

*These notes refer to the Employment Act (Northern Ireland) 2010 (c.12) which received Royal Assent on 2 August 2010*

# Employment Act (Northern Ireland) 2010

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## **EXPLANATORY NOTES**

### **OVERVIEW**

12. The Employment Act contains provisions in the following areas:
- Amendment to the Employment (Miscellaneous Provisions) (NI) Order 1981 to enhance the Department's powers to investigate and prosecute serious offences by unscrupulous employment agencies.
  - Amendments to the National Minimum Wage Act 1998 and the Employment (Miscellaneous Provisions) (NI) Order 1981 to permit the sharing of inspection information between the Department's employment agency inspectors and HM Revenue and Customs' National Minimum Wage compliance officers.
  - Amendment to the Industrial Relations (NI) Order 1992 to provide greater flexibility by replacing the arrangements for Industrial Court appointments with equivalent subordinate legislation provisions and to remove the restriction that the Court's secretariat functions may only be fulfilled by staff from the Department.
  - Amendment to Article 92(4) of the Industrial Relations (NI) Order 1992 to extend legal representation to all but one of the jurisdictions of the Industrial Court.
  - Amendments to Articles 56 and 198 of the Employment Rights (NI) Order 1996 to provide powers for industrial tribunals to compensate workers (the definition of which includes employees) for financial loss resulting from unlawful deductions from wages and employees from the non-payment of statutory redundancy awards.
  - Amendments to section 1 of the Employment and Training Act (NI)1950 and Article 4 (1) of the Employment and Training (Amendment) (NI) Order 1988 to ensure that people taking part in Departmental employment and training programmes and receiving payments in connection with their participation will have those payments treated as a Training Allowance and not as employed income.

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- Amendments to the Industrial Relations (NI) Order 1992 to provide for the Department to consult the LRA about the arrangements for appointing the Certification Officer.
  - Amendments to the Industrial Relations (NI) Order 1992, Schedule 4, paragraph 2 and the Industrial Training (NI) Order 1984, Schedule 2, paragraph 2 (2) to clarify legislation in relation to the consultation process on appointments to the LRA and CITB-ConstructionSkills Northern Ireland.
  - Amendment to Article 92 of the Industrial Relations (NI) Order 1992 to amend incorrect references to the Arbitration Act.
  - Amendment to Articles 67M and 103B of the Employment Rights (NI) Order 1996 to amend incorrect references to jury service legislation.
  - Repeal of Article 16 of the Employment Relations (NI) Order 2004. These provisions were introduced by the 2004 Employment Relations Order, but were not commenced, and are no longer required.
13. The Act has 9 sections and 2 Schedules.