



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

30 Extension of protection against detriment for union membership etc.

- (1) Section 146 of the 1992 Act (action short of dismissal on grounds related to union membership or activities) is amended in accordance with subsections (2) to (6).
- (2) For “An employee” in each of subsections (1) and (3), and “an employee” in each of subsections (2) and (4), substitute “ A worker ” and “ a worker ” respectively.
- (3) In subsection (2)—
 - (a) for “employee's” substitute “ worker's ”; and
 - (b) after “contract of employment” insert “ (or other contract personally to do work or perform services) ”.
- (4) In subsection (3), for “his contract of employment” substitute “ a contract of employment ”.
- (5) In subsection (5), for “An employee” substitute “ A worker or former worker ”.
- (6) For subsection (6) substitute—

“(5A) This section does not apply where—

 - (a) the worker is an employee; and
 - (b) the detriment in question amounts to dismissal.”
- (7) In the sidenote to section 146 of the 1992 Act, and in the cross-heading immediately preceding it, for “Action short of dismissal” substitute “ Detriment ”.
- (8) In section 151 of the 1992 Act (interpretation of sections 146 to 150 and supplementary provision), after subsection (1A) (which is inserted by section 31) insert—

Changes to legislation: *There are currently no known outstanding effects for the Employment Relations Act 2004, Section 30. (See end of Document for details)*

“(1B) In sections 146 to 150—

“worker” means an individual who works, or normally works, as mentioned in paragraphs (a) to (c) of section 296(1), and

“employer” means—

- (a) in relation to a worker, the person for whom he works;
- (b) in relation to a former worker, the person for whom he worked.”

(9) In subsection (2) of that section, for “an employee” substitute “ a person ”.

(10) In the sidenote to section 152 of the 1992 Act, and in the cross-heading immediately preceding it, after “Dismissal” insert “ of employee ”.

Commencement Information

II S. 30 in force at 1.10.2004 by S.I. 2004/2566, art. 3(a) (with art. 6)

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