

*These notes refer to the Employment Act 2002
(c.22) which received Royal Assent on 8 July 2002*

EMPLOYMENT ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Miscellaneous and General

Miscellaneous

Section 44: Dismissal Procedures Agreement

105. Section 110 of the Employment Rights Act 1996 allows the Secretary of State to designate certain agreements as Dismissal Procedures Agreements (DPAs). This has the effect of replacing the statutory right to claim unfair dismissal before an employment tribunal under Part 10 of the Employment Rights Act with access to the procedures of the DPA for employees who are covered by the agreement.
106. Such an agreement must meet a number of specific criteria. Among these are:
 - a joint application is made to the Secretary of State by all parties to the agreement, and
 - the scheme offers remedies that are on the whole as beneficial (but not necessarily identical with) those provided in respect of unfair dismissal at an employment tribunal.
107. This section gives the Secretary of State the power to add to these criteria. This is intended to give scope to bring in requirements aimed at ensuring that DPAs comply with the Human Rights Act 1998.
108. This is brought about by giving the Secretary of State power by order to add to the requirements in section 110(3) Employment Rights Act 1996.