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STATUTORY INSTRUMENTS

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**1999 No. 2790**

**The Employment Relations (Northern Ireland) Order 1999**

*Trade Unions*

**Blacklists**

- 5.—(1) The Department may make regulations prohibiting the compilation of lists which—
- (a) contain details of members of trade unions or persons who have taken part in the activities of trade unions; and
  - (b) are compiled with a view to being used by employers or employment agencies for the purposes of discrimination in relation to recruitment or in relation to the treatment of workers.
- (2) The Department may make regulations prohibiting—
- (a) the use of lists to which paragraph (1) applies;
  - (b) the sale or supply of lists to which paragraph (1) applies.
- (3) Regulations under this Article may, in particular—
- (a) confer jurisdiction (including exclusive jurisdiction) on industrial tribunals;
  - (b) include provision for or about the grant and enforcement of specified remedies by courts and tribunals;
  - (c) include provision for the making of awards of compensation calculated in accordance with the regulations;
  - (d) include provision permitting proceedings to be brought by trade unions on behalf of members in specified circumstances;
  - (e) include provision about cases where an employee is dismissed by his employer and the reason or principal reason for the dismissal, or why the employee was selected for dismissal, relates to a list to which paragraph (1) applies;
  - (f) create criminal offences;
  - (g) in specified cases or circumstances, extend liability for a criminal offence created under sub-paragraph (f) to a person who aids the commission of the offence or to a person who is an agent, principal, employee, employer or officer of a person who commits the offence;
  - (h) provide for specified obligations or offences not to apply in specified circumstances;
  - (i) include consequential provision, including provision amending a statutory provision.
- (4) Regulations under this Article creating an offence may not provide for it to be punishable—
- (a) by imprisonment;
  - (b) by a fine in excess of level 5 on the standard scale in the case of an offence triable only summarily; or
  - (c) by a fine in excess of the statutory maximum in the case of summary conviction for an offence triable either on indictment or summarily.
- (5) In this Article—

“list” includes any index or other set of items whether recorded electronically or by any other means; and

“worker” has the meaning given by Article 15.

(6) Subject to paragraph (5), expressions used in this Article and in the Trade Union and Labour Relations Order have the same meaning in this Article as in that Order.