

# Employment Act 2002

# **CHAPTER 22**

# **EMPLOYMENT ACT 2002**

# PART 1

STATUTORY LEAVE AND PAY

# **CHAPTER 1**

# PATERNITY AND ADOPTION

Rights to leave and pay

- 1 Paternity leave
- 2 Statutory paternity pay
- 3 Adoption leave
- 4 Statutory adoption pay

# Administration and enforcement: pay

- 5 General functions of the Board
- 6 Financial arrangements
- 7 Funding of employers' liabilities
- 8 Regulations about payment
- 9 Decisions and appeals
- 10 Powers to require information
- 11 Penalties: failures to comply
- 12 Penalties: fraud etc.
- 13 Supply of information held by the Board
- 14 Supply of information held by the Secretary of State
- 15 Use of information by the Board
- 16 Interpretation

### **CHAPTER 2**

## **MATERNITY**

17	Rights	during	and aft	er mate	mitv	leave
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- 18 Maternity pay period
- 19 Rate of statutory maternity pay
- 20 Entitlement to statutory maternity pay
- 21 Funding of employers' liabilities: statutory maternity pay

## PART 2

#### TRIBUNAL REFORM

# Costs and expenses

- 22 Employment tribunals
- 23 Employment Appeal Tribunal

# Miscellaneous

- 24 Conciliation
- 25 Power to delegate prescription of forms etc.
- 26 Determination without a hearing
- 27 Practice directions
- 28 Pre-hearing reviews

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# Statutory procedures

- 29 Statutory dispute resolution procedures
- 30 Contracts of employment
- 31 Non-completion of statutory procedure: adjustment of awards
- 32 Complaints about grievances
- 33 Consequential adjustment of time limits
- 34 Procedural fairness in unfair dismissal

# Employment particulars

- 35 Particulars of procedures relating to discipline or dismissal
- 36 Removal of exemption for small employers
- 37 Use of alternative documents to give particulars
- 38 Failure to give statement of employment particulars etc.

# General

- 39 Unfair dismissal: adjustments under sections 31 and 38
- 40 Interpretation of Part 3

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41 Power to confer rights on individuals: amendment

- 42 Equal pay: questionnaires
- 43 Union learning representatives
- 44 Dismissal procedures agreements
- 45 Fixed-term work
- 46 Fixed-term work: Northern Ireland
- 47 Flexible working
- 48 Rate of maternity allowance
- 49 Work-focused interviews for partners
- 50 Use of information for, or relating to, employment and training

## General

- 51 Orders and regulations
- 52 Financial provisions
- 53 Minor and consequential amendments
- 54 Repeals and revocations
- 55 Short title etc.

# **SCHEDULES**

SCHEDULE 1 — Penalties: procedure and appeals

- 1 Determination of penalties by officer of Board
- 2 Provisions supplementary to paragraph 1
- 3 Appeals against penalty determinations
- 4 Penalty proceedings before Commissioners
- 5 Penalty proceedings before court
- 6 Mitigation of penalties
- 7 Time limits for penalties
- 8 Interest on penalties
- 9 Interpretation

SCHEDULE 2 — Statutory dispute resolution procedures

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# CHAPTER 1

## STANDARD PROCEDURE

- Step 1: statement of grounds for action and invitation to meeting
- 2 Step 2: meeting
- 3 Step 3: appeal

