Employment Relations Act 1999

1999 CHAPTER 26

Trade unions

3 Blacklists.

(1) The Secretary of State may make regulations prohibiting the compilation of lists which—

(a) contain details of members of trade unions or persons who have taken part in the activities of trade unions, and

(b) are compiled with a view to being used by employers or employment agencies for the purposes of discrimination in relation to recruitment or in relation to the treatment of workers.

(2) The Secretary of State may make regulations prohibiting—

(a) the use of lists to which subsection (1) applies;

(b) the sale or supply of lists to which subsection (1) applies.

(3) Regulations under this section may, in particular—

(a) confer jurisdiction (including exclusive jurisdiction) on employment tribunals and on the Employment Appeal Tribunal;

(b) include provision for or about the grant and enforcement of specified remedies by courts and tribunals;

(c) include provision for the making of awards of compensation calculated in accordance with the regulations;

(d) include provision permitting proceedings to be brought by trade unions on behalf of members in specified circumstances;

(e) include provision about cases where an employee is dismissed by his employer and the reason or principal reason for the dismissal, or why the employee was selected for dismissal, relates to a list to which subsection (1) applies;

(f) create criminal offences;

(g) in specified cases or circumstances, extend liability for a criminal offence created under paragraph (f) to a person who aids the commission of the offence

or to a person who is an agent, principal, employee, employer or officer of a person who commits the offence;

(h) provide for specified obligations or offences not to apply in specified circumstances;

(i) include supplemental, incidental, consequential and transitional provision, including provision amending an enactment;

(j) make different provision for different cases or circumstances.

(4) Regulations under this section creating an offence may not provide for it to be punishable—

(a) by imprisonment,

(b) by a fine in excess of level 5 on the standard scale in the case of an offence triable only summarily, or

(c) by a fine in excess of the statutory maximum in the case of summary conviction for an offence triable either way.

(5) In this section—

"list" includes any index or other set of items whether recorded electronically or by any other means, and

"worker" has the meaning given by section 13.

(6) Subject to subsection (5), expressions used in this section and in the [M1]Trade Union and Labour Relations (Consolidation) Act 1992 have the same meaning in this section as in that Act.

Marginal Citations

M1 1992 c. 52.

Changes to legislation:
There are currently no known outstanding effects for the Employment Relations Act 1999, Section 3.