



# Employment Act 1980

## 1980 CHAPTER 42

An Act to provide for payments out of public funds towards trade unions' expenditure in respect of ballots, for the use of employers' premises in connection with ballots, and for the issue by the Secretary of State of Codes of Practice for the improvement of industrial relations; to make provision in respect of exclusion or expulsion from trade unions and otherwise to amend the law relating to workers, employers, trade unions and employers' associations; to repeal section 1A of the Trade Union and Labour Relations Act 1974; and for connected purposes. [1st August 1980]

### Annotations:

#### Extent Information

- E1** The extent provision of this Act as originally enacted was repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202); see s. 21

#### Commencement Information

- I1** Act partly in force at Royal Assent see s. 21(2); Act wholly in force at 22.12.1980

### *Trade union ballots and Codes of Practice*

**F1** .....

### Annotations:

#### Amendments (Textual)

- F1** S. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1**

**F2** .....

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)*

**Annotations:**

**Amendments (Textual)**

**F2** S. 2 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, [Sch. 1](#)

**F3** .....

**Annotations:**

**Amendments (Textual)**

**F3** S. 3 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, [Sch. 1](#)

*Exclusion from trade union membership*

**F4** .....

**Annotations:**

**Amendments (Textual)**

**F4** S. 4 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, [Sch. 1](#)

**F5** .....

**Annotations:**

**Amendments (Textual)**

**F5** S. 5 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, [Sch. 1](#)

*Unfair dismissal*

**F6** .....

**Annotations:**

**Amendments (Textual)**

**F6** S. 6 repealed (22.8.1996) by [1996 c. 18](#), ss. 242, 243, [Sch. 3 Pt. I](#) (with ss. 191-195, 202)

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)*

**7** ..... <sup>F7</sup>

**Annotations:**

**Amendments (Textual)**

**F7** Ss. 7, 10 repealed by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 21(3), **Sch. 4**

**8** <sup>F8</sup>(1) .....  
<sup>F9</sup>(2) .....

**Annotations:**

**Amendments (Textual)**

**F8** S. 8(1) repealed (30.8.1993) by [1993 c. 19, s. 51, Sch. 10](#); S.I. 1993/1908, art. 2(1), **Sch. 1**.  
**F9** S. 8(2) repealed (22.8.1996) by [1996 c. 18, ss. 242, 243, Sch. 3 Pt. I](#) (with ss. 191-195, 202)

<sup>F10</sup>**9** .....

**Annotations:**

**Amendments (Textual)**

**F10** S. 9 repealed (22.8.1996) by [1996 c. 18, ss. 242, 243, Sch. 3 Pt. I](#) (with ss. 191-195, 202)

**10** ..... <sup>F11</sup>

**Annotations:**

**Amendments (Textual)**

**F11** Ss. 7, 10 repealed by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 21(3), **Sch. 4**

*Maternity*

**11 Notices to the employer.**

(1) In subsection (3) of section 33 of the 1978 Act (which specifies conditions to which the rights to maternity pay and return to work are subject) for paragraph (c) (information to employer) there shall be substituted—

“(c) in the case to the right to maternity pay, she informs her employer, in writing if he so requests, at least twenty-one days before her absence begins or, if that is not reasonably practicable, as soon as reasonably practicable, that she will be (or is) absent from work wholly or partly because of pregnancy or confinement ; and

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)*

- (d) in the case of the right to return, she informs her employer in writing at least twenty-one days before her absence begins or, if that is not reasonably practicable, as soon as reasonably practicable,—
  - (i) that she will be (or is) absent from work wholly or partly because of pregnancy or confinement,
  - (ii) that she intends to return to work with her employer, and
  - (iii) of the expected week of confinement or, if the confinement has occurred, the date of confinement.”

(2) After that subsection there shall be inserted—

“(3A) Where not earlier than forty-nine days after the beginning of the expected week of confinement (or the date of confinement) notified under subsection (3)(d) an employee is requested in accordance with subsection (3B) by her employer or a successor of his to give to him written confirmation that she intends to return to work, she shall not be entitled to the right to return unless she gives that confirmation within fourteen days of receiving the request or, if that is not reasonably practicable, as soon as reasonably practicable.

(3B) A request under subsection (3A) shall be made in writing and shall be accompanied by a written statement of the effect of that subsection.”.

