



# 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*

#### **30 Extension of protection against detriment for union membership etc.**

- (1) Section 146 of the 1992 Act (action short of dismissal on grounds related to union membership or activities) is amended in accordance with subsections (2) to (6).
- (2) For “An employee” in each of subsections (1) and (3), and “an employee” in each of subsections (2) and (4), substitute “A worker” and “a worker” respectively.
- (3) In subsection (2)—
  - (a) for “employee's” substitute “worker's”; and
  - (b) after “contract of employment” insert “(or other contract personally to do work or perform services)”.
- (4) In subsection (3), for “his contract of employment” substitute “a contract of employment”.
- (5) In subsection (5), for “An employee” substitute “A worker or former worker”.
- (6) For subsection (6) substitute—

“(5A) This section does not apply where—

  - (a) the worker is an employee; and
  - (b) the detriment in question amounts to dismissal.”
- (7) In the sidenote to section 146 of the 1992 Act, and in the cross-heading immediately preceding it, for “Action short of dismissal” substitute “Detriment”.
- (8) In section 151 of the 1992 Act (interpretation of sections 146 to 150 and supplementary provision), after subsection (1A) (which is inserted by section 31) insert—

---

*Status: This is the original version (as it was originally enacted).*

---

“(1B) In sections 146 to 150—

“worker” means an individual who works, or normally works, as mentioned in paragraphs (a) to (c) of section 296(1), and

“employer” means—

- (a) in relation to a worker, the person for whom he works;
- (b) in relation to a former worker, the person for whom he worked.”

(9) In subsection (2) of that section, for “an employee” substitute “a person”.

(10) In the sidenote to section 152 of the 1992 Act, and in the cross-heading immediately preceding it, after “Dismissal” insert “of employee”.