



Trade Union Reform and Employment Rights Act 1993

CHAPTER 19

TRADE UNION REFORM AND EMPLOYMENT RIGHTS ACT 1993

PART I

TRADE UNIONS ETC.

Union elections and ballots

- 1 Election scrutineer to check register
- 2 Counting of election votes etc. by independent person
- 3 Political fund ballots
- 4 Ballots for union amalgamations and transfers of engagements
- 5 Ballots for union amalgamations and transfers of engagements: notice not to include influential material
- 6 Confidentiality of trade union's register of members' names and addresses
- 7 Ballots: repeal of provisions for financial assistance and use of employers' premises

Financial affairs of unions etc.

- 8 Annual return to contain additional information
- 9 Statement to members following annual return
- 10 Investigation of financial affairs
- 11 Offences
- 12 Disqualification of offenders

Rights in relation to union membership

- 13 Action short of dismissal: non-infringing actions
- 14 Right not to be excluded or expelled
- 15 Right not to suffer deduction of unauthorised or excessive subscriptions
- 16 Extension of right not to be unjustifiably disciplined

Industrial action

- 17 Requirement of postal ballot
- 18 Notice of ballot and sample voting paper for employers
- 19 Ballot result for employers
- 20 Scrutiny of ballots
- 21 Notice of industrial action for employers
- 22 Industrial action affecting supply of goods or services to an individual

PART II

EMPLOYMENT RIGHTS

Maternity

- 23 Right to maternity leave and right to return to work
- 24 Dismissal rights
- 25 Rights on suspension on maternity grounds

Employment particulars

- 26 Right to employment particulars
- 27 Entitlement to itemised pay statement

Employment protection in health and safety cases

- 28 Rights to claim unfair dismissal and not to suffer detriment

Unfair dismissal: assertion of statutory right

- 29 Dismissal on ground of assertion of statutory right

Reinstatement orders: compensation

- 30 Compensation for unfair dismissal when reinstatement or re-engagement ordered

Service in armed forces

- 31 Application of 1978 Act to service in armed forces

Sex discrimination

- 32 Right to declaration of invalidity of discriminatory terms and rules

Transfer and redundancy rights

- 33 Amendments of transfer of undertakings regulations
- 34 Redundancy consultation procedures

PART III

OTHER EMPLOYMENT MATTERS

Abolition of right to statutory minimum remuneration

- 35 Repeal of Part II of Wages Act 1986

Constitution and jurisdiction of tribunals

- 36 Constitution of industrial tribunals
37 Constitution of Employment Appeal Tribunal
38 Extension of power to confer on industrial tribunals jurisdiction in respect of contracts of employment etc
39 Agreements not to take proceedings before industrial tribunal
40 Restriction of publicity in cases involving sexual misconduct: industrial tribunals
41 Restriction of publicity in cases involving sexual misconduct: Employment Appeal Tribunal
42 Restriction of vexatious proceedings

ACAS

- 43 Functions of ACAS
44 Fees for exercise of functions by ACAS

Careers services

- 45 Careers services
46 Careers services: ancillary services

Training etc. in Scotland

- 47 Employment and training functions of Scottish Enterprise and Highlands and Islands Enterprise

PART IV

SUPPLEMENTARY

- 48 Interpretation
49 Miscellaneous and consequential amendments
50 Transitional provisions and savings
51 Repeals and revocations
52 Commencement
53 Financial provision
54 Northern Ireland
55 Short title

SCHEDULES

SCHEDULE 1 — Political fund ballots

- 1 In section 74(3) of the 1992 Act (requirements which Certification...
2 In section 75 of that Act (appointment of independent scrutineer...
3 After section 77 of that Act there shall be inserted—...
4 In section 78 of that Act (scrutineer's report on ballot)—...

SCHEDULE 2 — Maternity: the right to return to work

Right to return to work

- 39 Right to return to work.
- 40 Requirement to give notice of return to employer.
- 41 Special provision where redundancies occur before return to work.
- 42 Exercise of right to return to work.
- 43 Supplementary.
- 44 Contractual rights.

