
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART VI

PROTECTION FROM SUFFERING DETRIMENT ETC. IN EMPLOYMENT

[^{F1}CHAPTER III

INDUCEMENTS

[^{F1}Remedies

77E.—(1) Paragraphs (2) and (3) apply where the industrial tribunal finds that a complaint under Article 77A or 77B is well-founded.

(2) The tribunal—

- (a) shall make a declaration to that effect, and
- (b) shall make an award to be paid by the employer to the complainant in respect of the offer complained of.

(3) The amount of the award shall be [^{F2}£5,382] (subject to any adjustment of the award that may fall to be made under Part IV of the Employment (Northern Ireland) Order 2003).

(4) Where an offer made in contravention of Article 77A or 77B is accepted—

- (a) if the acceptance results in the worker's agreeing to vary his terms of employment, the employer cannot enforce the agreement to vary, or recover any sum paid or other asset transferred by him under the agreement to vary;
- (b) if as a result of the acceptance the worker's terms of employment are varied, nothing in Article 77A or 77B makes the variation unenforceable by either party.

(5) Nothing in this Article or Articles 77A and 77B prejudices any right conferred by Article 73 or 76.

(6) In ascertaining any amount of compensation under Article 76, no reduction shall be made on the ground—

- (a) that the complainant caused or contributed to his loss, or to the act or failure complained of, by accepting or not accepting an offer made in contravention of Article 77A or 77B, or
- (b) that the complainant has received or is entitled to an award under this Article.]

F1 2004 NI 19

F2 Sum in art. 77E(3) substituted (6.4.2023) by [The Employment Rights \(Increase of Limits\) Order \(Northern Ireland\) 2023 \(S.R. 2023/36\)](#), art. 1(1), [Sch.](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Employment Rights (Northern Ireland) Order 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- [art. 77E\(3\)](#) sum substituted by [S.R. 2024/86 Sch. art. 3](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act applied with modifications by [S.R. 2023/156 reg. 15](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Pt. 7A](#) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 1](#)
- [Ch. 5](#) inserted by [2022 c. 27 \(N.I.\) s. 1\(1\)](#)
- [art. 21\(4B\)](#) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 2](#)
- [art. 23\(1\)\(zza\)](#) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 3](#)
- [art. 70F](#) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 4](#)
- [art. 70G](#) inserted by [2020 c. 7 Sch. 7 para. 20](#)
- [art. 71\(1C\)](#) inserted by [2020 c. 7 Sch. 7 para. 21\(a\)](#)
- [art. 72\(8\)](#) inserted by [2020 c. 7 Sch. 7 para. 22\(b\)](#)
- [art. 85ZS\(3\)\(a\)-\(c\)](#) substituted for words by [2022 c. 18 \(N.I.\) Sch. 3 para. 47\(4\)](#)
- [art. 95F\(5A\)](#) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 32](#)
- [art. 135E](#) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 6](#)
- [art. 135G](#) inserted by [2020 c. 7 Sch. 7 para. 25](#)
- [art. 137\(6D\)](#) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 7](#)
- [art. 137\(7N\)](#) inserted by [2020 c. 7 Sch. 7 para. 26\(b\)](#)
- [art. 140\(3\)\(fj\)](#) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 8](#)
- [art. 140\(3\)\(fl\)](#) inserted by [2020 c. 7 Sch. 7 para. 27](#)
- [art. 143\(2\)\(ddd\)](#) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 9](#)
- [art. 144\(2\)\(ddd\)](#) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 10](#)