



# Employment Relations Act 2004

## CHAPTER 24

### EMPLOYMENT RELATIONS ACT 2004

#### PART 1

##### UNION RECOGNITION

- 1 Application for decision on whether proposed bargaining unit is appropriate
- 2 Power of the CAC to end period for agreement on bargaining unit
- 3 Duty of employer to supply information to union
- 4 Determination of appropriate bargaining unit
- 5 Union communications with workers after acceptance of application
- 6 Circumstances in which the CAC must arrange a ballot
- 7 Power of the CAC to extend notification period
- 8 Postal votes for workers absent from ballot at workplace
- 9 Additional duties on employers informed of ballots
- 10 Unfair practices in relation to recognition ballots
- 11 Application where agreement does not cover pay, hours and holidays
- 12 Employer's notice to end bargaining arrangements
- 13 Unfair practices in relation to derecognition ballots
- 14 Appeals against demands for costs
- 15 Power to amend Schedule A1 to the 1992 Act
- 16 Means of communicating with workers
- 17 Unfair practices: power to make provision about periods before notice of ballot
- 18 Power to make provision about effect of amalgamations etc.
- 19 Information about union membership and employment in bargaining unit
- 20 "Pay" and other matters subject to collective bargaining

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- 21 Information required by ACAS for ballots and ascertaining union membership

## PART 2

### LAW RELATING TO INDUSTRIAL ACTION

- 22 Information about employees to be balloted on industrial action  
 23 Entitlement to vote in ballot on industrial action  
 24 Inducement of members not accorded entitlement to vote  
 25 Information about employees to be contained in notice of industrial action  
 26 Dismissal where employees taking protected industrial action locked out  
 27 Date of dismissal  
 28 Dismissal after end of protected period

## PART 3

### RIGHTS OF TRADE UNION MEMBERS, WORKERS AND EMPLOYEES

#### *Inducements and detriments in respect of membership etc. of independent trade union*

- 29 Inducements relating to union membership or activities  
 30 Extension of protection against detriment for union membership etc.  
 31 Detriment for use of union services or refusal of inducement  
 32 Dismissal for use of union services or refusal of inducement

#### *Exclusion and expulsion from trade unions*

- 33 Exclusion or expulsion from trade union attributable to conduct  
 34 Applications no longer to be made to Employment Appeal Tribunal

#### *Other rights of workers and employees*

- 35 Disapplication of qualifying period and upper age limit for unfair dismissal  
 36 National security: powers of employment tribunals  
 37 Role of companion at disciplinary or grievance hearing  
 38 Extension of jurisdiction of Employment Appeal Tribunal  
 39 Ways in which provision conferring rights on individuals may be made  
 40 Protection of employees in respect of jury service  
 41 Flexible working  
 42 Information and consultation: Great Britain  
 43 Information and consultation: Northern Ireland

## PART 4

### ENFORCEMENT OF MINIMUM WAGE LEGISLATION

- 44 Information supplied by worker and employer  
 45 Enforcement notices  
 46 Withdrawal and replacement of, and appeals against, notices  
 47 Enforcement officers for agricultural wages legislation

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## PART 5

### THE CERTIFICATION OFFICER

- 48 Striking out by Certification Officer of applications or complaints
- 49 Restriction of proceedings orders: proceedings before Certification Officer
- 50 Amalgamations: approval, listing and certification
- 51 Restriction of grounds of appeal from Certification Officer

## PART 6

### MISCELLANEOUS

- 52 Additional case in which election for president of union not required
- 53 Removal of rule preventing appointment of body corporate as auditor
- 54 Means of voting in ballots and elections
- 55 Provision of money for trade union modernisation

## PART 7

### SUPPLEMENTARY PROVISIONS

- 56 Meaning of “the 1992 Act”
- 57 Minor and consequential amendments and repeals
- 58 Corresponding provision for Northern Ireland
- 59 Citation, commencement and extent

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## SCHEDULES

### SCHEDULE 1 — Minor and consequential amendments

#### *Agricultural Wages Act 1948*

- 1 In section 15A of the Agricultural Wages Act 1948 (c....

#### *Agricultural Wages (Regulation) (Northern Ireland) Order 1977*

- 2 In Article 11A of the Agricultural Wages (Regulation) (Northern Ireland)...

#### *The 1992 Act*

- 3 In section 19 of the 1992 Act (application of certain...
- 4 In section 41(3) of the 1992 Act (date of next...
- 5 In section 54(3) of the 1992 Act (time limit for...
- 6 In section 82 of the 1992 Act (rules as to...
- 7 In section 103 of the 1992 Act (complaints as regards...
- 8 In section 146 of the 1992 Act (action short of...
- 9 In section 148 of the 1992 Act (consideration of complaint),...
- 10 In section 150 of the 1992 Act (awards against third...
- 11 (1) Section 155 of the 1992 Act (matters to be...
- 12 In section 161(3) of the 1992 Act (application for interim...
- 13 In section 229(4) of the 1992 Act (statement which must...
- 14 In section 233 of the 1992 Act (calling of industrial...
- 15 In section 263A of the 1992 Act (proceedings of the...

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- 16 (1) Section 284 of the 1992 Act (share fishermen) is...
- 17 (1) Section 285 of the 1992 Act (employment outside Great...
- 18 In section 286(1) of the 1992 Act (provisions that may...
- 19 In section 288(1)(b) of the 1992 Act (provisions restricting rights...
- 20 (1) Section 292 of the 1992 Act (death of employee...
- 21 In section 296 of the 1992 Act (meaning of “worker”...
- 22 In section 299 of the 1992 Act (index of defined...
- 23 (1) Schedule A1 to the 1992 Act (union recognition) is...

#### *Employment Tribunals Act 1996*

- 24 In section 10(1) of the Employment Tribunals Act 1996 (c....
- 25 In section 18 of that Act (conciliation), in subsection (1)(b),...
- 26 In section 30(2) of that Act (matters which may be...
- 27 In section 36 of that Act (enforcement of decisions of...

#### *Employment Rights Act 1996*

- 28 In section 92 of the Employment Rights Act 1996 (c....
- 29 In section 95(1) of that Act (circumstances in which employee...
- 30 In section 98(6)(b) of that Act (provisions to which provision...
- 31 In section 104(4)(c) of that Act (assertion of statutory right),...
- 32 In section 108(3) of that Act (exceptions to one year...
- 33 In section 109(2) of that Act (exceptions to upper age...
- 34 (1) Section 191 of that Act (application to the Crown)...
- 35 In subsection (2) of section 192 of that Act (provisions...
- 36 (1) Section 194 of that Act (provisions of the Act...
- 37 (1) Section 195 of that Act (provisions of the Act...
- 38 In section 200 of that Act (application of certain provisions...
- 39 (1) Section 202 of that Act (restrictions on disclosure of...

#### *National Minimum Wage Act 1998*

- 40 In section 15 of the National Minimum Wage Act 1998...
- 41 In section 16 of that Act (disclosure of information obtained...

#### *Employment Relations Act 1999*

- 42 (1) Section 34 of the Employment Relations Act 1999 (c....

#### *Employment Act 2002*

- 43 In each of Schedules 3, 4 and 5 to the...

SCHEDULE 2 — Repeals

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**Changes and effects yet to be applied to :**

- s. 41(1)(2) repealed by [2008 c. 30 Sch. 11 Pt. 1](#)