



# Employment Relations Act 2004

## 2004 CHAPTER 24

### PART 2

#### LAW RELATING TO INDUSTRIAL ACTION

#### **26 Dismissal where employees taking protected industrial action locked out**

- (1) Section 238A of the 1992 Act (dismissal in connection with participation in official industrial action) is amended as follows.
- (2) In subsection (3) for the words from “within” to the end substitute “ within the protected period ”.
- (3) After subsection (7) insert—
  - “(7A) For the purposes of this section “the protected period”, in relation to the dismissal of an employee, is the sum of the basic period and any extension period in relation to that employee.
  - (7B) The basic period is twelve weeks beginning with the first day of protected industrial action.
  - (7C) An extension period in relation to an employee is a period equal to the number of days falling on or after the first day of protected industrial action (but before the protected period ends) during the whole or any part of which the employee is locked out by his employer.
  - (7D) In subsections (7B) and (7C), the “first day of protected industrial action” means the day on which the employee starts to take protected industrial action (even if on that day he is locked out by his employer).”

#### **Commencement Information**

**11** S. 26 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch. (with art. 11)

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Relations Act 2004, Section 26.