Trade Union Reform and Employment Rights Act 1993

1993 CHAPTER 19

PART I

TRADE UNIONS ETC.

Rights in relation to union membership

13   Action short of dismissal: non-infringing actions.

In section 148 of the 1992 Act (consideration of complaint of action short of dismissal), after subsection (2) there shall be inserted—

"(3) In determining what was the purpose for which action was taken by the employer against the complainant in a case where—

(a) there is evidence that the employer's purpose was to further a change in his relationship with all or any class of his employees, and

(b) there is also evidence that his purpose was one falling within section 146,

the tribunal shall regard the purpose mentioned in paragraph (a) (and not the purpose mentioned in paragraph (b)) as the purpose for which the employer took the action, unless it considers that the action was such as no reasonable employer would take having regard to the purpose mentioned in paragraph (a).

(4) Where the action which the tribunal determines to have been the action taken against the complainant was action taken in consequence of previous action by the employer paragraph (a) of subsection (3) is satisfied if the purpose mentioned in that paragraph was the purpose of the previous action.

(5) In subsection (3) "class", in relation to an employer and his employees, means those employed at a particular place of work, those employees of a particular

grade, category or description or those of a particular grade, category or description employed at a particular place of work.".

Modifications etc. (not altering text)
  C1   S. 13 restricted (27.7.1993) by S.I. 1993/1908, **art. 3(5)**.

Changes to legislation:
There are currently no known outstanding effects for the Trade Union Reform and Employment Rights Act 1993, Section 13.