



# Employment Relations Act 1999

## 1999 CHAPTER 26

### *Other rights of individuals*

#### **17 Collective agreements: detriment and dismissal.**

- (1) The Secretary of State may make regulations about cases where a worker—
  - (a) is subjected to detriment by his employer, or
  - (b) is dismissed,on the grounds that he refuses to enter into a contract which includes terms which differ from the terms of a collective agreement which applies to him.
- (2) The regulations may—
  - (a) make provision which applies only in specified classes of case;
  - (b) make different provision for different circumstances;
  - (c) include supplementary, incidental and transitional provision.
- (3) In this section—

“collective agreement” has the meaning given by section 178(1) of the Trade Union and Labour Relations (Consolidation) Act 1992; and

“employer” and “worker” have the same meaning as in section 296 of that Act.
- (4) The payment of higher wages or higher rates of pay or overtime or the payment of any signing on or other bonuses or the provision of other benefits having a monetary value to other workers employed by the same employer shall not constitute a detriment to any worker not receiving the same or similar payments or benefits within the meaning of subsection (1)(a) of this section so long as—
  - (a) there is no inhibition in the contract of employment of the worker receiving the same from being the member of any trade union, and
  - (b) the said payments of higher wages or rates of pay or overtime or bonuses or the provision of other benefits are in accordance with the terms of a contract of employment and reasonably relate to services provided by the worker under that contract.