



# Employment Act 1988

## CHAPTER 19

### EMPLOYMENT ACT 1988

#### PART I

##### TRADE UNIONS

###### *Rights of trade union members*

- 1 Right to a ballot before industrial action
- 2 Right not to be denied access to the courts etc
- 3 Right not to be unjustifiably disciplined
- 4 Complaint of infringement of right under section 3
- 5 Further remedies for infringement of right under section 3
- 6 Right to inspect union's accounting records
- 7 Right to require employer to stop deductions of union subscriptions

###### *Use of trade union funds*

- 8 Use of funds for indemnifying unlawful conduct
- 9 Remedy against trustees for unlawful use of property

###### *The closed shop etc.*

- 10 Industrial action to enforce membership
- 11 Action by an employer to enforce membership

###### *Provisions as to ballots and elections*

- 12 Extension to non-voting positions of duty to hold elections
- 13 Election addresses
- 14 Requirement of postal ballot for certain ballots and elections
- 15 Independent scrutiny of certain ballots and elections

*Status: This is the original version (as it was originally enacted).*

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- 16 Remedy with respect to ballot on use of funds for political purposes
- 17 Ballots on industrial action affecting different places of work
- 18 Codes of practice as to ballots and elections

*The Commissioner for the Rights of Trade Union Members*

- 19 Appointment etc. of the Commissioner
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- 21 Provisions supplemental to section 20

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- 22 Procedure before the Certification Officer

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- 23 Interlocutory and interim orders

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- 24 The Training Commission
- 25 Functions of the Secretary of State and of the Commission
- 26 Status of trainees etc
- 27 Amendment of the Social Security Act 1975 with respect to the refusal of training etc
- 28 Amendment of section 4 of the 1973 Act
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- 30 Crown employees and contracts etc

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- 31 Financial provisions
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- 33 Minor and consequential amendments and repeals
- 34 Short title, commencement and extent

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**SCHEDULES**

SCHEDULE 1 — Commissioner for the Rights of Trade Union Members

*Terms of appointment*

- 1 (1) The appointment of a person to hold office as...

*Remuneration, pensions etc.*

- 2 (1) There shall be paid to the Commissioner such remuneration,...

*Staff*

- 3 (1) The Commissioner may, with the approval of the Secretary...  
4 (1) Anything authorised or required by or under this Act...  
5 (1) Employment as a member of the staff of the...  
6 The Employers' Liability (Compulsory Insurance) Act 1969 shall not  
require...

*Payment of travelling expenses etc. to applicants*

- 7 (1) The Commissioner may, with the approval of the Secretary...

*Financial provisions*

- 8 (1) The Secretary of State shall, out of money provided...  
9 (1) It shall be the duty of the Commissioner—

*Annual report*

- 10 (1) As soon as reasonably practicable after the end of...

*Miscellaneous*

- 11 The Commissioner shall have an official seal for the authentication...  
12 In the Parliamentary Commissioner Act 1967, in Schedule 2  
(departments...  
13 In the House of Commons Disqualification Act 1975, in Part...

*Interpretation*

- 14 In this Schedule “financial year” means the twelve months ending...

SCHEDULE 2 — Provisions Supplemental to Section 25

*Further amendments of the 1973 Act*

- 1 In section 11(3) of the 1973 Act (power of Commission...  
2 (1) In subsection (1) of section 12 of the 1973...  
3 In Schedule 1 to the 1973 Act (supplemental provisions in...

*Incidental and transitional provisions*

- 4 (1) For the purpose of securing (subject to sub-paragraph (3))...  
5 (1) The Secretary of State may, with the consent of...  
6 (1) The Secretary of State may by order make such...  
7 The power to make an order under paragraph 5 or...

*Interpretation*

- 8 (1) In this Schedule “the Commission” means the Commission  
established...

SCHEDULE 3 — Minor and Consequential Amendments  
Part I — TRADE UNIONS

*The Trade Union Act 1913 (c. 30)*

- 1 (1) In section 4 of the 1913 Act (ballots on...

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*The Employment Protection (Consolidation) Act 1978 (c. 44)*

- 2 (1) For subsection (7) of section 23 of the 1978...

*The Employment Act 1980 (c. 42)*

- 3 (1) In section 2 of the Employment Act 1980 (secret...

*The Employment Act 1982 (c. 46)*

- 4 For subsections (3) and (4) of section 14 of the...

*The Trade Union Act 1984 (c. 49)*

- 5 (1) In subsection (1)(a) of section 1 of the 1984...

*The Wages Act 1986 (c. 48)*

- 6 (1) In subsection (6) of section 1 of the Wages...  
Part II — EMPLOYMENT AND TRAINING

*Enactments referring to the Manpower Services Commission*

- 7 In the following enactments, for the words “Manpower Services Commission”,...

*The Parliamentary Commissioner Act 1967 (c. 13)*

- 8 In Schedule 2 to the Parliamentary Commissioner Act 1967, there...

*The House of Commons Disqualification Act 1975 (c. 24)*

- 9 In Part III of Schedule 1 to the House of...

*The Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 10 In Part III of Schedule 1 to the Northern Ireland...

*The Sex Discrimination Act 1975 (c. 65)*

- 11 (1) In subsection (2) of section 14 of the Sex...

*The Race Relations Act 1976 (c. 74)*

- 12 (1) In subsection (2) of section 13 of the Race...

*The Agricultural Training Board Act 1982 (c. 9)*

- 13 In section 4(1)(f) of the Agricultural Training Board Act 1982...

*The Industrial Training Act 1982 (c. 10)*

- 14 (1) In section 5(3)(e) of the Industrial Training Act 1982...

*The Income and Corporation Taxes Act 1988 (c. 1)*

- 15 In section 127(1)(a) of the Income and Corporation Taxes Act...

SCHEDULE 4 — Repeals