

*These notes refer to the Employment Relations Act 1999  
(c.26) which received Royal Assent on 27 July 1999*

# **EMPLOYMENT RELATIONS ACT 1999**

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## **EXPLANATORY NOTES**

### **SUMMARY AND BACKGROUND**

#### *Other, miscellaneous provisions*

13. The Act makes a number of provisions on institutional matters:
  - a) The new statutory recognition and derecognition procedures create a new role for the Central Arbitration Committee. The Act amends the arrangements for the appointment of CAC members and for the proceedings of the CAC in respect of cases under the new procedures.
  - b) The Act abolishes the Commissioner for the Rights of Trade Union Members (CRTUM) and the Commissioner for Protection Against Unlawful Industrial Action (CPAUIA). (The Commissioners' main functions are to provide assistance to individuals taking or contemplating certain legal proceedings against unions or union officials.) The Act gives new powers to the Certification Officer to hear complaints involving most aspects of the law where CRTUM is currently empowered to provide assistance.
  - c) The Act provides that the general duty of ACAS should be "to promote the improvement of industrial relations", repealing the current emphasis given by the 1992 Act to ACAS's functions in relation to the settlement of trade disputes.
  - d) The Act provides for the annual reports of ACAS, the CAC and the Certification Officer to be produced on a financial rather than calendar year basis.
14. The Act also:
  - a) provides statutory authority for the Secretary of State to make funding available to assist and develop partnerships at work;
  - b) amends and extends the order-making power in the Employment Agencies Act 1973 under which the Secretary of State regulates the industry, amends the prohibition on charging fees to people seeking work, amends and extends the range of premises that may be entered by inspectors, lengthens the time limit for prosecutions under the 1973 Act, and provides for information obtained under the compulsory powers in the 1973 Act to be disclosed for the purposes of any criminal proceedings and not just those relating to offences under that Act;
  - c) removes limits restricting certain employment rights, broadly, to those who ordinarily work in Great Britain;
  - d) increases the limit on the compensatory award for unfair dismissal from £12,000 to £50,000, consolidates the existing system of special and additional awards into a single award to apply in cases where an employer fails to comply with a re-employment order, and provides that compensation will not be subject to the monetary limit where an individual has been dismissed unfairly under the

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provisions of the Public Interest Act 1998 or for reasons relating to health and safety matters;

- e) gives the Secretary of State a power to make regulations requiring employees to be given the same protections in specified circumstances falling outside the scope of the EC Acquired Rights Directive as they have under the UK's implementing legislation in circumstances which do fall within the scope of that Directive;
- f) provides for Inland Revenue officers to be able to pass information obtained in respect of tax and national insurance contributions to their National Minimum Wage colleagues and others for use in enforcing the NMW;
- g) makes a technical amendment to the School Standards and Framework Act 1998 to reflect the reduction in June 1999 of the unfair dismissal qualifying period from two years to one year; and
- h) amends the law under which Ministers can exclude Crown servants from certain employment rights on grounds of national security, giving staff of the security and intelligence services in particular better access to employment tribunals.