



Equality Act 2010

2010 CHAPTER 15

PART 10

CONTRACTS, ETC.

Collective agreements and rules of undertakings

145 Void and unenforceable terms

- (1) A term of a collective agreement is void in so far as it constitutes, promotes or provides for treatment of a description prohibited by this Act.
- (2) A rule of an undertaking is unenforceable against a person in so far as it constitutes, promotes or provides for treatment of the person that is of a description prohibited by this Act.

146 Declaration in respect of void term, etc.

- (1) A qualifying person (P) may make a complaint to an employment tribunal that a term is void, or that a rule is unenforceable, as a result of section 145.
- (2) But subsection (1) applies only if—
 - (a) the term or rule may in the future have effect in relation to P, and
 - (b) where the complaint alleges that the term or rule provides for treatment of a description prohibited by this Act, P may in the future be subjected to treatment that would (if P were subjected to it in present circumstances) be of that description.
- (3) If the tribunal finds that the complaint is well-founded, it must make an order declaring that the term is void or the rule is unenforceable.
- (4) An order under this section may include provision in respect of a period before the making of the order.

Status: This is the original version (as it was originally enacted).

- (5) In the case of a complaint about a term of a collective agreement, where the term is one made by or on behalf of a person of a description specified in the first column of the table, a qualifying person is a person of a description specified in the second column.

<i>Description of person who made collective agreement</i>	<i>Qualifying person</i>
Employer	A person who is, or is seeking to be, an employee of that employer
Organisation of employers	A person who is, or is seeking to be, an employee of an employer who is a member of that organisation
Association of organisations of employers	A person who is, or is seeking to be, an employee of an employer who is a member of an organisation in that association

- (6) In the case of a complaint about a rule of an undertaking, where the rule is one made by or on behalf of a person of a description specified in the first column of the table, a qualifying person is a person of a description specified in the second column.

<i>Description of person who made rule of undertaking</i>	<i>Qualifying person</i>
Employer	A person who is, or is seeking to be, an employee of that employer
Trade organisation or qualifications body	<p>A person who is, or is seeking to be, a member of the organisation or body</p> <p>A person upon whom the body has conferred a relevant qualification</p> <p>A person seeking conferment by the body of a relevant qualification</p>