
STATUTORY INSTRUMENTS

1999 No. 2790 (N.I. 9)

NORTHERN IRELAND

The Employment Relations (Northern Ireland) Order 1999

Made - - - - 12th October 1999
Laid before Parliament 26th October 1999
Coming into operation on days to be appointed
under Article 1(2)

**THE EMPLOYMENT RELATIONS
(NORTHERN IRELAND) ORDER 1999**

Introduction

1. Title and commencement
2. Interpretation

Trade Unions

3. Collective bargaining: recognition
4. Detriment related to trade union membership
5. Blacklists
6. Ballots and notices
7. Training
8. Unfair dismissal connected with recognition: interim relief

Leave for family reasons, etc.

9. Maternity and parental leave
10. Time-off for dependants
11. Consequential amendments

Disciplinary and grievance hearings

12. Right to be accompanied
13. Complaint to industrial tribunal
14. Detriment and dismissal
15. Interpretation
16. Contracting out and conciliation
17. National security employees

Status: This is the original version (as it was originally made).

Other rights of individuals

18. Unfair dismissal of striking workers
19. Collective agreements: detriment and dismissal
20. Agreement to exclude dismissal rights
21. Part-time work: discrimination
22. Part-time work: code of practice
23. Code of practice: supplemental
24. Power to confer rights on individuals

The Industrial Court, the Agency, Commissioners and Certification Officer

25. The Industrial Court
26. The Agency: general duty
27. Abolition of Commissioners
28. The Certification Officer for Northern Ireland

Miscellaneous

29. Partnerships at work
30. Employment agencies
31. Employment rights: employment outside Northern Ireland
32. Unfair dismissal: special and additional awards
33. Indexation of amounts, etc.
34. Guarantee payments
35. Articles 32 to 34: consequential
36. Compensatory awards, etc.: removal of limits in certain cases
37. Transfer of undertakings
38. National security

General

39. Orders and regulations
40. Repeals
Signature

SCHEDULES

SCHEDULE 1 — COLLECTIVE BARGAINING: RECOGNITION

SCHEDULE 2 — UNION MEMBERSHIP: DETRIMENT

Introduction

1. The Employment Rights Order shall be amended as provided in...

Detriment

2. (1) Article 73 (action short of dismissal on grounds related...

Complaints to industrial tribunal

3. (1) Article 74 shall be amended as follows.

Consideration of complaint

4. (1) Article 75 shall be amended as follows.

Remedies

5. In Article 76 for “action” there shall be substituted “act...

Awards against third parties

6. In Article 77(1)— (a) in sub-paragraph (a) for “action has...

SCHEDULE 3 — BALLOTS AND NOTICES

Introduction

1. The Trade Union and Labour Relations Order shall be amended...

Support of ballot

2. (1) Article 104 (requirement of ballot before action by trade...

Documents for employers

3. (1) Article 105 (notice of ballot and sample voting paper...

Entitlement to vote

4. In Article 108 (entitlement to vote in ballot) paragraph (2)...

Separate workplace ballots

5. The following shall be substituted for Article 109 (separate workplace...

Voting

6. (1) Article 110 (voting) shall be amended as follows.

Conduct of ballot: merchant seamen

7. In Article 111 (conduct of ballot) for paragraphs (3) and...

Inducement

8. After Article 115 insert— Inducement of member denied entitlement to...

Disregard of certain failures

9. After Article 115A there shall be inserted— Small accidental failures...

Period of ballot's effectiveness

10. In Article 117 (period after which ballot ceases to be...

Notice of industrial action

11. (1) Article 118 (notice to employers of industrial action) shall...

SCHEDULE 4 — LEAVE FOR FAMILY REASONS, ETC.

