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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1<sup>st</sup> October 2004 sections 29 to 32, 37 and 38 of the Employment Relations Act 2004 (“the Act”).

Section 29 of the Act inserts new sections 145A to F into the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”). These sections contain protections for workers against being offered inducements by their employer not to be or to be a member of a trade union, not to take part in the activities of or not to make use of the services of their union, and not to have, or to give up having, their terms and conditions of employment determined by a collective agreement negotiated by their union.

Section 30 of the Act amends sections 146 to 151 of the 1992 Act to extend the existing protections of employees against detrimental action by their employer for being or not being a member of a trade union or for taking part in the activities of their union to workers who are not employees.

Section 31 of the Act amends sections 146 to 151 of the 1992 Act to give protections to workers against detrimental action by their employer for making use of the services of their trade union or for refusing to accept any of the inducements described above.

Section 32 of the Act amends section 152 of the 1992 Act to make the dismissal of an employee for making use of the services of his union or refusing to accept any of the inducements described above unfair.

Section 37 of the Act amends section 10 of the Employment Relations Act 1999 which confers a right on workers attending a disciplinary or grievance hearing to be accompanied by a work colleague or union official. The amendments modify the role that the person accompanying the worker may play at the hearing.

Section 38 amends section 21(1) of the Employment Tribunals Act 1996 so that there is a right of appeal to the Employment Appeal Tribunal from the decisions of employment tribunals under their jurisdiction to hear complaints of a breach of the right of a worker to be accompanied when attending disciplinary or grievance hearings.

The Order contains transitional provisions.