

STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART X

TERMINATION OF EMPLOYMENT

Written statement of reasons for dismissal

F1 functions transferred SR 1999/481

Non-textual amendments applied to the whole Legislation can be found in the Introduction

Right to written statement of reasons for dismissal

124.—(1) An employee is entitled to be provided by his employer with a written statement giving particulars of the reasons for the employee's dismissal—

- (a) if the employee is given by the employer notice of termination of his contract of employment,
- (b) if the employee's contract of employment is terminated by the employer without notice, or
- [**^{F1}**(c)** if the employee is employed under a limited-term contract and the contract terminates by virtue of the limiting event without being renewed.]

(2) Subject to^{F2} paragraphs (4) and (4A)], an employee is entitled to a written statement under this Article only if he makes a request for one; and a statement shall be provided within fourteen days of such a request.

(3) Subject to^{F2} paragraphs (4) and (4A)], an employee is not entitled to a written statement under this Article unless on the effective date of termination he has been, or will have been, continuously employed for a period of not less than^{F3} one year] ending with that date.

(4) An employee is entitled to a written statement under this Article without having to request it and irrespective of whether she has been continuously employed for any period if she is dismissed—

- (a) at any time while she is pregnant, or
- (b) after childbirth in circumstances in which her^{F4} ordinary or additional maternity leave period] ends by reason of the dismissal.

^{F2}(4A) An employee who is dismissed while absent from work during an ordinary or additional adoption leave period is entitled to a written statement under this Article without having to request it and irrespective of whether he has been continuously employed for any period if he is dismissed in circumstances in which that period ends by reason of the dismissal.]

(5) A written statement under this Article is admissible in evidence in any proceedings.

Changes to legislation: *The Employment Rights (Northern Ireland) Order 1996, Cross Heading: Written statement of reasons for dismissal is up to date with all changes known to be in force on or before 28 July 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (6) Subject to paragraph (7), in this Article “the effective date of termination”
- (a) in relation to an employee whose contract of employment is terminated by notice, means the date on which the notice expires,
 - (b) in relation to an employee whose contract of employment is terminated without notice, means the date on which the termination takes effect, and
 - [^{F1}(c) in relation to an employee who is employed under a limited-term contract which terminates by virtue of the limiting event without being renewed under the same contract, means the date on which the termination takes effect.]
- (7) Where—
- (a) the contract of employment is terminated by the employer, and
 - (b) the notice required by Article 118 to be given by an employer would, if duly given on the material date, expire on a date later than the effective date of termination (as defined by paragraph (6)),

the later date is the effective date of termination.

- (8) In paragraph (7)(b) “the material date” means—
- (a) the date when notice of termination was given by the employer, or
 - (b) where no notice was given, the date when the contract of employment was terminated by the employer.

F1	SR 2002/298
F2	2002 NI 2
F3	SR 1999/277
F4	1999 NI 9

Complaints to industrial tribunal

125.—(1) A complaint may be presented to an industrial tribunal by an employee on the ground that—

- (a) the employer unreasonably failed to provide a written statement under Article 124, or
 - (b) the particulars of reasons given in purported compliance with that Article are inadequate or untrue.
- (2) Where an industrial tribunal finds a complaint under this Article well-founded, the tribunal—
- (a) may make a declaration as to what it finds the employer's reasons were for dismissing the employee, and
 - (b) shall make an award that the employer pay to the employee a sum equal to the amount of two weeks' pay.

(3) An industrial tribunal shall not consider a complaint under this Article relating to the reasons for a dismissal unless it is presented to the tribunal at such a time that the tribunal would, in accordance with Article 145, consider a complaint of unfair dismissal in respect of that dismissal presented at the same time.

Changes to legislation:

The Employment Rights (Northern Ireland) Order 1996, Cross Heading: Written statement of reasons for dismissal is up to date with all changes known to be in force on or before 28 July 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Pt. 4A inserted by [2016 c. 15 \(N.I.\) s. 18](#)
- Pt. 7A inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 1](#)
- art. 21(4B) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 2](#)
- art. 23(1)(zza) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 3](#)
- art. 28(5) added by [2016 c. 15 \(N.I.\) Sch. 2 para. 12](#)
- art. 43(5) added by [2016 c. 15 \(N.I.\) Sch. 2 para. 13](#)
- art. 55(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 14](#)
- art. 66(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 15](#)
- art. 70F inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 4](#)
- art. 71(3A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 16](#)
- art. 74(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 17](#)
- art. 77C(1) art. 77 renumbered as art. 77C(1) by [2016 c. 15 \(N.I.\) Sch. 2 para. 18\(2\)](#)
- art. 77C(2) added by [2016 c. 15 \(N.I.\) Sch. 2 para. 18\(3\)](#)
- art. 79(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 19](#)
- art. 82(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 20](#)
- art. 85(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 21](#)
- art. 85B(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 27](#)
- art. 85ZC(3A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 22](#)
- art. 85ZF(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 23](#)
- art. 85ZH(3A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 24](#)
- art. 85ZM(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 25](#)
- art. 85ZQ(3A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 26](#)
- art. 88(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 28](#)
- art. 91(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 29](#)
- art. 91C(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 30](#)
- art. 95(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 31](#)
- art. 95F(5A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 32](#)
- art. 102(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 33](#)
- art. 102A(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 34](#)
- art. 112(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 35](#)
- art. 112H(7) added by [2016 c. 15 \(N.I.\) Sch. 2 para. 36](#)
- art. 135E inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 6](#)
- art. 137(6D) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 7](#)
- art. 140(3)(fj) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 8](#)
- art. 143(2)(ddd) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 9](#)
- art. 144(2)(ddd) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 10](#)
- art. 145(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 37](#)
- art. 199(4) added by [2016 c. 15 \(N.I.\) Sch. 2 para. 38](#)
- art. 201(8ZA) inserted by [S.I. 2019/146 Sch. para. 257\(2\)\(b\)](#)
- art. 217(5A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 39](#)
- art. 220(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 40](#)
- art. 228(4ZA) inserted by [S.I. 2019/146 Sch. para. 257\(3\)\(b\)](#)
- art. 249B applied by [1995 c. 50, Sch. 3 para. 3\(1A\) \(as inserted\) by 2016 c. 15 \(N.I.\) Sch. 2 para. 11](#)
- art. 249B applied by [1998 c. 39, s. 11\(4B\) \(as inserted\) by 2016 c. 15 \(N.I.\) Sch. 2 para. 43](#)

- art. 249B applied by S.I. 1976/1042 (N.I.), art. 76(1A) (as inserted) by [2016 c. 15 \(N.I.\) Sch. 2 para. 3](#)
- art. 249B applied by S.I. 1997/869 (N.I.), art. 65(1A) (as inserted) by [2016 c. 15 \(N.I.\) Sch. 2 para. 42](#)
- art. 249B applied by S.I. 1999/2790 (N.I.), art. 13(2A) (as inserted) by [2016 c. 15 \(N.I.\) Sch. 2 para. 44](#)
- art. 249B and cross-heading inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 41](#)
- art. 251(1B)(1C) inserted by [2016 c. 15 \(N.I.\) s. 24\(3\)](#)
- art. 251(5B) inserted by [2016 c. 15 \(N.I.\) s. 24\(6\)](#)
- art. 251(7)-(9) added by [2016 c. 15 \(N.I.\) s. 24\(7\)](#)