

EXPLANATORY NOTES

EMPLOYMENT RELATIONS ACT 1999

INTRODUCTION

SUMMARY AND BACKGROUND

Trade union recognition and derecognition

Trade unions and individual employment rights related to trade unions

Family-related employment rights

Right to be accompanied in disciplinary and grievance hearings

Other rights of individuals

Other, miscellaneous provisions

COMMENTARY ON SECTIONS

Trade unions

Section 1 and Schedule 1: Collective bargaining: Recognition

Part I: Recognition

Part II: Voluntary Recognition

Part III: Changes affecting bargaining unit

Part IV: Derecognition: General

Part V: Derecognition where recognition automatic

Part VI: Derecognition where union not independent

Part VII: Loss of independence

Part VIII: Detriment

Part IX: General

Section 2 and Schedule 2: Detriment related to trade union membership

Section 3 : Blacklists

Section 4 and Schedule 3: Ballots and Notices

These notes refer to the Employment Relations Act 1999 (c.26)

Informing employers of the ballot result

Notices to employers of industrial action ballots and the taking of industrial action

Requirement to send sample voting papers to employers

Inducing members to take industrial action

Separate Workplace Ballots

Overtime and call-out bans

The statement on voting papers

Conduct of Ballot : Merchant Seamen

Disregard of certain minor and accidental failures

Ballots for industrial action : period of effectiveness

Suspension of industrial action

Section 5: Training

Section 6: Unfair dismissal connected with recognition: interim relief

Leave for family reasons

Section 7 and Part I of Schedule 4: Maternity and parental leave

New section 71: Ordinary maternity leave

New section 72: Compulsory maternity leave

New section 73: Additional maternity leave

New section 74: Redundancy and dismissal

New section 75: Sections 71 to 73: supplemental

Part VIII, Chapter II: Parental Leave

New section 76: Entitlement to parental leave

New section 77: Rights during and after parental leave

New section 78: Special cases

New section 79: Supplemental

New section 80: Complaint to employment tribunal

Section 8 and Part II of Schedule 4: Time off for dependants

These notes refer to the Employment Relations Act 1999 (c.26)

New section 57A: Right to time off for dependants

New section 57B: Complaint to employment tribunal

Section 9 and Part III of Schedule 4: Consequential amendments

Sections 10-15 : Right to be accompanied in disciplinary and grievance hearings

Section 16 and Schedule 5: Unfair dismissal of striking workers

Section 17: Collective agreements: detriment and dismissal

Section 18: Agreement to exclude dismissal rights

Sections 19-21: Part-time work

Section 22: National Minimum Wage: Communities

Section 23: Power to confer rights on individuals

CAC, ACAS, Commissioners and Certification Officer

Sections 24 and 25: Central Arbitration Committee

Section 24: CAC: members

Section 25: CAC: proceedings

Section 26: ACAS: General duty

Section 27: ACAS: Reports

Section 28: Abolition of Commissioners

Section 29 and Schedule 6: The Certification Officer

Miscellaneous

Section 30: Partnerships at work

Section 31 and Schedule 7: Employment agencies

Section 32: Employment rights outside Great Britain

Section 33: Unfair dismissal: special and additional awards

Section 34: Indexation of amounts, &c.

Section 35: Guarantee payments

Section 36: Sections 33-35: consequential

Section 37: Compensatory award etc: removal of limit in certain cases

Section 38: Transfer of undertakings

Section 39: National Minimum Wage: Information

These notes refer to the Employment Relations Act 1999 (c.26)

Section 40: Dismissal of school staff

Section 41 and Schedule 8: National security

General

HANSARD REFERENCES

COMMENCEMENT