

SCHEDULE

Article 5.

MINOR AND CONSEQUENTIAL AMENDMENTS

The Employment Rights (Northern Ireland) Order 1996 (NI 16)

1. In Article 21 (rights during employment) after paragraph (4) insert—

“(4A) Where the calculation is for the purposes of Article 91B, the calculation date is the day on which the time off was taken or on which it is alleged the time off should have been permitted.”.

2. After Article 70 insert—

“Employees exercising right to time off work for study or training

70A.—(1) An employee has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer or the principal (within the meaning of Article 91A(3)) done on the ground that, being a person entitled to—

(a) time off under Article 91A(1) or (3), and

(b) remuneration under Article 91B(1) in respect of that time taken off,

the employee exercised (or proposed to exercise) that right or received (or sought to receive) such remuneration.

(2) Except where an employee is dismissed in circumstances in which, by virtue of Article 240, Part XI does not apply to the dismissal, this Article does not apply where the detriment in question amounts to dismissal (within the meaning of that Part).”.

3. In Article 71 (complaints to industrial tribunals)—

(a) in paragraph (1) for “69 or 70” substitute “69, 70 or 70A”; and

(b) at the end add—

“(5) In this Article and Article 72 any reference to the employer includes, where a person complains that he has been subjected to a detriment in contravention of Article 70A, the principal (within the meaning of Article 91A(3)).”.

4. In Article 86 (right to time off for occupational pension scheme trustees), at the end of paragraph (3) add

“, and

(c) references to training are to training on the employer’s premises or elsewhere.”.

5. In Article 135 (assertion of statutory right) at the end add—

“(5) In this Article any reference to an employer includes, where the right in question is conferred by Article 91A, the principal (within the meaning of Article 91A(3)).”.

The Shops (Sunday Trading &c.) (Northern Ireland) Order 1997 (NI 20)

6. In paragraph 10(11) of Schedule 2 for “69 or 70” substitute “69, 70 or 70A”.