
STATUTORY INSTRUMENTS

1992 No. 807

The Industrial Relations (Northern Ireland) Order 1992

PART XII

MISCELLANEOUS AND SUPPLEMENTARY

Employee's individual rights

Written statements of terms of employment

97.—(1) Section 4 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965⁽¹⁾ (particulars of terms of employment) shall be amended as follows.

(2) In subsection (1A)—

- (a) for “subsections (1B) and (1C)” there shall be substituted “subsections (1C) and (1D)”;
- (b) the words from “and any reference in” to the end shall cease to have effect.

(3) The following subsection shall be inserted after subsection (1C)—

“(1D) The note which, by virtue of subsection (1A), is required to be included in a statement given to an employee under subsection (1) need not comply with the following provisions of subsection (1A), namely—

- (a) paragraph (a);
- (b) in paragraph (b), sub-paragraph (i) and the words following sub-paragraph (ii) so far as relating to sub-paragraph (i); and
- (c) paragraph (c),

if on the date when the employee's employment began the relevant number of employees was less than twenty; and in this subsection “the relevant number of employees”, in relation to an employee, means the number of employees employed by his employer added to the number of employees employed by any associated employer.”.

(4) In subsection (6A) for “section 4(1)” where it twice occurs there shall be substituted “subsection (1)”.

(5) The following subsection shall be inserted after subsection (6B)—

“(6C) Any reference in subsection (4), (6) or (6A) to the terms of employment which were to be, or were, included or referred to in a statement given under subsection (1) shall be construed as including a reference to any other matters falling within subsections (1) and (1A) of which particulars were to be given by that statement.”.

(6) The following subsection shall be substituted for subsection (7)—

“(7) No statement need be given under subsection (1) where—

- (a) the employee's employment began not more than six months after the end of earlier employment with the same employer;
- (b) a statement under that subsection, and any information subsequently required under subsection (4), was duly given to the employee in respect of his earlier employment; and
- (c) the terms of his present employment are the same as those of his earlier employment and any other matters falling within subsection (1A) of which particulars were to be given by that statement are also unchanged,

but without prejudice to the operation of subsection (4) if there is subsequently a change in his terms of employment or in any of those matters.”.

(7) In subsection (8)(c) for “section 4(1A)” there shall be substituted “subsection (1A)”.

(8) The following subsection shall be inserted after subsection (8)—

“(8A) If on the date when the employee's employment began the relevant number of employees was less than twenty, any reference in subsection (8)(c) to such a note as is there mentioned shall be construed as including a reference to such a note as is mentioned in subsection (1A) as it has effect with the omission of the provisions specified in subsection (1D)(a) to (c); and in this subsection “the relevant number of employees” has the meaning given by subsection (1D).”.

Time off for trade union duties

98.—(1) In Article 37(1) of the Industrial Relations (No. 2) (Northern Ireland) Order 1976(2) (duty of employer to permit employee who is an official of an independent trade union recognised by employer to take time off to carry out certain trade union duties)—

(a) the following sub-paragraph shall be substituted for sub-paragraph (a)—

“(a) to carry out—

- (i) any duties of his, as such an official, which are concerned with negotiations with the employer that are related to or connected with any matters which fall within Article 2(4) of the Industrial Relations (Northern Ireland) Order 1992 and in relation to which the trade union is recognised by the employer; or
- (ii) any other duties of his, as such an official, which are concerned with the performance, on behalf of employees of the employer, of any functions that are related to or connected with any matters falling within that provision and that the employer has agreed may be so performed by the trade union; or”;

(b) in sub-paragraph (b)(i), for “those duties” there shall be substituted “any such duties as are mentioned in sub-paragraph (a)”.

(2) Paragraph (1) shall not affect the continued operation of Article 37 of the Industrial Relations (No. 2) (Northern Ireland) Order 1976(3) in a case where—

- (a) permission to take time off under Article 37 of that Order was requested before the coming into operation of paragraph (1); and
- (b) the time off in question was to begin not later than the end of the period of six weeks beginning with the coming into operation of that paragraph.

(2) 1976 NI 28
(3) 1976 NI 28

Period of employment necessary to qualify for statement of reasons for dismissal

99.—(1) In Article 48(2) of the No. 1 Order (employee not entitled to written statement of reasons for dismissal unless continuously employed for six months), for “six months” there shall be substituted “not less than two years”.

(2) The following paragraph shall be inserted after paragraph (2) of Article 48 of that Order—

“(2A) The Department may by order add to, vary, revoke or exclude the operation of paragraph (2).”.

(3) In Article 80(2) of that Order (orders) after “37A(7),” there shall be inserted “48(2A),”.

Industrial tribunal procedure

100.—(1) In Article 59 of the No. 1 Order (procedure of industrial tribunals) in paragraph (2) the following sub-paragraph shall be substituted for sub-paragraph (d)—

“(d) for enabling an industrial tribunal, on the application of any party to proceedings before it or of its own motion, to order such discovery or inspection of documents, or the furnishing of such further particulars, as might be ordered by a county court on an application by a party to proceedings before it;”.

(2) In that Article the following paragraphs shall be inserted after paragraph (2)—

“(2A) The regulations may include provision—

(a) for authorising a preliminary consideration of proceedings before an industrial tribunal (“a pre-hearing review”) to be carried out—

(i) by such person as may be determined by or in accordance with the regulations; or

(ii) if so determined in accordance with the regulations, by the tribunal itself; and

(b) for enabling such powers to be exercised in connection with a pre-hearing review as may be prescribed by the regulations.

(2B) The regulations may in particular include provision—

(a) for authorising any person or tribunal carrying out a pre-hearing review under the regulations to make, in circumstances specified in the regulations, an order requiring a party to the proceedings in question, if he wishes to continue to participate in those proceedings, to pay a deposit of an amount not exceeding £150;

(b) for prescribing—

(i) the manner in which the amount of any such deposit is to be determined in any particular case;

(ii) the consequences of non-payment of any such deposit; and

(iii) the circumstances in which any such deposit, or any part of it, may be refunded to the party who paid it, or be paid over to another party to the proceedings.

(2C) The Department may by order substitute for the sum specified in paragraph (2B)

(a) such other sum as is specified in the order.”.

(3) In Article 80 of the No. 1 Order (regulations and orders) the following paragraph shall be inserted after paragraph (2)—

“(2A) An order under Article 59(2C) shall be subject to negative resolution.”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Action by an employer to enforce membership of union

101. The following provisions (which enable an employer to take action in certain circumstances to enforce trade union membership) shall cease to have effect, namely—

- (a) Article 22A(3) to (13) of the No. 1 Order;
- (b) Article 33(5) and (6) of the Industrial Relations (No. 2) (Northern Ireland) Order 1976⁽⁴⁾.