SCHEDULE 3 — Suspension from work on maternity grounds

Suspension from work on maternity grounds

- 45 Suspension from work on maternity grounds
- 46 Right to offer of alternative work
- 47 Right to remuneration on suspension

SCHEDULE 4 — Provisions substituted for sections 1 to 6 of 1978 Act
Part I — EMPLOYMENT PARTICULARS*Written particulars of employment*

- 1 Employer's duty to give statement of employment particulars
- 2 Section 1: supplementary
- 3 Statement to include note about disciplinary procedures
- 4 Employer's duty to give statement of changes
- 5 Exclusion of sections 1 to 4 in case of certain employees
- 6 Power of Secretary of State to require particulars of further matters

SCHEDULE 5 — Employment protection in health and safety cases

- 1 After section 22 of the 1978 Act there shall be...
- 2 In subsection (3) of section 57 of that Act (general...
- 3 After that section there shall be inserted— Dismissal in health...
- 4 In section 59 of the 1978 Act (dismissal on ground...
- 5 In section 64 of the 1978 Act (qualifying period etc...
- 6 In section 71 of the 1978 Act (compensation for failure...
- 7 In section 72 of the 1978 Act (compensation for unfair...
- 8 In section 73 of the 1978 Act (calculation of basic...
- 9 After section 75 of that Act there shall be inserted—...
- 10 After section 76 of that Act there shall be inserted—...

SCHEDULE 6 — Compromise Contracts

Sex Discrimination Act 1975 (c. 65)

- 1 In section 77 of the Sex Discrimination Act 1975 (validity,...

Race Relations Act 1976 (c. 74)

- 2 In section 72 of the Race Relations Act 1976 (validity,...

Wages Act 1986 (c. 48)

- 3 In section 6 of the Wages Act 1986 (remedies for...

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

- 4 In section 288 of the 1992 Act (restrictions on contracting...

SCHEDULE 7 — Miscellaneous Amendments

Unfair selection for dismissal in redundancy cases: exclusion of qualifying conditions

- 1 In section 154 of the 1992 Act (exclusion of requirement...

Qualifying period for unfair dismissal protection: small businesses

- 2 Section 64A of the 1978 Act (extended qualifying period for...

Application of 1978 Act to Crown Employment and House of Commons Staff

- 3 In section 138 of the 1978 Act (application to Crown)—...
4 In section 139(1) of the 1978 Act (application of Part...

Restrictions on disclosure of information, etc on grounds of national security

- 5 After section 146 of the 1978 Act there shall be...
6 In Schedule 9 of the 1978 Act (industrial tribunals)—
7 In paragraph 18 of Schedule 11 to the 1978 Act...

Extension of employment protection provisions and related legislation to House of Lords Staff

- 8 In section 1 of the Equal Pay Act 1970 (requirement...
9 After section 85A of the Sex Discrimination Act 1975 (application...
10 After section 75A of the Race Relations Act 1976 (application...
11 After section 139 of the 1978 Act there shall be...
12 In section 277 of the 1992 Act (House of Lords...

Power to extend 1978 Act in certain health and safety cases

- 13 In section 149 of the 1978 Act (general power to...

Power to provide for continuity of employment following reinstatement or re-engagement

- 14 In Schedule 13 to the 1978 Act (computation of period...

Codes of practice on employment : use in proceedings

- 15 In section 56A of the Sex Discrimination Act 1975 (codes...

Parliamentary procedure: orders modifying application of redundancy provisions

- 16 In section 149 of the 1978 Act (general power to...

Miscellaneous minor corrections and amendments

- 17 In section 21(6) of the 1992 Act (repudiation by trade...
18 In section 34(5) of the 1992 Act (eligibility for appointment...
19 In section 35(5) of the 1992 Act (appointment and removal...
20 In section 110(3) of the 1992 Act (consideration by Commissioner...
21 In section 158 of the 1992 Act (special award in...
22 In section 166(1) of the 1992 Act (consequences of failure...
23 In section 187(2) of the 1992 Act (meaning of refusal...

