

SCHEDULES

SCHEDULE 1

Article 15

STATUTORY DISPUTE RESOLUTION PROCEDURES

PART I

DISMISSAL AND DISCIPLINARY PROCEDURES

CHAPTER I

STANDARD PROCEDURE

Step 1: statement of grounds for action and invitation to meeting

1.—(1) The employer must set out in writing the employee's alleged conduct or characteristics, or other circumstances, which lead him to contemplate dismissing or taking disciplinary action against the employee.

(2) The employer must send the statement or a copy of it to the employee and invite the employee to attend a meeting to discuss the matter.

Step 2: meeting

2.—(1) The meeting must take place before action is taken, except in the case where the disciplinary action consists of suspension.

(2) The meeting must not take place unless—

(a) the employer has informed the employee what the basis was for including in the statement under paragraph 1(1) the ground or grounds given in it, and

(b) the employee has had a reasonable opportunity to consider his response to that information.

(3) The employee must take all reasonable steps to attend the meeting.

(4) After the meeting, the employer must inform the employee of his decision and notify him of the right to appeal against the decision if he is not satisfied with it.

Step 3: appeal

3.—(1) If the employee does wish to appeal, he must inform the employer.

(2) If the employee informs the employer of his wish to appeal, the employer must invite him to attend a further meeting.

(3) The employee must take all reasonable steps to attend the meeting.

(4) The appeal meeting need not take place before the dismissal or disciplinary action takes effect.

(5) After the appeal meeting, the employer must inform the employee of his final decision.

CHAPTER II
MODIFIED PROCEDURE

Step 1: statement of grounds for action

4. The employer must—
- (a) set out in writing—
 - (i) the employee's alleged misconduct which has led to the dismissal,
 - (ii) what the basis was for thinking at the time of the dismissal that the employee was guilty of the alleged misconduct, and
 - (iii) the employee's right to appeal against dismissal, and
 - (b) send the statement or a copy of it to the employee.

Step 2: appeal

- 5.—(1) If the employee does wish to appeal, he must inform the employer.
(2) If the employee informs the employer of his wish to appeal, the employer must invite him to attend a meeting.
(3) The employee must take all reasonable steps to attend the meeting.
(4) After the appeal meeting, the employer must inform the employee of his final decision.

^{F1}PART II
GRIEVANCE PROCEDURES

Annotations:

- F1** [Sch. 1 Pt. II](#)
(paras. 6-10) repealed (3.4.2011) by
[Employment Act \(Northern Ireland\) 2011 \(c. 13\)](#)
,
[ss. 1\(1\)\(b\)](#)
,
[16](#)
,
[17\(1\)](#)
,
Sch. 4
,
[S.R. 2011/159](#)
,
art. 2
(with
[art. 3](#)
,
[Sch.](#)
)

PART III GENERAL REQUIREMENTS

Introductory

11. The following requirements apply to each of the procedures set out [^{F2}in Part 1] (so far as applicable).

Annotations:

F2 Words in
Sch. 1 para. 11
substituted (3.4.2011) by
Employment Act (Northern Ireland) 2011 (c. 13)
,
ss. 1(2)
,
17(1)
,
Sch. 1 para. 4
;
S.R. 2011/159
,
art. 2
(with
art. 3
,
Sch.
)

Timetable

12. Each step and action under the procedure must be taken without unreasonable delay.

Meetings

13.—(1) Timing and location of meetings must be reasonable.

(2) Meetings must be conducted in a manner that enables both employer and employee to explain their cases.

(3) In the case of appeal meetings which are not the first meeting, the employer should, as far as is reasonably practicable, be represented by a more senior manager than attended the first meeting (unless the most senior manager attended that meeting).

PART IV SUPPLEMENTARY

Status of meetings

14. A meeting held for the purposes of this Schedule is a hearing for the purposes of Article 15(4)^{F3} . . . of the Employment Relations (Northern Ireland) Order 1999 (NI 9) (definition of “disciplinary hearing”. . . in relation to the right to be accompanied under Article 12 of that Order).

Annotations:

F3 Words in
Sch. 1 para. 14
repealed (3.4.2011) by
Employment Act (Northern Ireland) 2011 (c. 13)
,
ss. 1(2)
,
16
,
17(1)
,
Sch. 1 para. 5
,
Sch. 4
;
S.R. 2011/159
,
art. 2
(with
art. 3
,
Sch.
)

Scope of grievance procedures

15. ^{F4}

Annotations:

F4 Sch. 1 para. 15
repealed (3.4.2011) by
Employment Act (Northern Ireland) 2011 (c. 13)
,
ss. 1(2)
,
16
,
17(1)
,
Sch. 1 para. 6

,
Sch. 4
;
S.R. 2011/159
,
art. 2
(with
art. 3
,
Sch.
)

Changes to legislation:

There are currently no known outstanding effects for the The Employment (Northern Ireland) Order 2003, SCHEDULE 1.