
STATUTORY INSTRUMENTS

1999 No. 2790

The Employment Relations (Northern Ireland) Order 1999

Disciplinary and grievance hearings

Interpretation

15.—(1) In Articles 12 to 14 and this Article “worker” means an individual who is—

- (a) a worker within the meaning of Article 3(3) of the Employment Rights Order,
- (b) an agency worker,
- (c) a home worker, or
- (d) a person in Crown employment within the meaning of Article 236 of that Order, other than a member of the naval, military, air or reserve forces of the Crown.

(2) In paragraph (1) “agency worker” means an individual who—

- (a) is supplied by a person (“the agent”) to do work for another (“the principal”) by arrangement between the agent and the principal,
- (b) is not a party to a worker’s contract, within the meaning of Article 3(3) of that Order, relating to that work, and
- (c) is not a party to a contract relating to that work under which he undertakes to do the work for another party to the contract whose status is, by virtue of the contract, that of a client or customer of any professional or business undertaking carried on by the individual;

and, for the purposes of Articles 12 to 14, both the agent and the principal are employers of an agency worker.

(3) In paragraph (1) “home worker” means an individual who—

- (a) contracts with a person, for the purposes of the person’s business, for the execution of work to be done in a place not under the person’s control or management, and
- (b) is not a party to a contract relating to that work under which the work is to be executed for another party to the contract whose status is, by virtue of the contract, that of a client or customer of any professional or business undertaking carried on by the individual;

and, for the purposes of Articles 12 to 14, the person mentioned in sub-paragraph (a) is the home worker’s employer.

(4) For the purposes of Article 12 a disciplinary hearing is a hearing which could result in—

- (a) the administration of a formal warning to a worker by his employer,
- (b) the taking of some other action in respect of a worker by his employer, or
- (c) the confirmation of a warning issued or some other action taken.

(5) For the purposes of Article 12 a grievance hearing is a hearing which concerns the performance of a duty by an employer in relation to a worker.

(6) For the purposes of Article 12(5)(b) a working day is a day other than—

- (a) a Saturday or a Sunday,

- (b) Christmas Day or Good Friday, or
- (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in Northern Ireland.