- 24 In section 228 of the 1992 Act (separate workplace ballots...
- 25 In section 229(3) of the 1992 Act (voting paper for...
- 26 In section 246 of the 1992 Act (minor definitions relating...
- 27 In section 278(4)(c) of the 1992 Act (House of Commons...

SCHEDULE 8 — Consequential amendments

The Factories Act 1961 (c. 34)

- 1 In section 119A of the Factories Act 1961 (notice of...

The Parliamentary Commissioner Act 1967 (c. 13)

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...

The Chronically Sick and Disabled Persons Act 1970 (c. 44)

- 3 In section 13(2) of the Chronically Sick and Disabled Persons...

The Employment Agencies Act 1973 (c. 35)

- 4 In section 13(7) of the Employment Agencies Act 1973 (exclusions...

The Employment and Training Act 1973 (c. 50)

- 5 In section 5(2)(a) of the Employment and Training Act 1973...

The House of Commons Disqualification Act 1975 (c. 24)

- 6 In Part III of Schedule 1 to the House of...

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 7 In Part III of Schedule 1 to the Northern Ireland...

The Sex Discrimination Act 1975 (c. 65)

- 8 In section 15 of the Sex Discrimination Act 1975 (employment...

The Race Relations Act 1976 (c. 74)

- 9 In section 14 of the Race Relations Act 1976 (employment...

The Employment Protection (Consolidation) Act 1978 (c. 44)

- 10 In section 11 of the 1978 Act (enforcement of right...
- 11 In section 53 of the 1978 Act (written statement of...
- 12 In section 56 of the 1978 Act (failure to permit...
- 13 In section 56A of the 1978 Act (exclusion of section...
- 14 In section 59 of the 1978 Act (dismissal on ground...
- 15 In section 61 of the 1978 Act (dismissal of replacement)---
- 16 In section 65 of the 1978 Act (exclusion in respect...
- 17 In section 86 of the 1978 Act (failure to permit...
- 18 In section 122 of the 1978 Act (employee's rights on...
- 19 In section 132 of the 1978 Act (recoupment of benefits),...
- 20 In section 133(1)(a) of the 1978 Act (conciliation)---
- 21 In section 140 of the 1978 Act (restrictions on contracting-out),...

- 22 In section 141(1) of the 1978 Act (disapplication of sections...
- 23 In section 144 of the 1978 Act (mariners), for subsection...
- 24 In section 149(2) of the 1978 Act (provisions to which...
- 25 In section 153 of the 1978 Act (interpretation)—
- 26 In Schedule 2 to the 1978 Act (maternity)—
- 27 In Schedule 3 to the 1978 Act (rights of employees...
- 28 In Schedule 9 to the 1978 Act (industrial tribunals)—
- 29 In paragraph 18(aa) of Schedule 11 to the 1978 Act...
- 30 In paragraph 18(e) of Schedule 11 to the 1978 Act...
- 31 In Schedule 13 to the 1978 Act (computation of period...
- 32 In Schedule 14 to the 1978 Act (calculation of week's...

The Agricultural Training Board Act 1982 (c. 9)

- 33 In section 4(1)(f) of the Agricultural Training Board Act 1982...

The Industrial Training Act 1982 (c. 10)

- 34 In section 5(3)(e) of the Industrial Training Act 1982 (functions...

The Insolvency Act 1986 (c. 45)

- 35 In paragraph 13(2) of Schedule 6 to the Insolvency Act...

The Wages Act 1986 (c. 48)

- 36 In section 30(1) and (3) of the Wages Act 1986...
- 37 In section 33(4) of that Act (commencement), for the words...

The Employment Act 1988 (c. 19)

- 38 In subsection (1) of section 26 (status of trainees etc.)...

