

## SCHEDULES

### SCHEDULE 5

#### UNFAIR DISMISSAL OF STRIKING WORKERS

##### *Employment Rights Act 1996 (c. 18)*

- 5 (1) Section 105 of the Employment Rights Act 1996 (redundancy) shall be amended as follows.
- (2) In subsection (1)(c) for “subsections (2) to (7)” there shall be substituted “subsections (2) to (7C).”.
- (3) After subsection (7B) (inserted by Schedule 3 to the Tax Credits Act 1999) there shall be inserted—
- “*(7C)* This subsection applies if—
- (a) the reason (or, if more than one, the principal reason) for which the employee was selected for dismissal was the reason mentioned in section 238A(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (participation in official industrial action), and
  - (b) subsection (3), (4) or (5) of that section applies to the dismissal.”