



# Employment Relations Act 1999

## 1999 CHAPTER 26

### *Disciplinary and grievance hearings*

#### **10 Right to be accompanied.**

- (1) This section applies where a worker—
- is required or invited by his employer to attend a disciplinary or grievance hearing, and
  - reasonably requests to be accompanied at the hearing.

[<sup>F1</sup>(2A) Where this section applies, the employer must permit the worker to be accompanied at the hearing by one companion who—

- is chosen by the worker; and
- is within subsection (3).

(2B) The employer must permit the worker's companion to—

- address the hearing in order to do any or all of the following—
  - put the worker's case;
  - sum up that case;
  - respond on the worker's behalf to any view expressed at the hearing;
- confer with the worker during the hearing.

(2C) Subsection (2B) does not require the employer to permit the worker's companion to—

- answer questions on behalf of the worker;
- address the hearing if the worker indicates at it that he does not wish his companion to do so; or
- use the powers conferred by that subsection in a way that prevents the employer from explaining his case or prevents any other person at the hearing from making his contribution to it.]

(3) A person is within this subsection if he is—

- employed by a trade union of which he is an official within the meaning of sections 1 and 119 of the Trade Union and Labour Relations (Consolidation) Act 1992,

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*Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 1999, Section 10. (See end of Document for details)*

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- (b) an official of a trade union (within that meaning) whom the union has reasonably certified in writing as having experience of, or as having received training in, acting as a worker's companion at disciplinary or grievance hearings, or
  - (c) another of the employer's workers.
- (4) If—
- (a) a worker has a right under this section to be accompanied at a hearing,
  - (b) his chosen companion will not be available at the time proposed for the hearing by the employer, and
  - (c) the worker proposes an alternative time which satisfies subsection (5),
- the employer must postpone the hearing to the time proposed by the worker.
- (5) An alternative time must—
- (a) be reasonable, and
  - (b) fall before the end of the period of five working days beginning with the first working day after the day proposed by the employer.
- (6) An employer shall permit a worker to take time off during working hours for the purpose of accompanying another of the employer's workers in accordance with a request under subsection (1)(b).
- (7) Sections 168(3) and (4), 169 and 171 to 173 of the <sup>M1</sup>Trade Union and Labour Relations (Consolidation) Act 1992 (time off for carrying out trade union duties) shall apply in relation to subsection (6) above as they apply in relation to section 168(1) of that Act.

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**Textual Amendments**

**F1** S. 10(2A)-(2C) substituted for s. 10(2) (1.10.2004) by [Employment Relations Act 2004 \(c. 24\), ss. 37\(1\), 59\(3\)](#); [S.I. 2004/2566, art. 3\(a\)](#) (with art. 8)

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**Modifications etc. (not altering text)**

**C1** S. 10 restricted (4.9.2000) by [S.I. 2000/2242, art. 3](#)

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**Marginal Citations**

**M1** 1992 c. 52.

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Relations Act 1999, Section 10.