Trade Union Reform and Employment Rights Act 1993

1993 CHAPTER 19

PART I

TRADE UNIONS ETC.

Rights in relation to union membership

15 Right not to suffer deduction of unauthorised or excessive subscriptions.

For section 68 of the 1992 Act (right to require employer to stop deduction of union dues on termination of membership) and the heading immediately preceding it there shall be substituted—

" Right not to suffer deduction of unauthorised or excessive union subscriptions

68 Right not to suffer deduction of unauthorised or excessive subscriptions.

(1) Where arrangements ("subscription deduction arrangements") exist between the employer of a worker and a trade union relating to the making from workers' wages of deductions representing payments to the union in respect of the workers' membership of the union ("subscription deductions"), the employer shall ensure—

(a) that no subscription deduction is made from wages payable to the worker on any day ("the relevant day") unless it is an authorised deduction, and

(b) that the amount of any subscription deduction which is so made does not exceed the permitted amount.

Changes to legislation: *There are currently no known outstanding effects for the Trade Union Reform and Employment Rights Act 1993, Section 15. (See end of Document for details)*

(2) For the purposes of subsection (1)(a) a subscription deduction is an authorised deduction in relation to the relevant day if—

(a) a document containing the worker's authorisation of the making from his wages of subscription deductions has been signed and dated by the worker, and

(b) the authorisation is current on that day.

(3) For the purposes of subsection (2)(b) an authorisation is current on the relevant day if that day falls within the period of three years beginning with the day on which the worker signs and dates the document containing the authorisation and subsection (4) does not apply.

(4) This subsection applies if a document containing the worker's withdrawal of the authorisation has been received by the employer in time for it to be reasonably practicable for him to secure that no subscription deduction is made from wages payable to the worker on the relevant day.

(5) For the purposes of subsection (1)(b) the permitted amount in relation to the relevant day is—

(a) the amount of the subscription deduction which falls to be made from wages payable to the worker on that day in accordance with the subscription deduction arrangements, or

(b) if there is a relevant increase in the amount of subscription deductions and appropriate notice has not been given by the employer to the worker at least one month before that day, the amount referred to in paragraph (a) less the amount of the increase.

(6) So much of the increase referred to in subsection (5)(b) is relevant as is not attributable solely to an increase in the wages payable on the relevant day.

(7) In subsection (5)(b) "appropriate notice" means, subject to subsection (8) below, notice in writing stating—

(a) the amount of the increase and the increased amount of the subscription deductions, and

(b) that the worker may at any time withdraw his authorisation of the making of subscription deductions by giving notice in writing to the employer.

(8) Where the relevant increase is attributable to an increase in any percentage by reference to which the worker's subscription deductions are calculated, subsection (7) above shall have effect with the substitution, in paragraph (a), for the reference to the amount of the increase and the increased amount of the deductions of a reference to the percentage before and the percentage after the increase.

(9) A worker's authorisation of the making of subscription deductions from his wages shall not give rise to any obligation on the part of the employer to the worker to maintain or continue to maintain subscription deduction arrangements.

(10) Where arrangements, whether included in subscription deduction arrangements or not, exist between the parties to subscription deduction arrangements for the making from workers' wages of deductions representing payments to the union which are additional to subscription deductions, the amount of the deductions

representing such additional payments shall be treated for the purposes of this section (where they would otherwise not be so treated) as part of the subscription deductions.

(11) In this section and section 68A "employer", "wages" and "worker" have the same meanings as in Part I of the [M1]Wages Act 1986.

68A Complaint of infringement of rights.

(1) A worker may present a complaint to an **[**[F1]employment tribunal**]** that his employer has made a deduction from his wages in contravention of section 68—

(a) within the period of three months beginning with the date of the payment of the wages from which the deduction, or (if the complaint relates to more than one deduction) the last of the deductions, was made, or

(b) where the tribunal is satisfied that it was not reasonably practicable for the complaint to be presented within that period, within such further period as the tribunal considers reasonable.

(2) Where a tribunal finds that a complaint under this section is well-founded, it shall make a declaration to that effect and shall order the employer to pay to the worker—

(a) in the case of a contravention of paragraph (a) of subsection (1) of section 68, the whole amount of the deduction, and

(b) in the case of a contravention of paragraph (b) of that subsection, the amount by which the deduction exceeded the amount permitted to be deducted by that paragraph,

less any such part of the amount as has already been paid to the worker by the employer.

(3) Where the making of a deduction from the wages of a worker both contravenes section 68(1) and involves one or more of the contraventions specified in subsection (4) of this section, the aggregate amount which may be ordered by an **[**[F1]employment tribunal**]** or court (whether on the same occasion or on different occasions) to be paid in respect of the contraventions shall not exceed the amount, or (where different amounts may be ordered to be paid in respect of different contraventions) the greatest amount, which may be ordered to be paid in respect of any one of them.

(4) The contraventions referred to in subsection (3) are—

(a) a contravention of the requirement not to make a deduction without having given the particulars required by section 8 (itemised pay statements) or 9(1) (standing statements of fixed deductions) of the [M2]Employment Protection (Consolidation) Act 1978,

(b) a contravention of section 1(1) of the [M3]Wages Act 1986 (requirement not to make unauthorised deductions), and

(c) a contravention of section 86(1) or 90(1) of this Act (requirements not to make deductions of political fund contributions in certain circumstances).".

Textual Amendments

F1 Words in s. 15 substituted (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

Marginal Citations

M1 1986 c. 48.
M2 1978 c. 44.
M3 1986 c. 48.

Changes to legislation:
There are currently no known outstanding effects for the Trade Union Reform and Employment Rights Act 1993, Section 15.