

2001 No. 37

**INDUSTRIAL TRIBUNALS**

**The Industrial Tribunals (1996 Order) (Application of Conciliation Provisions) Order (Northern Ireland) 2001**

*Made* . . . . . 1st February 2001

*Coming into operation* . . . . . 8th March 2001

The Department of Higher and Further Education, Training and Employment, in exercise of the powers conferred by Article 20(8) of the Industrial Tribunals (Northern Ireland) Order 1996(a) and now vested in it(b), and of every other power enabling it in that behalf, hereby makes the following Order:

*Citation and commencement*

1. This Order may be cited as the Industrial Tribunals (1996 Order) (Application of Conciliation Provisions) Order (Northern Ireland) 2001 and shall come into operation on 8th March 2001.

*Application of provisions*

2. The Department of Higher and Further Education, Training and Employment directs Article 112(1) of the Employment Rights (Northern Ireland) Order 1996(c) to be added to the list in Article 20(1)(c) of the Industrial Tribunals (Northern Ireland) Order 1996.

3. The Department of Higher and Further Education, Training and Employment specifies Article 44B of, and paragraph 156 of Schedule 1A to, the Trade Union and Labour Relations (Northern Ireland) Order 1995(d) as provisions to which Article 20(1)(e) of the Industrial Tribunals (Northern Ireland) Order 1996 applies.

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(a) S.I. 1996/1921 (N.I. 18)  
(b) The Departments (Transfer and Assignment of Functions) Order (Northern Ireland) Order 1999 (S.R. 1999 No. 481) transferred functions under the Industrial Tribunals (Northern Ireland) Order 1996 to the Department of Higher and Further Education, Training and Employment  
(c) S.I. 1996/1919 (N.I. 16); Article 112(1) is contained in Part IX of the Order as substituted for the previous Part IX by the Employment Relations (Northern Ireland) Order 1999, S.I. 1999/2790 (N.I. 9) Article 9 and Part I of Schedule 4  
(d) S.I. 1995/1980 (N.I. 12); Article 44B and Schedule 1A were inserted by, respectively, Article 7 and 3 of the Employment Relations (Northern Ireland) Order 1999; they come into operation on 8th March 2001

Sealed with the Official Seal of the Department of Higher and Further  
Education, Training and Employment on 1st February 2001.

(L.S.)

*R. B. Gamble*

A senior officer of the Department of Higher and Further  
Education, Training and Employment

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

By this Order, which comes into operation on 8th March 2001, the Department of Higher and Further Education, Training and Employment directs that Article 112(1) of the Employment Rights (Northern Ireland) Order 1996 be added to the list in Article 20(1)(c) of the Industrial Tribunals (Northern Ireland) Order 1996 and specifies Article 44B of, and paragraph 156 of Schedule 1A to the Trade Union and Labour Relations (Northern Ireland) Order 1995 (“the 1995 Order”) as provisions to which Article 20(1)(e) of the Industrial Tribunals (Northern Ireland) Order 1996 applies.

The effect of so directing or specifying in relation to a provision is that the provisions of Article 20 providing for the Labour Relations Agency to conciliate between the parties, or possible parties, to proceedings before industrial tribunals are applied in relation to proceedings arising out of a contravention, or alleged contravention, of the provision.

Article 112(1) of the Employment Rights (Northern Ireland) Order 1996 protects employees entitled to parental leave against being prevented from taking the leave or having it unreasonably postponed.

Article 44B of the 1995 Order gives trade unions recognised pursuant to Schedule 1A to that Order a right to be consulted by the employer about the training of workers within the bargaining unit provided a method for the conduct of collective bargaining has been prescribed by the Industrial Court and has not been varied or replaced.

Paragraph 156 of Schedule 1A to the 1995 Order gives workers the right not to be subjected to detriment on certain grounds connected with the operation of the provisions of the Schedule. The provisions deal with recognition and derecognition of trade unions for the purposes of collective bargaining.

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