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SCHEDULES

SCHEDULE 1

RE-ENACTED PROVISIONS OF INDUSTRIAL RELATIONS ACT 1971

PART II

UNFAIR DISMISSAL

Dismissal in connection with a strike or other industrial action

[Section 26]

- 8 (1) The provisions of this paragraph shall have effect in relation to an employee who claims that he has been unfairly dismissed by his employer, where on the date of dismissal he was taking part in a strike or other industrial action.
- (2) If the reason or principal reason for the dismissal was that the employee took part in the strike or other industrial action, the dismissal shall not be regarded as unfair unless it is shown—
- (a) that one or more employees of the same employer (in this paragraph referred to as " the original employer"), who also took part in that action, were not dismissed for taking part in it, or
 - (b) that one or more such employees, who were dismissed for taking part in it, were offered re-engagement on the termination of the industrial action and that the employee was not offered such re-engagement,
- and that the reason (or, if more than one, the principal reason) for which the employee was selected for dismissal or not offered re-engagement was an inadmissible reason.
- (3) In this paragraph any reference to the date of dismissal—
- (a) where the employee's contract of employment was terminated by notice, whether given by his employer or by him, is a reference to the date on which that notice was given, and
 - (b) in any other case, is a reference to the effective date of termination ;
- and any reference to an offer of re-engagement, in relation to an employee, is a reference to an offer (made either by the original employer or by a successor of that employer or by an associated employer) to re-engage that employee, either in the position which he held immediately before the date of dismissal or in a different position which would be reasonably suitable to him.