

## SCHEDULES

### SCHEDULE 5

#### UNFAIR DISMISSAL OF STRIKING WORKERS

*Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*

- 4 (1) Section 239 (supplementary provisions relating to unfair dismissal) shall be amended as follows.
- (2) In subsection (1) for “Sections 237 and 238” there shall be substituted “Sections 237 to 238A”.
- (3) At the end of subsection (1) there shall be added “; but sections 108 and 109 of that Act (qualifying period and age limit) shall not apply in relation to section 238A of this Act.”
- (4) In subsection (2) after “section 238” there shall be inserted “or 238A”.
- (5) At the end there shall be added—
- “(4) In relation to a complaint under section 111 of the 1996 Act (unfair dismissal: complaint to employment tribunal) that a dismissal was unfair by virtue of section 238A of this Act—
- (a) no order shall be made under section 113 of the 1996 Act (reinstatement or re-engagement) until after the conclusion of protected industrial action by any employee in relation to the relevant dispute,
- (b) regulations under section 7 of the Employment Tribunals Act 1996 may make provision about the adjournment and renewal of applications (including provision requiring adjournment in specified circumstances), and
- (c) regulations under section 9 of that Act may require a pre-hearing review to be carried out in specified circumstances.”