
STATUTORY INSTRUMENTS

2003 No. 2902

The Employment (Northern Ireland) Order 2003

PART IV

DISPUTE RESOLUTION, ETC.

Statutory procedures

Complaints about grievances: industrial tribunals

19.—(1) This Article applies to the jurisdictions listed in Schedule 3.

(2) An employee shall not present a complaint to an industrial tribunal under a jurisdiction to which this Article applies if—

- (a) it concerns a matter in relation to which the requirement in paragraph 6 or 9 of Schedule 1 applies, and
- (b) the requirement has not been complied with.

(3) An employee shall not present a complaint to an industrial tribunal under a jurisdiction to which this Article applies if—

- (a) it concerns a matter in relation to which the requirement in paragraph 6 or 9 of Schedule 1 has been complied with, and
- (b) less than 28 days have passed since the day on which the requirement was complied with.

(4) An employee shall not present a complaint to an industrial tribunal under a jurisdiction to which this Article applies if—

- (a) it concerns a matter in relation to which the requirement in paragraph 6 or 9 of Schedule 1 has been complied with, and
- (b) the day on which the requirement was complied with was more than one month after the end of the original time limit for making the complaint.

(5) In such circumstances as the Department may specify by regulations, an industrial tribunal may direct that paragraph (4) shall not apply in relation to a particular matter.

(6) An industrial tribunal shall be prevented from considering a complaint presented in breach of paragraphs (2) to (4), but only if—

- (a) the breach is apparent to the tribunal from the information supplied to it by the employee in connection with the bringing of the proceedings, or
- (b) the tribunal is satisfied of the breach as a result of his employer raising the issue of compliance with those provisions in accordance with regulations under Article 9 of the Industrial Tribunals Order (industrial tribunal procedure regulations).

(7) The Department may for the purposes of this Article by regulations—

- (a) make provision about the application of the procedures set out in Part II of Schedule 1;
- (b) make provision about what constitutes compliance with paragraph 6 or 9 of that Schedule;

- (c) make provision about circumstances in which a person is to be treated as having complied with paragraph 6 or 9 of that Schedule;
 - (d) make provision for paragraph 6 or 9 of that Schedule to have effect in such circumstances as may be specified by the regulations with such modifications as may be so specified.
- (8) The Department may by order—
- (a) amend, repeal or replace any of paragraphs (2) to (4);
 - (b) amend Schedule 3;
 - (c) make provision for this Article to apply, with or without modifications, as if—
 - (i) any individual of a description specified in the order who would not otherwise be an employee for the purposes of this Article were an employee for those purposes, and
 - (ii) a person of a description specified in the order were, in the case of any such individual, the individual's employer for those purposes.
- (9) Before making an order under paragraph (8)(a), the Department shall consult the Labour Relations Agency.
- (10) In its application to orders under paragraph (8)(a), Article 34(1) includes power to amend this Article.