 After section 45C there shall be inserted— Appeals from Certification...

### *Elections*

9 .....

10 (1) Section 55 (application to Certification Officer for declaration of...

11 (1) Section 56 (application to court for declaration of failure...

12 After section 56 there shall be inserted— Appeals from Certification...

#### *Application of funds for political objects*

13 After section 72 there shall be inserted— Application of funds...

### *Political ballot rules*

14 .....

15 (1) Section 80 (application to Certification Officer for declaration of...

16 (1) Section 81 (application to court for declaration of failure...

### *Political fund*

17 (1) Section 82 (rules as to political fund) shall be...

#### *Amalgamation or transfer of engagements*

18 (1) Section 103 (complaints about procedure relating to amalgamation or...

### *Breach of union rules*

19 In Part I, after Chapter VII there shall be inserted—...

### *Employers' associations*

20 (1) Section 132 (provisions about application of funds for political...

21 In section 133 (provisions about amalgamations and similar matters to...

#### *Procedure before Certification Officer*

22 In section 256 (procedure before Certification Officer) for subsection (2)...

23 After section 256 there shall be inserted— Vexatious litigants. (1) The Certification Officer may refuse to entertain any application...

#### *Annual report by Certification Officer*

24 In section 258(1) (Certification Officer: annual report) for “calendar year”...

SCHEDULE 7 — Employment Agencies

*Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 1999. (See end of Document for details)*

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*Introduction*

1 The Employment Agencies Act 1973 shall be amended as provided...

*General regulations*

2 (1) Section 5 (power to make general regulations) shall be...

*Charges*

3 For section 6(1) (restriction on demand or receipt of fee...

*Inspection*

4 (1) Section 9 (inspection) shall be amended as follows.

*Offences*

5 After section 11 there shall be inserted— Offences: extension of...

*Regulations and orders*

6 For section 12(5) (regulations and orders: procedure) there shall be...

*Interpretation*

7 In section 13(2) (definition of employment agency) for “workers” (in...

*Exemptions*

8 For section 13(7)(i) there shall be substituted—

SCHEDULE 8 — National Security

1 The following shall be substituted for section 193 of the...

2 .....

3 The following shall be substituted for section 10 of that...

4 .....

5 (1) Section 30 of that Act (Appeal Tribunal Procedure rules)...

6 .....

7 .....

SCHEDULE 9 — Repeals

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Relations Act 1999.