
STATUTORY INSTRUMENTS

1993 No. 2668 (N.I. 11)

NORTHERN IRELAND

The Industrial Relations (Northern Ireland) Order 1993

Made - - - - 27th October 1993

Laid before Parliament 26th November 1993

*Coming into operation on days to be appointed
under Article 1*

**THE INDUSTRIAL RELATIONS
(NORTHERN IRELAND) ORDER 1993**

Introductory

1. Title and commencement
2. Interpretation

Employment rights

3. Maternity rights
4. Right to employment particulars
5. Entitlement to itemised pay statement
6. Right to claim unfair dismissal and not to suffer detriment in health and safety cases
7. Dismissal on ground of assertion of statutory right
8. Compensation for unfair dismissal when reinstatement or re-engagement ordered
9. Application of industrial relations legislation to the Crown
10. Application of No. 1 and No. 2 Orders to armed forces
11. Right to declaration of invalidity of discriminatory terms and rules
12. Redundancy consultation procedures

Other employment matters

13. Repeal of Part III of Wages (Northern Ireland) Order 1988
14. Constitution of industrial tribunals
15. Extension of power to confer on industrial tribunals jurisdiction in respect of contracts of employment, etc.
16. Agreements not to take proceedings before industrial tribunals
17. Restriction of publicity in cases involving sexual misconduct

Status: This is the original version (as it was originally made).

Supplementary

18. Miscellaneous and consequential amendments, transitional and saving provisions and repeals
Signature

SCHEDULES

SCHEDULE 1 — ARTICLES 14 TO 32 OF THE NO. 2 ORDER, AS SUBSTITUTED

14. General right to maternity leave
15. Commencement of maternity leave period
16. Duration of maternity leave period
17. Notice of commencement of leave
18. Requirement to inform employer of pregnancy etc.
- 18A Requirement to inform employer of return during maternity leave period
19. Special provision where redundancy during maternity leave period
- 19A Contractual right to maternity leave
20. Right to return to work
21. Requirement to give notice of return to employer
22. Special provision where redundancies occur before return to work
23. Exercise of right to return to work
24. Supplementary
25. Contractual rights
26. Suspension from work on maternity grounds
27. Right to offer of alternative work
28. Right to remuneration on suspension
29. Dismissal on ground of pregnancy or childbirth
30. Failure to permit to return treated as dismissal
31. Exclusion of Article 30(a) in certain cases
32. Dismissal of replacement

SCHEDULE 2 — EMPLOYMENT PARTICULARS

PART I — ARTICLES 43 TO 43E OF THE NO. 2 ORDER, AS INSERTED

Written particulars of employment

43. Employers' duty to give statement of employment particulars
- 43A Article 43: supplementary
- 43B Statement to include note about disciplinary procedures
- 43C Employer's duty to give statement of changes
- 43D Exclusion of Articles 43 to 43C in case of certain employees
- 43E Power of Department to require particulars of further matters

PART II — ARTICLE 47 OF THE NO. 2 ORDER, AS SUBSTITUTED

Enforcement of rights under Articles 43 to 45

47. References to industrial tribunals

SCHEDULE 3 — EMPLOYMENT RIGHTS IN HEALTH AND SAFETY CASES

PART I — ARTICLES 13A TO 13D OF THE NO. 2 ORDER, AS INSERTED

Right not to suffer detriment in health and safety cases

- 13A Right not to suffer detriment in health and safety cases

- 13B Proceedings for contravention of Article 13A
- 13C Remedies
- 13D Power to extend Articles 13A to 13C
 - PART II — ARTICLE 22B OF THE NO. 1 ORDER, AS INSERTED
- 22B Dismissal in health and safety cases
 - PART III — ARTICLES 33 TO 34 OF THE NO. 1 ORDER, AS SUBSTITUTED
- 33. Compensation for unfair dismissal
- 33A Matters to be disregarded in assessing contributory fault
- 34. Calculation of basic award
 - PART IV — ARTICLES 39 TO 41 OF THE NO. 1 ORDER, AS SUBSTITUTED

Interim relief

- 39. Interim relief pending determination of complaint of unfair dismissal
- 39A Procedure on hearing of application and making of order
- 40. Orders for continuation of contract of employment
- 40A Application for variation or revocation of order
- 41. Consequence of failure to comply with order

SCHEDULE 4 — COMPROMISE CONTRACTS

The Sex Discrimination (Northern Ireland) Order 1976 (NI 15)

- 1. In Article 77— (a) in paragraph (4), after sub-paragraph (a),...

The Industrial Relations (No. 2) (Northern Ireland) Order 1976 (NI 28)

- 2. In Article 59— (a) in paragraph (2) at the end...

The Wages (Northern Ireland) Order 1988 (NI 7)

- 3. In Article 8— (a) in paragraph (3) after the words...

The Industrial Relations (Northern Ireland) Order 1992 (NI 5)

- 4. After Article 105 insert— Restrictions on contracting out Restrictions on...

SCHEDULE 5 — MISCELLANEOUS AMENDMENTS

Restrictions on disclosure of information, etc. on grounds of national security

- 1. In Article 59 of the No. 1 Order after paragraph...
- 2. After Article 78 of the No. 1 Order insert— National...
- 3. After Article 59 of the No. 2 Order insert— National...
- 4. In Article 30(2) of the No. 1 Order for “A...

Power to provide for continuity of employment following reinstatement or re-engagement

- 5. In Article 68 of the No. 1 Order—

Codes of practice on employment: use in proceedings

- 6. In Article 56A(9) of the Sex Discrimination (Northern Ireland) Order...

Assembly procedure: orders modifying application of redundancy provisions

- 7. In section 59 of the Act of 1965 in subsection...

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SCHEDULE 6 — CONSEQUENTIAL AMENDMENTS

*The Contracts of Employment and Redundancy
Payments Act (Northern Ireland) 1965 (c. 19 (N.I.))*

The Industrial Relations (Northern Ireland) Order 1976 (NI 16)

The Industrial Relations (No. 2) (Northern Ireland) Order 1976 (NI 28)

The Wages (Northern Ireland) Order 1988 (NI 7)

The Insolvency (Northern Ireland) Order 1989 (NI 19)

The Industrial Relations (Northern Ireland) Order 1992 (NI 5)

SCHEDULE 7 — TRANSITIONAL PROVISIONS AND SAVINGS

General

1. (1) An order under Article 1 may contain such transitional...

Employment particulars

2. (1) In this paragraph “existing employee” means an employee whose...

Wages Councils

3. (1) Notwithstanding the repeal of Part III of the Wages...

SCHEDULE 8 — REPEALS

Explanatory Note