

---

STATUTORY INSTRUMENTS

---

**1996 No. 1919**

**The Employment Rights (Northern Ireland) Order 1996**

**PART VI**

**PROTECTION FROM SUFFERING DETRIMENT ETC. IN EMPLOYMENT**

**CHAPTER II**

**ACTION SHORT OF DISMISSAL**

**Awards against third parties**

77.—(1) If in proceedings on a complaint under Article 74—

- (a) the complaint is made on the ground that action has been taken against the complainant by his employer for the purpose of compelling him to be or become a member of any trade union or of a particular trade union or of one of a number of particular trade unions, and
- (b) either the complainant or the employer claims in proceedings before the tribunal that the employer was induced to take the action complained of by pressure which a trade union or other person exercised on him by calling, organising, procuring or financing a strike or other industrial action, or by threatening to do so,

the complainant or the employer may request the tribunal to direct that the person who he claims exercised the pressure be joined as a party to the proceedings.

(2) The request shall be granted if it is made before the hearing of the complaint begins, but may be refused if it is made after that time; and no such request may be made after the tribunal has made a declaration that the complaint is well-founded.

(3) Where a person has been so joined as a party to proceedings and the tribunal—

- (a) makes an award of compensation, and
- (b) finds that the claim mentioned in paragraph (1)(b) is well-founded,

it may order that the compensation shall be paid by the person joined instead of by the employer, or partly by that person and partly by the employer, as the tribunal may consider just and equitable in the circumstances.