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PART I — MATERNITY LEAVE AND PARENTAL LEAVE NEW PART IX
OF EMPLOYMENT RIGHTS ORDER
PART II — TIME OFF FOR DEPENDANTS PROVISIONS TO BE
INSERTED AFTER ARTICLE 85 OF THE EMPLOYMENT
RIGHTS ORDER
PART III — CONSEQUENTIAL AMENDMENTS

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

1. In Article 8(3) after sub-paragraph (b) insert “or”.
2. In Article 21(5)(b) for head (i) substitute—
3. After Article 70B insert— Leave for family and domestic reasons...
4. In Article 71(1) for “or 70A” substitute “, 70A or...”
5. In Articles 120(1)(c) and 121(3)(b) after “childbirth” insert “or on...”
6. In Article 124(4)(b) for “maternity leave period” substitute “ordinary or...”
7. In Article 130(6) for “Paragraphs (4) and (5) are” substitute...
8. For Article 131 substitute— Leave for family reasons (1) An employee who is dismissed shall be regarded for...
9. In Articles 143(2) and 144(2) for sub-paragraph (a) substitute—
10. In Article 143(2) after sub-paragraph (cc) insert—
11. In Article 144(2) after sub-paragraph (c) insert—
12. In Article 152(1)(b) for “to 162” substitute “and 161”.
13. In Article 237(2)— (a) after sub-paragraph (aa) insert—
14. In Article 243(1) after “Article 70,” insert “Article 70C,”.
15. In Article 244(2)— (a) in sub-paragraph (b) for “and 70”...
16. In Article 251— (a) at the beginning of paragraph (1)...

SCHEDULE 5 — UNFAIR DISMISSAL OF STRIKING WORKERS

1. The Employment Rights Order shall be amended as provided by...
2. In Article 137, in paragraph (1)(c) for “(7)” substitute “(7A)”...
3. In Articles 140(3) and 141(2) at the end add or...
4. In Article 144 after paragraph (2) insert—
5. In Article 144(8) after “this Article” insert “or Article 144A”....
6. After Article 144 insert— Participation in official industrial action (1) For the purposes of this Article an employee takes...

SCHEDULE 6 — THE CERTIFICATION OFFICER

Introduction

1. The Industrial Relations (Northern Ireland) Order 1992 shall be amended...

Offenders

2. (1) Article 13C (application to Certification Officer or court for...

Accounting records

3. (1) Article 37 (remedy for failure to comply with request...

Procedure before, and appeals from, Certification Officer

4. (1) Article 70 (procedure before, and appeals from, Certification Officer)...
5. After Article 70 there shall be inserted— Vexatious litigants (1) The Certification Officer may refuse to entertain any application...

6. The Trade Union and Labour Relations Order shall be amended...

Register of members

7. In Article 3 (duty to maintain register of members' names...
8. In Article 4 (securing confidentiality of register during ballots) the...
9. (1) Article 5 (application to Certification Officer for declaration of...
10. (1) Article 6 (application to High Court for declaration of...

Elections

11. In Article 21 (remedy for failure to comply with the...
12. (1) Article 22 (application to Certification Officer for declaration of...
13. (1) Article 23 (application to High Court for declaration of...

Application of funds for political objects

14. After Article 46 there shall be inserted— Application of funds...

Political ballot rules

15. In Article 54 (remedy for failure to comply with political...
16. (1) Article 55 (application to Certification Officer for declaration of...
17. (1) Article 56 (application to court for declaration of failure...

Political fund

18. (1) Article 57 (rules as to political fund) shall be...

Employers' associations

19. (1) In Article 72(2) (provisions about application of funds for...

Amalgamation or transfer of engagements

20. (1) Article 84 (complaints about procedure relating to amalgamation or...
21. In Article 90 (provisions about amalgamations and similar matters to...

Breach of union rules

22. After Part VI there shall be inserted— PART VIA BREACH...
23. In Article 149(2) (regulations and orders) after “Article 1(2)” insert...

SCHEDULE 7 — EMPLOYMENT AGENCIES

Introduction

1. The Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 shall be...

General regulations

2. (1) Article 6 (power to make general regulations) shall be...

Charges

3. For Article 7(1) (restriction on demand or receipt of fee...

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Offences

4. After Article 9 there shall be inserted— Offences: extension of...

Regulations and orders

5. For Article 10(3) (regulations: procedure) there shall be substituted—

Interpretation

6. In Article 11(2) (definition of employment agency) for “workers” (in...

Exemptions

7. For Article 11(5)(g) there shall be substituted—

SCHEDULE 8 — NATIONAL SECURITY

1. The following shall be substituted for Article 238 of the...
2. Article 6(7) of the Industrial Tribunals (Northern Ireland) Order 1996...
3. The following shall be substituted for Article 12 of that...

SCHEDULE 9 — REPEALS

Explanatory Note