



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART IV

INDUSTRIAL RELATIONS

CHAPTER II

PROCEDURE FOR HANDLING REDUNDANCIES

Duty of employer to consult^{F1} . . . representatives

190 Entitlement under protective award.

- (1) Where an [^{F1}employment tribunal] has made a protective award, every employee of a description to which the award relates is entitled, subject to the following provisions and to section 191, to be paid remuneration by his employer for the protected period.
- (2) The rate of remuneration payable is a week's pay for each week of the period; and remuneration in respect of a period less than one week shall be calculated by reducing proportionately the amount of a week's pay.
- ^{F2}(3)
- (4) An employee is not entitled to remuneration under a protective award in respect of a period during which he is employed by the employer unless he would be entitled to be paid by the employer in respect of that period—
 - (a) by virtue of his contract of employment, or
 - (b) by virtue of [^{F3}sections 87 to 91 of the Employment Rights Act 1996] (rights of employee in period of notice),

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Section 190 is up to date with all changes known to be in force on or before 04 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

if that period fell within the period of notice required to be given by ^{F4}section 86(1)] of that Act.

- (5) ^{F5}Chapter II of Part XIV of the Employment Rights Act 1996] applies with respect to the calculation of a week's pay for the purposes of this section.

The calculation date for the purposes of ^{F6}that Chapter] is the date on which the protective award was made or, in the case of an employee who was dismissed before the date on which the protective award was made, the date which by virtue of ^{F7}section 226(5)] is the calculation date for the purpose of computing the amount of a redundancy payment in relation to that dismissal (whether or not the employee concerned is entitled to any such payment).

- (6) If an employee of a description to which a protective award relates dies during the protected period, the award has effect in his case as if the protected period ended on his death.

Textual Amendments

- F1** Words in s. 190(1) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F2** S. 190(3) repealed (30.8.1993) by 1993 c. 19, ss. 34(3), 51, **Sch. 10**
- F3** Words in s. 190(4) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 56(14)(a)(i)** (with ss. 191-195, 202)
- F4** Words in s. 190(4) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 56(14)(a)(ii)** (with ss. 191-195, 202)
- F5** Words in s. 190(5) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 56(b)(i)** (with ss. 191-195, 202)
- F6** Words in s. 190(5) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 56(b)(ii)** (with ss. 191-195, 202)
- F7** Words in s. 190(5) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 56(b)(iii)** (with ss. 191-195, 202)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 212A(1)(zb) inserted by [2023 c. 46 Sch. para. 1](#)