The Legal Aid Act 1988 (c. 34)

- 39 In Part II of Schedule 2 to the Legal Aid...

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

- 40 In section 25 of the 1992 Act (application to Certification...
- 41 In section 26 of the 1992 Act (application to court...
- 42 In section 32 of the 1992 Act (annual return), after...
- 43 In section 43(1) (provisions not to apply in case of...
- 44 In section 44 of the 1992 Act (discharge of duties...
- 45 In section 45(1) of the 1992 Act (offences for breach...
- 46 In section 49(3)(a) of the 1992 Act (election scrutineer to...
- 47 In section 62 of the 1992 Act (right of trade...
- 48 In section 64 of the 1992 Act (right not to...
- 49 In section 65(7) of the 1992 Act (definitions related to...
- 50 In section 66 of the 1992 Act (complaint of infringement...
- 51 In section 67 of the 1992 Act (compensation for right...
- 52 In section 97(1)(b) and (2)(b) of the 1992 Act (amalgamation...
- 53 In section 98(1) of the 1992 Act (instrument of amalgamation...
- 54 In section 99(1) of the 1992 Act (notice of instrument...
- 55 In section 101 of the 1992 Act (registration of instrument...
- 56 In section 103 of the 1992 Act (complaints about passing...

- 57 In section 106 of the 1992 Act (amalgamation or transfer...
 58 In section 109 of the 1992 Act (proceedings in relation...
 59 In section 110(1) of the 1992 Act (application for assistance...
 60 In section 111 of the 1992 Act (provision of assistance...
 61 In section 117(5) of the 1992 Act (provisions operating only...
 62 In section 118(4) of the 1992 Act (provisions not to...
 63 In section 119 of the 1992 Act (expressions relating to...
 64 In section 131(1) of the 1992 Act (administrative provisions applying...
 65 For section 133 of the 1992 Act (employers' associations:
 amalgamations...
 66 In section 135(3) of the 1992 Act (provisions not to...
 67 In section 154 of the 1992 Act (exclusion of requirement...
 68 In section 158(2) of the 1992 Act (minimum amount of...
 69 In section 164(1)(a) of the 1992 Act (order in such...
 70 In section 191(1)(a) of the 1992 Act (no remuneration under...
 71 In section 198(1)(b) of the 1992 Act (power to adapt...
 72 In section 219 of the 1992 Act (protection of acts...
 73 In section 226 of the 1992 Act (act of trade...
 74 In section 232 of the 1992 Act (balloting of overseas...
 75 In section 235 of the 1992 Act (meaning of “contract...
 76 In section 237 of the 1992 Act (no right to...
 77 In section 238 of the 1992 Act (tribunal not to...
 78 In section 254 of the 1992 Act (Certification Officer), after...
 79 For section 266 of the 1992 Act (Commissioner for the...
 80 In section 267 of the 1992 Act (terms of appointment...
 81 In section 268 of the 1992 Act (remuneration, pension etc...
 82 In section 269 of the 1992 Act (staff of Commissioner)—...
 83 In section 270 of the 1992 Act (financial provisions relating...
 84 In section 271 of the 1992 Act (annual report and...
 85 In section 278 of the 1992 Act (House of Commons...
 86 In section 290 of the 1992 Act (functions of conciliation...
 87 In section 291 of the 1992 Act (right of appeal...
 88 In section 296 of the 1992 Act (meaning of “worker”...
 89 In section 299 of the 1992 Act (index of defined...

SCHEDULE 9 — Transitional provisions and savings

General

- 1 (1) An order under section 52 of this Act may...

Deduction of trade union subscriptions

- 2 For the purposes of section 68 of the 1992 Act...

Employment particulars

- 3 (1) In this paragraph “existing employee” means an employee whose...

Transfers of undertakings

- 4 The amendments of the Transfer of Undertakings (Protection of Employment)...

Wages Councils

5 (1) Notwithstanding the repeal of Part II of the Wages...

SCHEDULE 10 — Repeals and revocations