
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART X

TERMINATION OF EMPLOYMENT

Written statement of reasons for dismissal

Right to written statement of reasons for dismissal

124.—(1) An employee is entitled to be provided by his employer with a written statement giving particulars of the reasons for the employee's dismissal—

- (a) if the employee is given by the employer notice of termination of his contract of employment,
- (b) if the employee's contract of employment is terminated by the employer without notice, or
- (c) if the employee is employed under a contract for a fixed term and that term expires without being renewed under the same contract.

(2) Subject to paragraph (4), an employee is entitled to a written statement under this Article only if he makes a request for one; and a statement shall be provided within fourteen days of such a request.

(3) Subject to paragraph (4), an employee is not entitled to a written statement under this Article unless on the effective date of termination he has been, or will have been, continuously employed for a period of not less than two years ending with that date.

(4) An employee is entitled to a written statement under this Article without having to request it and irrespective of whether she has been continuously employed for any period if she is dismissed—

- (a) at any time while she is pregnant, or
- (b) after childbirth in circumstances in which her maternity leave period ends by reason of the dismissal.

(5) A written statement under this Article is admissible in evidence in any proceedings.

(6) Subject to paragraph (7), in this Article "the effective date of termination"—

- (a) in relation to an employee whose contract of employment is terminated by notice, means the date on which the notice expires,
- (b) in relation to an employee whose contract of employment is terminated without notice, means the date on which the termination takes effect, and
- (c) in relation to an employee who is employed under a contract for a fixed term which expires without being renewed under the same contract, means the date on which the term expires.

(7) Where—

- (a) the contract of employment is terminated by the employer, and

- (b) the notice required by Article 118 to be given by an employer would, if duly given on the material date, expire on a date later than the effective date of termination (as defined by paragraph (6)),

the later date is the effective date of termination.

- (8) In paragraph (7)(b) “the material date” means—

- (a) the date when notice of termination was given by the employer, or
- (b) where no notice was given, the date when the contract of employment was terminated by the employer.

Complaints to industrial tribunal

125.—(1) A complaint may be presented to an industrial tribunal by an employee on the ground that—

- (a) the employer unreasonably failed to provide a written statement under Article 124, or
- (b) the particulars of reasons given in purported compliance with that Article are inadequate or untrue.

- (2) Where an industrial tribunal finds a complaint under this Article well-founded, the tribunal—

- (a) may make a declaration as to what it finds the employer’s reasons were for dismissing the employee, and
- (b) shall make an award that the employer pay to the employee a sum equal to the amount of two weeks' pay.

(3) An industrial tribunal shall not consider a complaint under this Article relating to the reasons for a dismissal unless it is presented to the tribunal at such a time that the tribunal would, in accordance with Article 145, consider a complaint of unfair dismissal in respect of that dismissal presented at the same time.