STATUTORY INSTRUMENTS

1987 No. 936

The Industrial Relations (Northern Ireland) Order 1987

Periods of continuous employment

Computation of period of continuous employment

22.—(1) References in any provision of—

(a) the Act of 1965; or

(b) the Industrial Relations (Northern Ireland) Orders 1976 to 1987, to a period of continuous employment are, except where provision is expressly made to the contrary, to a period computed in accordance with the provisions of this Article and Schedule 1 to the Act of 1965.

(2) In computing an employee's period of continuous employment any question arising as to—

(a) whether the employee's employment is of a kind counting towards a period of continuous employment; or

(b) whether periods (consecutive or otherwise) are to be treated as forming a single period of continuous employment, shall be determined in accordance with Schedule 1 to the Act of 1965 (that is to say, week by week), but the length of an employee's period of employment shall be computed in months and years of twelve months in accordance with the following rules.

(3) Subject to the following provisions of this Article, an employee's period of continuous employment for the purposes of any provision mentioned in paragraph (1) begins with the day on which he starts work and ends with the day by reference to which the length of his period of continuous employment falls to be ascertained for the purposes of the provision in question.

(4) For the purposes of sections 11 and 18 of, and Schedule 3 to, the Act of 1965 an employee's period of continuous employment shall be treated as beginning on his eighteenth birthday if that date is later than the starting date referred to in paragraph (3).

(5) If an employee's period of continuous employment includes one or more periods which, by virtue of any provision of the Act of 1965, do not count in computing the length of the period but do not break continuity, the beginning of the period shall be treated as postponed by the number of days falling within that intervening period or, as the case may be, by the aggregate number of days falling within those periods.

(6) The number of days falling within such an intervening period is—

(a) in the case of a period to which section 27(5) of the Act of 1965 applies, seven days for each week within that subsection;

(b) in the case of a period to which paragraph 7(2) or 8 of Schedule 1 to the Act of 1965 applies, the number of days between the last working day before the strike or lock-out and the day on which work was resumed;

(c) in the case of a period to which paragraph 9 of that Schedule applies, the number of days between the employee's last day of employment before whole-time service within the

meaning of the Reserve Forces (Safeguarding of Employment) Act1985 and the day on which he resumed employment in accordance with that Act.