



# Employment Relations Act 2004

## 2004 CHAPTER 24

### PART 1

#### UNION RECOGNITION

#### **21 Information required by ACAS for ballots and ascertaining union membership**

After section 210 of the 1992 Act insert—

##### **“210A Information required by ACAS for purposes of settling recognition disputes**

- (1) This section applies where ACAS is exercising its functions under section 210 with a view to bringing about a settlement of a recognition dispute.
- (2) The parties to the recognition dispute may jointly request ACAS or a person nominated by ACAS to do either or both of the following—
  - (a) hold a ballot of the workers involved in the dispute;
  - (b) ascertain the union membership of the workers involved in the dispute.
- (3) In the following provisions of this section references to ACAS include references to a person nominated by ACAS; and anything done by such a person under this section shall be regarded as done in the exercise of the functions of ACAS mentioned in subsection (1).
- (4) At any time after ACAS has received a request under subsection (2), it may require any party to the recognition dispute—
  - (a) to supply ACAS with specified information concerning the workers involved in the dispute, and
  - (b) to do so within such period as it may specify.
- (5) ACAS may impose a requirement under subsection (4) only if it considers that it is necessary to do so—
  - (a) for the exercise of the functions mentioned in subsection (1); and

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*Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 2004, Section 21. (See end of Document for details)*

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- (b) in order to enable or assist it to comply with the request.
- (6) The recipient of a requirement under this section must, within the specified period, supply ACAS with such of the specified information as is in the recipient's possession.
- (7) A request under subsection (2) may be withdrawn by any party to the recognition dispute at any time and, if it is withdrawn, ACAS shall take no further steps to hold the ballot or to ascertain the union membership of the workers involved in the dispute.
- (8) If a party to a recognition dispute fails to comply with subsection (6), ACAS shall take no further steps to hold the ballot or to ascertain the union membership of the workers involved in the dispute.
- (9) Nothing in this section requires ACAS to comply with a request under subsection (2).
- (10) In this section—
- “party”, in relation to a recognition dispute, means each of the employers, employers' associations and trade unions involved in the dispute;
- “a recognition dispute” means a trade dispute between employers and workers which is connected wholly or partly with the recognition by employers or employers' associations of the right of a trade union to represent workers in negotiations, consultations or other procedures relating to any of the matters mentioned in paragraphs (a) to (f) of section 218(1);
- “specified” means specified in a requirement under this section; and
- “workers” has the meaning given in section 218(5).”

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**Commencement Information**

**II** S. 21 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch.

**Changes to legislation:**

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