### CHAPTER 2

# MODIFIED PROCEDURE

- 4 Step 1: statement of grounds for action
- 5 Step 2: appeal

Part 2 — GRIEVANCE PROCEDURES

#### CHAPTER 1

#### STANDARD PROCEDURE

- 6 Step 1: statement of grievance
- 7 Step 2: meeting
- 8 Step 3: appeal

#### **CHAPTER 2**

## MODIFIED PROCEDURE

- 9 Step 1: statement of grievance
- 10 Step 2: response

Part 3 — GENERAL REQUIREMENTS

- 11 Introductory
- 12 Timetable
- 13 Meetings

Part 4 — SUPPLEMENTARY

- 14 Status of meetings
- 15 Scope of grievance procedures

SCHEDULE 3 — Tribunal jurisdictions to which section 31 applies

SCHEDULE 4 — Tribunal jurisdictions to which section 32 applies

SCHEDULE 5 — Tribunal jurisdictions to which section 38 applies

SCHEDULE 6 — Use of information for, or relating to, employment and training

- 1 Supply and use of employment or training information by Secretary of State etc.
- 2 In section 122C of the Social Security Administration Act 1992...
- 3 In section 122D of that Act (supply of information by...
- 4 Section 3(3) of the Social Security Act 1998 (c. 14)...
- 5 Supply of tax information for employment or training purposes
- 6 After that section there is inserted—Supply of tax information...
- 7 In section 116 of the Social Security Administration (Northern Ireland)...
- 8 After that section there is inserted—Supply of tax information...
- 9 Supply of Inland Revenue tax credits information for employment or training purposes
- 10 Supply to Inland Revenue of employment or training information for purposes of tax credits
- Supply of other Inland Revenue information for employment or training purposes
- 12 In section 115D of the Social Security Administration (Northern Ireland)...
- 13 Supply to Inland Revenue of employment or training information for other purposes
- In section 115E of the Social Security Administration (Northern Ireland)...

SCHEDULE 7 — Minor and consequential amendments

- 1 Finance Act 1989 (c. 26)
- 2 Social Security Contributions and Benefits Act 1992 (c. 4)
- 3 In section 4 (payments treated as remuneration and earnings), in...
- 4 (1) Section 35 (maternity allowance) is amended as follows.
- 5 In section 35A (appropriate weekly rate of maternity allowance), for...
- 6 In section 164 (statutory maternity pay entitlement and liability...
- 7 In section 176 (Parliamentary control), in subsection (1)(a) (affirmative procedure:...
- 8 Social Security Administration Act 1992 (c. 5)
- 9 (1) Section 2B (supplementary provisions about work-focused interviews) is amended...
- 10 In section 2C (optional work-focused interviews), in subsection (2)—
- 11 In section 5 (regulations about claims for and payments of...
- 12 In section 7A (sharing of functions as regards claims and...
- 13 In section 122AA (disclosure of information by the Inland Revenue),...
- 14 In section 150 (annual uprating of benefits), in subsection (1)(j),...
- 15 In section 190 (Parliamentary control of orders and regulations), in...
- 16 In section 191 (interpretation general), for the definition of...
- 17 Social Security Administration (Northern Ireland) Act 1992 (c. 8)
- 18 Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)
- 19 In section 171 (time limit for proceedings under section 168,...
- 20 In section 172(1) (remedies for complaint under section 168 or...
- 21 In section 173 (provisions supplementary to sections 168 to 170)—...
- 22 In section 212A(1) (claims and proceedings to which ACAS arbitration...
- 23 Employment Tribunals Act 1996 (c. 17)
- 24 Employment Rights Act 1996 (c. 18)
- 25 In section 27(1) (meaning of "wages"), after paragraph (c) there...
- 26 (1) Section 47C (leave for family and domestic reasons) is...
- 27 In section 48 (right to present complaint of detriment to...
- 28 In section 78 (parental leave: special cases), in subsection (6),...
- 29 (1) Section 88 (pay during notice period: employments with normal...
- 30 (1) Section 89 (pay during notice period: employments without normal...
- 31 In section 92 (right to written statement of reasons for...
- 32 In section 98 (fairness of dismissal: general), in subsection (6)—...
- 33 (1) Section 99 (unfair dismissal: leave for family reasons) is...
- In section 104 (protection for those asserting certain statutory rights),...
- In section 106 (dismissal of replacement employees), in subsection (2) (a),...
- 36 In section 112(4) (which provides that an award of compensation...
- 37 In section 117(3)(a) (which provides that an award of compensation...
- 38 In section 118(1)(b) (which provides that compensation for unfair dismissal...
- 39 In section 123(1) (which provides that calculation of the compensatory...
- 40 Section 127A (internal appeal procedures) shall cease to have effect....
- 41 In section 191(2) (provisions of the Act which have effect...
- 42 In section 192(2)(e) (provisions of Part 10 of the Act...
- 43 In sections 194(2) and 195(2) (provisions of the Act which...
- 44 (1) Section 199 (application of the Act to mariners) is...
- 45 In section 225 (definition of calculation date for the purposes...
- 46 In section 226(3) (definition of calculation date for the purposes...
- 47 (1) Section 227(1) (maximum amount of week's pay) is amended...

- 48 (1) Section 235 (other definitions) is amended as follows.
- 49 (1) Section 236(3) (procedure for making orders and regulations) is...
- 50 Finance Act 1997 (c. 16)
- 51 Social Security Act 1998 (c. 14)
- Tax Credits Act 1999 (c. 10) 52
- 53 Finance Act 1999 (c. 16)
- 54
- Employment Relations Act 1999 (c. 26) Welfare Reform and Pensions Act 1999 (c. 30) 55

SCHEDULE 8 — Repeals and revocations