
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART I

INTRODUCTORY AND INTERPRETATION

CHAPTER III

CONTINUOUS EMPLOYMENT

Reinstatement or re-engagement of dismissed employee

15.—(1) Regulations made by the Department may make provision—

- (a) for preserving the continuity of a person's period of employment for the purposes of this Chapter or for the purposes of this Chapter as applied by or under any other statutory provision specified in the regulations, or
- (b) for modifying or excluding the operation of Article 10 subject to the recovery of any such payment as is mentioned in that Article,

in cases where, in consequence of action to which paragraph (2) applies, a dismissed employee is reinstated or re-engaged by his employer or by a successor or associated employer of that employer.

(2) This paragraph applies to any action taken in relation to the dismissal of an employee which consists of—

- (a) his making a claim in accordance with a dismissal procedures agreement designated by an order under Article 142,
- (b) the presentation by him of a relevant complaint of dismissal,
- (c) any action taken by the Agency under Article 20 of the Industrial Tribunals (Northern Ireland) Order 1996, or
- (d) the making of a relevant compromise contract.

(3) In paragraph (2)(b) “relevant complaint of dismissal” means—

- (a) a complaint under Article 145 of this Order,
- (b) a complaint under Article 63 of the Sex Discrimination (Northern Ireland) Order 1976 arising out of a dismissal, or
- (c) a complaint under section 8 of the Disability Discrimination Act 1995 arising out of a dismissal.

(4) In paragraph (2)(d) “relevant compromise contract” means—

- (a) an agreement or contract authorised by—
 - (i) Article 245(2)(f) of this Order,
 - (ii) Article 77(4)(aa) of the Sex Discrimination (Northern Ireland) Order 1976, or
 - (iii) section 9(2)(b) of the Disability Discrimination Act 1995, or

- (b) an agreement to refrain from instituting or continuing any proceedings before an industrial tribunal where the tribunal has jurisdiction in respect of the proceedings by virtue of an order under Article 5 of the Industrial Tribunals (Northern Ireland) Order 1996.