



# Employment Relations Act 2004

## 2004 CHAPTER 24

### PART 3

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

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

### **32 Dismissal for use of union services or refusal of inducement**

- (1) Section 152 of the 1992 Act (dismissal on grounds related to union membership or activities) is amended as follows.
- (2) In subsection (1), omit “or” at the end of each of paragraphs (a) and (b) and after paragraph (b) insert—
  - “(ba) had made use, or proposed to make use, of trade union services at an appropriate time,
  - (bb) had failed to accept an offer made in contravention of section 145A or 145B, or”.
- (3) In subsection (2)—
  - (a) for “(1)(b)” substitute “ (1) ”; and
  - (b) in paragraph (b), after “the activities of a trade union” insert “ or (as the case may be) make use of trade union services ”.
- (4) After subsection (2) insert—

“(2A) In this section—

  - (a) “trade union services” means services made available to the employee by an independent trade union by virtue of his membership of the union, and
  - (b) references to an employee’s “making use” of trade union services include his consenting to the raising of a matter on his behalf by an independent trade union of which he is a member.

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*Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 2004, Section 32. (See end of Document for details)*

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- (2B) Where the reason or one of the reasons for the dismissal was that an independent trade union (with or without the employee’s consent) raised a matter on behalf of the employee as one of its members, the reason shall be treated as falling within subsection (1)(ba).”
- (5) In subsection (4) (references to being etc. a member of a union to include being etc. a member of a branch or section) omit “; and references to taking part in the activities of a trade union shall be similarly construed”.
- (6) After that subsection add—
- “(5) References in this section—
- (a) to taking part in the activities of a trade union, and
  - (b) to services made available by a trade union by virtue of membership of the union,
- shall be construed in accordance with subsection (4).”

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**Commencement Information**

**II** S. 32 in force at 1.10.2004 by S.I. 2004/2566, art. 3(a) (with art. 7)

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Relations Act 2004, Section 32.