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STATUTORY INSTRUMENTS

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**1993 No. 2668**

**The Industrial Relations (Northern Ireland) Order 1993**

*Employment rights*

**Redundancy consultation procedures**

**12.**—(1) Part IV of the No. 1 Order (procedure for handling redundancies) shall be amended in accordance with paragraphs (2) to (7).

(2) In Article 49—

(a) in paragraph (5) after sub-paragraph (e) there shall be inserted

“and

(f) the proposed method of calculating the amount of any redundancy payments to be made (otherwise than in compliance with an obligation imposed by or by virtue of any statutory provision) to employees who may be dismissed.”;

(b) for paragraph (7) there shall be substituted—

“(7) The consultation required by this Article shall include consultation about ways of—

(a) avoiding the dismissals;

(b) reducing the numbers of employees to be dismissed; and

(c) mitigating the consequences of the dismissals,

and shall be undertaken by the employer with a view to reaching agreement with the trade union representatives.”; and

(c) at the end of paragraph (8) there shall be inserted—

“Where the decision leading to the proposed dismissals is that of a person controlling the employer (directly or indirectly), a failure on the part of that person to provide information to the employer shall not constitute special circumstances rendering it not reasonably practicable for the employer to comply with such a requirement.”.

(3) In Article 50, at the end of paragraph (6) there shall be inserted—

“Where the decision leading to the proposed dismissals is that of a person controlling the employer (directly or indirectly), a failure on the part of that person to provide information to the employer shall not constitute special circumstances rendering it not reasonably practicable for the employer to comply with any of those requirements.”.

(4) Article 52(3) shall cease to have effect.

(5) In Article 52(5)(a) for the words “for a reason other than redundancy” there shall be substituted “otherwise than as redundant”.

(6) In Article 56—

(a) for paragraph (2) there shall be substituted—

“(1) In this Part references to dismissal as redundant are references to dismissal for a reason not related to the individual concerned or for a number of reasons all of which are not so related.

(2) For the purposes of any proceedings under this Part, where an employee is or is proposed to be dismissed it shall be presumed, unless the contrary is proved, that he is or is proposed to be dismissed as redundant.”;

(b) paragraph (4A) shall cease to have effect.

(7) In Article 57(1)(b) for the words “the handling of redundancies” there shall be substituted “handling the dismissal of employees as redundant”.

(8) In Article 76 of the No. 1 Order—

(a) in paragraph (7) for the words “Articles 42, 43, 49 and 50” there shall be substituted “Articles 42 and 43”; and

(b) paragraph (9) shall cease to have effect.