

*These notes refer to the Employment Act (Northern Ireland)
2011 (c.13) which received Royal Assent on 22nd March 2011*

Employment Act (Northern Ireland) 2011

EXPLANATORY NOTES

BACKGROUND AND POLICY OBJECTIVES

Workplace dispute resolution

3. The current statutory dispute resolution procedures, established under the Employment (Northern Ireland) Order 2003, were introduced in April 2005. These procedures require all employers to have in place, as a minimum, a three-step procedure for dealing with formal employment rights disputes in the workplace. Failure to follow the procedures can result in a range of financial penalties or rejection by a tribunal of a claim.
4. In 2007 the Department for Employment and Learning took the decision to review the statutory procedures for resolving workplace disputes. There was a significant body of anecdotal evidence suggesting that the current arrangements were not working as intended, a conclusion that was reinforced by the Gibbons review of employment dispute resolution in Great Britain. A subsequent Government public consultation resulted in the repeal of the statutory procedures in Great Britain from April 2009.
5. The Department conducted an initial consultation with key stakeholders in 2008 to ascertain the desire for similar reform in Northern Ireland. Although stakeholders did stress the need for reform, the majority reserved their position with regard to the retention or repeal of the statutory arrangements. They did confirm, however, that there was a desire for a more wide-ranging review of systems for resolving workplace disputes.
6. Following an extensive public consultation the Minister for Employment and Learning has determined that the statutory procedures in respect of discipline and dismissal matters should be retained, with workplace grievances being addressed on the basis of a Labour Relations Agency code of practice. It was therefore proposed to repeal the statutory grievance procedures via this Act. Also in light of the outcome of the review, the Act sets out changes designed to contribute positively to the smooth operation of industrial tribunals and the Fair Employment Tribunal.

Time to train

7. Given the central role that a skilled workforce plays in shaping Northern Ireland's ability to compete nationally and internationally, the Department for Employment and Learning carried out a public consultation between July and October 2009 on a proposed new right which would entitle an employee to ask his or her employer for time to undertake training.
8. Following the positive outcome of the consultation, the Minister for Employment and Learning determined it appropriate to introduce this new legal entitlement and to place a responsibility on employers to give serious consideration to requests, with a facility to turn them down only where business reasons apply. The intention of the new framework is to help raise employees' awareness and aspirations in relation to skills and encourage more employers to invest in the talents of their employees, contributing towards improved business performance and competitiveness.
9. This aspect of the Act replicates a measure already established in statute in Great Britain by way of the Apprenticeships, Skills, Children and Learning Act 2009.