



Employment Relations Act 2004

2004 CHAPTER 24

PART 3

RIGHTS OF TRADE UNION MEMBERS, WORKERS AND EMPLOYEES

Inducements and detriments in respect of membership etc. of independent trade union

32 Dismissal for use of union services or refusal of inducement

- (1) Section 152 of the 1992 Act (dismissal on grounds related to union membership or activities) is amended as follows.
- (2) In subsection (1), omit “or” at the end of each of paragraphs (a) and (b) and after paragraph (b) insert—
 - “(ba) had made use, or proposed to make use, of trade union services at an appropriate time,
 - (bb) had failed to accept an offer made in contravention of section 145A or 145B, or”.
- (3) In subsection (2)—
 - (a) for “(1)(b)” substitute “ (1) ”; and
 - (b) in paragraph (b), after “the activities of a trade union” insert “ or (as the case may be) make use of trade union services ”.
- (4) After subsection (2) insert—

“(2A) In this section—

 - (a) “trade union services” means services made available to the employee by an independent trade union by virtue of his membership of the union, and
 - (b) references to an employee’s “making use” of trade union services include his consenting to the raising of a matter on his behalf by an independent trade union of which he is a member.

Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 2004, Section 32. (See end of Document for details)

- (2B) Where the reason or one of the reasons for the dismissal was that an independent trade union (with or without the employee’s consent) raised a matter on behalf of the employee as one of its members, the reason shall be treated as falling within subsection (1)(ba).”
- (5) In subsection (4) (references to being etc. a member of a union to include being etc. a member of a branch or section) omit “; and references to taking part in the activities of a trade union shall be similarly construed”.
- (6) After that subsection add—
- “(5) References in this section—
- (a) to taking part in the activities of a trade union, and
 - (b) to services made available by a trade union by virtue of membership of the union,
- shall be construed in accordance with subsection (4).”

Commencement Information

II S. 32 in force at 1.10.2004 by S.I. 2004/2566, art. 3(a) (with art. 7)

Changes to legislation:

There are currently no known outstanding effects for the Employment Relations Act 2004, Section 32.