

# THE EMPLOYMENT (NORTHERN IRELAND) ORDER 2003

S.I. 2003 No. 2902 (N.I. 15)

---

## EXPLANATORY MEMORANDUM

### COMMENTARY ON PROVISIONS

#### *Article 32: Dismissal procedures agreements*

*Article 32* inserts a new paragraph (3A) after paragraph (3) of Article 142 of ERO. Currently, the Department may designate certain agreements as Dismissal Procedures Agreements (“DPAs”). This has the effect of replacing the statutory right to claim unfair dismissal before an industrial tribunal under Part XI of ERO with access to the procedures of the DPA for employees who are covered by the agreement. Such an agreement must meet a number of specific criteria. Among these are:

- a joint application is made to the Department by all parties to the agreement, and;
- the scheme offers remedies that are on the whole as beneficial (but not necessarily identical with) those provided in respect of unfair dismissal at a tribunal.

*Article 32* empowers the Department to add to these criteria. This is intended to give scope to bring in requirements aimed at ensuring that DPAs comply with the Human Rights Act 1998. It is achieved by giving the Department power by order to add to the requirements in section 142(3) of ERO.