- (3) In section 47 of the 1978 Act, in subsection (1) (employee to exercise her right to return to work by notifying the employer at least seven days in advance)—
  - (a) for the word “notifying” there shall be substituted the words “ giving written notice to ”, and
  - (b) for the word “seven” there shall be substituted the words “ twenty-one ” ;
 and in subsections (6) and (7) for the word “fourteen” there shall be substituted the word “ twenty-eight ”.

**Annotations:**

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**Modifications etc. (not altering text)**

**C1** The text of s. 11 is in the form in which it was originally enacted: it was not reproduced in the Statutes in Force and does not reflect any amendments or repeals that may have been made prior to 1.2.1991

<sup>F12</sup>12 .....

**Annotations:**

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**Amendments (Textual)**

**F12** S. 12 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

<sup>F13</sup>13 .....

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*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)*

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**Annotations:**

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**Amendments (Textual)**

**F13** S. 13 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

*Other rights of employees*

**F14** **14** .....

**Annotations:**

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**Amendments (Textual)**

**F14** S. 14 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**F15** **15** .....

**Annotations:**

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**Amendments (Textual)**

**F15** S. 15 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1**

*Restrictions on legal liability*

**F16** **16** .....

**Annotations:**

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**Amendments (Textual)**

**F16** S. 16 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1**

**17** ..... **F17**

**Annotations:**

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**Amendments (Textual)**

**F17** S. 17 repealed by Employment Act 1990 (c. 38, SIF 43:5), s. 16(2), **Sch. 3**

**18** ..... **F18**

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)*

**Annotations:**

**Amendments (Textual)**

**F18** S. 18 repealed by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), [Sch. 4](#)

*Miscellaneous and general*

<sup>F19</sup>**19** .....

**Annotations:**

**Amendments (Textual)**

**F19** S. 19 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, [Sch. 1](#)

<sup>F20</sup>**20** .....

**Annotations:**

**Amendments (Textual)**

**F20** S. 20 repealed (22.8.1996) by [1996 c. 18](#), ss. 242, 243, [Sch. 3 Pt. I](#) (with ss. 191-195, 202)

<sup>F21</sup>**21** .....

**Annotations:**

**Amendments (Textual)**

**F21** S. 21 repealed (22.8.1996) by [1996 c. 18](#), ss. 242, 243, [Sch. 3 Pt. I](#) (with ss. 191-195, 202)

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)*

SCHEDULE 1

Section 20.

MINOR AND CONSEQUENTIAL AMENDMENTS

**Annotations:**

**Modifications etc. (not altering text)**

- C2** The text of Sch. 1 is in the form in which it was originally enacted: it was not reproduced in the Statutes in Force and, except as specified, does not reflect any amendments or repeals that may have been made prior to 1.2.1991

*The Post Office Act 1969.*

F22<sub>1</sub> .....

**Annotations:**

**Amendments (Textual)**

- F22** Sch. 1 para. 1 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

*The Trade Union and Labour Relations Act 1974*

F23<sub>2</sub> .....

**Annotations:**

**Amendments (Textual)**

- F23** Sch. 1 para. 2 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1**

F24<sub>3</sub> .....

**Annotations:**

**Amendments (Textual)**

- F24** Sch. 1 para. 3 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1**

*The <sup>M1</sup>Employment Protection Act 1975*

**Annotations:**

**Marginal Citations**

- M1** 1975 c. 71.

F25<sub>4</sub> .....

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)*

**Annotations:**

**Amendments (Textual)**

**F25** Sch. 1 para. 4 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1**

F26<sub>5</sub> .....

**Annotations:**

**Amendments (Textual)**

**F26** Sch. 1 para. 5 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1**

F27<sub>6</sub> .....

**Annotations:**

**Amendments (Textual)**

**F27** Sch. 1 para. 6 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch.1**

F28<sub>7</sub> .....

**Annotations:**

**Amendments (Textual)**

**F28** Sch. 1 para. 7 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1**

*The Employment Protection (Consolidation) Act 1978*

F29<sub>8</sub> .....

**Annotations:**

**Amendments (Textual)**

**F29** Sch. 1 para. 8 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

9 ..... **F30**

**Annotations:**

**Amendments (Textual)**

**F30** Sch. 1 para. 9 repealed by Employment Act 1989 (c. 38, SIF 43:1), s. 29(4), **Sch. 7 Pt. III**

F31<sub>10</sub> .....

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)*

**Annotations:**

**Amendments (Textual)**

**F31** Sch. 1 para. 10 repealed (30.8.1993) by 1993 c. 19, s. 51, **Sch.10**; S.I. 1993/1908, art. 2(1), **Sch.1**.

<sup>F32</sup>11 .....

