

Employment Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Repeal of statutory grievance procedures

17. Statutory procedures requiring certain steps to be taken to deal with disputes in the workplace came into operation in April 2005. Separate but similar procedures apply to disciplinary and dismissal matters raised by employers and grievances raised by employees. The steps consist of a general requirement for written notification of the issue, a subsequent meeting between employer and employee and, if appropriate, an appeal. Where the employer or the employee fails to use the minimum statutory procedures, Articles 17 and 18 of the Employment (Northern Ireland) Order 2003 (the 2003 Order) require a tribunal, other than in exceptional circumstances, to increase or decrease any award.
18. *Section 1* has the effect of removing the statutory grievance procedures from statute. This is primarily achieved through the repeal of Part 2 of Schedule 1 to the 2003 Order, which sets out the statutory grievance procedures. The Section also repeals Articles 19 and 20 of the 2003 Order, which prevent a grievance from being presented, respectively, to an industrial tribunal and the Fair Employment Tribunal where certain requirements of the statutory grievance procedures have not been completed. Finally, it gives effect to the consequential amendments in Schedule 1 which remove all other references to the statutory grievance process.
19. The Section does not impact upon the future operation of the statutory disciplinary and dismissal procedures, which are retained in Parts 1 and 3 of Schedule 1 to the 2003 Order. Articles 17 and 18 of the 2003 Order, referred to above, continue to have effect where disciplinary and dismissal procedures apply.