



Trade Union Reform and Employment Rights Act 1993

1993 CHAPTER 19

PART I

TRADE UNIONS ETC.

Industrial action

18 Notice of ballot and sample voting paper for employers.

- (1) In subsection (1) of section 226 of the 1992 Act (industrial action not protected unless it has support of a ballot), for the words from is not protected to the end there shall be substituted the words “—
- (a) is not protected unless the industrial action has the support of a ballot, and
 - (b) where section 226A falls to be complied with in relation to the person’s employer, is not protected as respects the employer unless the trade union has complied with section 226A in relation to him.”.
- (2) After that section there shall be inserted—

“226A Notice of ballot and sample voting paper for employers.

- (1) The trade union must take such steps as are reasonably necessary to ensure that—
- (a) not later than the seventh day before the opening day of the ballot, the notice specified in subsection (2), and
 - (b) not later than the third day before the opening day of the ballot, the sample voting paper specified in subsection (3),

Changes to legislation: There are currently no known outstanding effects for the Trade Union Reform and Employment Rights Act 1993, Section 18. (See end of Document for details)

is received by every person who it is reasonable for the union to believe (at the latest time when steps could be taken to comply with paragraph (a)) will be the employer of persons who will be entitled to vote in the ballot.

- (2) The notice referred to in paragraph (a) of subsection (1) is a notice in writing—
- (a) stating that the union intends to hold the ballot,
 - (b) specifying the date which the union reasonably believes will be the opening day of the ballot, and
 - (c) describing (so that he can readily ascertain them) the employees of the employer who it is reasonable for the union to believe (at the time when the steps to comply with that paragraph are taken) will be entitled to vote in the ballot.
- (3) The sample voting paper referred to in paragraph (b) of subsection (1) is—
- (a) a sample of the form of voting paper which is to be sent to the employees who it is reasonable for the trade union to believe (at the time when the steps to comply with paragraph (a) of that subsection are taken) will be entitled to vote in the ballot, or
 - (b) where they are not all to be sent the same form of voting paper, a sample of each form of voting paper which is to be sent to any of them.
- (4) In this section references to the opening day of the ballot are references to the first day when a voting paper is sent to any person entitled to vote in the ballot.
- (5) This section, in its application to a ballot in which merchant seamen to whom section 230(2A) applies are entitled to vote, shall have effect with the substitution in subsection (3), for references to the voting paper which is to be sent to the employees, of references to the voting paper which is to be sent or otherwise provided to them.”.

Modifications etc. (not altering text)

C1 S. 18(2) restricted (27.7.1993) by S.I. 1993/1908, art. 3(8).

Changes to legislation:

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