



# Employment Protection Act 1975

## 1975 CHAPTER 71

### PART IV

#### PROCEDURE FOR HANDLING REDUNDANCIES

#### **107 Power to adapt foregoing provisions in case of collective agreements on redundancies**

- (1) If at any time there is in force a collective agreement which establishes—
  - (a) arrangements for providing alternative employment for employees to whom the agreement relates if they are dismissed as redundant by an employer to whom it relates; or
  - (b) arrangements for the handling of redundancies;and on the application of all the parties to the agreement the Secretary of State, having regard to the provisions of the agreement, is satisfied that the arrangements are on the whole at least as favourable to those employees as the foregoing provisions of this Part of this Act, he may make an order under this section adapting, modifying or excluding any of those provisions both in their application to all or any of those employees and in their application to any other employees of any such employer.
- (2) The Secretary of State shall not make an order under this section in respect of an agreement unless—
  - (a) the agreement provides for procedures to be followed (whether by arbitration or otherwise) in cases where an employee to whom the agreement relates claims that any employer or other person to whom it relates has not complied with the provisions of the agreement, and that those procedures include a right to arbitration or adjudication by an independent referee or body in cases where (by reason of an equality of votes or otherwise) a decision cannot otherwise be reached ; or
  - (b) the agreement indicates that any such employee may present a complaint to an industrial tribunal that any such employer or other person has not complied with those provisions.

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*Status: This is the original version (as it was originally enacted).*

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- (3) An order under this section may confer on an industrial tribunal to whom a complaint is presented as mentioned in subsection (2) (b) above such powers and duties as the Secretary of State considers appropriate.
- (4) Without prejudice to section 123 below, an order under this section may be varied or revoked by a subsequent order thereunder, whether in pursuance of an application made by all or any of the parties to the agreement in question or without any such application.