**Annotations:**

**Amendments (Textual)**

**F32** Sch. 1 para. 11 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

12 ..... <sup>F33</sup>

**Annotations:**

**Amendments (Textual)**

**F33** Sch. 1 paras. 12, 14 repealed by Employment Act 1982 (c. 46, SIF 43:5), s. 21(3), **Sch. 4**

<sup>F34</sup>13 .....

**Annotations:**

**Amendments (Textual)**

**F34** Sch. 1 para. 13 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

14 ..... <sup>F35</sup>

**Annotations:**

**Amendments (Textual)**

**F35** Sch. 1 paras. 12, 14 repealed by Employment Act 1982 (c. 46, SIF 43:5), s. 21(3), **Sch. 4**

15 ..... <sup>F36</sup>

**Annotations:**

**Amendments (Textual)**

**F36** Sch. 1 para.15 repealed by Insolvency Act 1985 (c. 65, SIF 66), s. 235(3), **Sch. 10 Pt. IV**

<sup>F37</sup>16 .....

**Annotations:**

**Amendments (Textual)**

**F37** Sch. 1 para. 16 repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, **Sch. 3 Pt. I** (with s. 38)

<sup>F38</sup>17 .....

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)*

**Annotations:**

**Amendments (Textual)**

**F38** Sch. 1 para. 17 repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, **Sch. 3 Pt. I** (with s. 38)

**F39** 18 .....

**Annotations:**

**Amendments (Textual)**

**F39** Sch. 1 para. 18 repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, **Sch. 3 Pt. I** (with s. 38)

**F40** 19 .....

**Annotations:**

**Amendments (Textual)**

**F40** Sch. 1 para. 19 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1**

**F41** 20 .....

**Annotations:**

**Amendments (Textual)**

**F41** Sch. 1 para. 20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**F42** 21 .....

**Annotations:**

**Amendments (Textual)**

**F42** Sch. 1 para. 21(a) repealed (30.8.1993) by 1993 c. 19, s. 51, **Sch.10**; S.I. 1993/1908, art. 2(1), **Sch.1** and para. 21(b) repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1**

**F43** 22 .....

**Annotations:**

**Amendments (Textual)**

**F43** Sch. 1 para. 22 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**F44** 23 .....

**Annotations:**

**Amendments (Textual)**

**F44** Sch. 1 para. 23 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)*

F45 24 .....

**Annotations:**

**Amendments (Textual)**

F45 Sch. 1 para. 24 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch. 1

F46 25 .....

**Annotations:**

**Amendments (Textual)**

F46 Sch. 1 para. 25 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

F47 26 .....

**Annotations:**

**Amendments (Textual)**

F47 Sch. 1 para. 26 repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, Sch. 3 Pt. I (with s. 38)

F48 27 .....

**Annotations:**

**Amendments (Textual)**

F48 Sch. 1 para. 27 repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, Sch. 3 Pt. I (with s. 38)

F49 28 .....

**Annotations:**

**Amendments (Textual)**

F49 Sch. 1 para. 28 repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, Sch. 3 Pt. I (with s. 38)

F50 29 .....

**Annotations:**

**Amendments (Textual)**

F50 Sch. 1 para. 29 repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, Sch. 3 Pt. I (with s. 38)

30 [F51In paragraph 23(1) of Schedule 11 of the 1978 Act, for the words from “section 14” to “those provisions” there shall be substituted the words “ sections 31 and 32 of the Powers of Criminal Courts Act 1973 (powers of Crown Court in relation to fines and forfeited recognisances) shall have effect as if ”.]

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)*

**Annotations:**

**Amendments (Textual)**

**F51** Sch. 1 para. 30 repealed (E.W.) by Contempt of Court Act 1981 (c. 49, SIF 39:3), s. 16(6)

<sup>F52</sup>31 .....

**Annotations:**

**Amendments (Textual)**

**F52** Sch.1 para. 31 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

<sup>F53</sup>32 .....

**Annotations:**

**Amendments (Textual)**

**F53** S. 32 repealed (30.8.1993) by 1993 c. 19, s. 51, Sch.10; S.I. 1908, art. 2(1), Sch.1.

<sup>F54</sup>33 .....

**Annotations:**

**Amendments (Textual)**

**F54** Sch. 1 para. 33 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

F55

SCHEDULE 2

**Annotations:**

**Amendments (Textual)**

**F55** Sch. 2 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Act 1980.