

## SCHEDULES

### SCHEDULE 4

#### RIGHTS OF SHOP WORKERS AS RESPECTS SUNDAY WORKING

##### *Right not to be dismissed for refusing Sunday work*

- 7 (1) Subject to sub-paragraph (2) below, the dismissal of a protected or opted-out shop worker by his employer shall be regarded for the purposes of Part V of the 1978 Act as unfair if the reason for it (or, if more than one, the principal reason) was that the shop worker refused, or proposed to refuse, to do shop work on Sunday or on a particular Sunday.
- (2) Sub-paragraph (1) above does not apply in relation to an opted-out shop worker where the reason (or principal reason) for the dismissal was that he refused, or proposed to refuse, to do shop work on any Sunday or Sundays falling before the end of the notice period.
- (3) The dismissal of a shop worker by his employer shall be regarded for the purposes of Part V of the 1978 Act as unfair if the reason for it (or, if more than one, the principal reason) was that the shop worker gave, or proposed to give, an opting-out notice to the employer.
- (4) Section 142 of the 1978 Act (contracts for a fixed term) shall not exclude the application of section 54 of that Act (right of employee not to be unfairly dismissed) in relation to any dismissal which is unfair by virtue of sub-paragraph (1) or (3) above.
- 8 (1) Where the reason or principal reason for the dismissal of a protected or opted-out shop worker was that he was redundant, but it is shown—
- (a) that the circumstances constituting the redundancy applied equally to one or more other employees in the same undertaking who held positions similar to that held by him and who have not been dismissed by the employer, and
  - (b) that the reason (or, if more than one, the principal reason) for which he was selected for dismissal was that specified in paragraph 7(1) above,
- then, for the purposes of Part V of the 1978 Act, the dismissal shall be regarded as unfair.
- (2) Sub-paragraph (1) above does not apply in relation to an opted-out shop worker where the reason (or principal reason) for which he was selected for dismissal was that specified in paragraph 7(2) above.
- (3) Where the reason or principal reason for the dismissal of a shop worker was that he was redundant, but it is shown—
- (a) that the circumstances constituting the redundancy applied equally to one or more other employees in the same undertaking who held positions similar to that held by him and who have not been dismissed by the employer, and

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

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(b) that the reason (or, if more than one, the principal reason) for which he was selected for dismissal was that specified in paragraph 7(3) above, then, for the purposes of Part V of the 1978 Act, the dismissal shall be regarded as unfair.