
EXPLANATORY NOTE

(This note is not part of the Order)

This Order adds to the list of jurisdictions set out at Schedule 4A to the Industrial Relations (Northern Ireland) Order 1992 (“the 1992 Order”) a reference to regulation 51 of the Companies (Cross-Border Mergers) Regulations 2007.

Schedule 4A to the 1992 Order lists the jurisdictions covered by the workplace grievance provisions set out in Article 90AA of that Order, as established by the Employment Act (Northern Ireland) 2011. Under the process, where there has been unreasonable failure to adhere to the good practice standards set out in the Labour Relations Agency’s Code of Practice on Disciplinary and Grievance Procedures, an industrial tribunal or the Fair Employment Tribunal subsequently dealing with the grievance as part of a claim is empowered to raise or lower an award by up to 50% to reflect that failure.

The Companies (Cross-Border Mergers) Regulations 2007 (“the 2007 Regulations”) implement Directive [2005/56/EC](#) on cross-border mergers of limited liability companies. Regulation 51 of those regulations provides that an employee may present a complaint to an industrial tribunal where the employee has been subjected to a detriment in relation to various provisions of the regulations.

The effect of this Order is to ensure that grievances brought under regulation 51 of the 2007 Regulations are subject to the grievance provisions set out in Article 90AA of the 1992 Order.

A separate Regulatory Impact Assessment has not been prepared in respect of this Order; for the impact of the grievance model under 90AA of the 1992 Order, see the impact assessment prepared in relation to the policy proposals which emerged from the Department for Employment and Learning’s dispute resolution review, implemented by way of the Employment Act (Northern Ireland) 2011. The assessment is available online from www.delni.gov.uk or in hard copy by contacting the Department for Employment and Learning at Adelaide House, 39-49 Adelaide Street, Belfast BT2 8FD.