

Draft Order laid before the Assembly under Article 84A(9) of the Industrial Relations (Northern Ireland) Order 1992, for approval by resolution of the Assembly

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2012 No. 000

EMPLOYMENT

**The Labour Relations Agency Arbitration Scheme
(Jurisdiction) Order (Northern Ireland) 2012**

<i>Made</i>	- - - -	2012
<i>Coming into operation</i>		2012

The Department for Employment and Learning⁽¹⁾, in exercise of the power conferred by Article 84A(1)(b) of the Industrial Relations (Northern Ireland) Order 1992⁽²⁾, and now vested in it⁽³⁾, makes the following Order.

Citation and commencement

1. This Order may be cited as the Labour Relations Agency Arbitration Scheme (Jurisdiction) Order (Northern Ireland) 2012 and shall come into operation on .

Statutory provisions in respect of which an Agency arbitration scheme may apply

2. The Schedule specifies the statutory provisions in respect of which, under Article 84A(1)(b) of the Industrial Relations (Northern Ireland) Order 1992, the Agency may prepare a scheme providing for arbitration in the case of disputes involving proceedings, or claims which could be the subject of proceedings, before an industrial tribunal.

(1) Formerly the Department of Higher and Further Education, Training and Employment; *see* 2001 c. 15 (N.I.)
(2) S.I. 1992/807 (N.I. 5); Article 84A was inserted by Article 8 of the Employment Rights (Dispute Resolution) (Northern Ireland) Order 1998 (S.I. 1998/1265 (N.I. 8)) and amended by paragraph 3 of Schedule 2 to the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2))
(3) *See* S.R. 1999 No. 481 Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Northern Ireland Statutory Rule: *The Labour Relations Agency Arbitration Scheme (Jurisdiction) Order (Northern Ireland) 2012 No. 302*

Sealed with the Official Seal of the Department for Employment and Learning on .

Dr Stephen Farry
Minister for Employment and Learning

SCHEDULE

Article 2

Statutory provisions in respect of which an Agency arbitration scheme may apply

Section 2(1) of the Equal Pay Act (Northern Ireland) 1970**(4)**;

Article 63 of the Sex Discrimination (Northern Ireland) Order 1976**(5)**;

Article 33, 36, 38 or 61 of the Trade Union and Labour Relations (Northern Ireland) Order 1995**(6)**;

section 17A of the Disability Discrimination Act 1995**(7)**;

any of the following provisions of the Employment Rights (Northern Ireland) Order 1996**(8)** –

- (a) Article 28 or 30 (access to employment);
- (b) Article 43 (itemised pay statement);
- (c) Article 55 (protection of wages);
- (d) Article 66 (guarantee payments);
- (e) Article 71 or 74 (protection from detriment, etc. in employment);
- (f) Article 79, 82, 85, 85B, 88, 91, 91C or 95 (time off work);
- (g) Article 102 (suspension from work);
- (h) Article 112(1) (parental leave);
- (i) Article 125 (written statement of reasons for dismissal);
- (j) Article 198 or 205 (redundancy payment);
- (k) Article 220 or 233 (handling of redundancies and protective awards);

Article 6 of the Industrial Tribunals Extension of Jurisdiction Order (Northern Ireland) 1994**(9)**;

Article 52 of the Race Relations (Northern Ireland) Order 1997**(10)**;

section 11, 20(1)(b) or 24 of the National Minimum Wage Act 1998**(11)**;

regulation 30 of the Working Time Regulations (Northern Ireland) 1998**(12)**;

regulation 27 or 32 of the Transnational Information and Consultation of Employees Regulations 1999**(13)**;

regulation 8 of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000**(14)**;

regulation 7 or 9(5) of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2002**(15)**;

regulations 4(a) and 18 of the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003**(16)**;

(4) 1970 c. 32 (N.I.); s. 2(1) was substituted by S.I. 1976/1042 (N.I. 15), Schedule 1, paragraph 2(1)

(5) S.I. 1976/1042 (N.I. 15)

(6) S.I. 1995/1980 (N.I. 12)

(7) 1995 c. 50; s. 17A was amended by S.R. 2004 No. 55, regulation 9

(8) S.I. 1996/1919 (N.I. 16)

(9) S.R. 1994 No. 308

(10) S.I. 1997/869 (N.I. 6)

(11) 1998 c. 39

(12) S.R. 1998 No. 386

(13) S.I. 1999/3323

(14) S.R. 2000 No. 219

(15) S.R. 2002 No. 298

(16) S.I. 2003/3049

regulation 34 of the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003**(17)**;

regulations 4(a) and 19 of the Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004**(18)**;

regulation 41 or 45 of the European Public Limited-Liability Company Regulations (Northern Ireland) 2004**(19)**;

regulation 29 or 33 of the Information and Consultation of Employees Regulations (Northern Ireland) 2005**(20)**;

regulation 12 or 16 of and paragraphs 10(3) or (4) and 11 of Schedule 1 to the Transfer of Undertakings (Protection of Employment) Regulations 2006**(21)**;

paragraph 4 or 8 of the Schedule to the Occupational and Personal Pension Schemes (Consultation by Employers) Regulations (Northern Ireland) 2006**(22)**;

regulation 12 or 16 of the Service Provision Change (Protection of Employment) Regulations (Northern Ireland) 2006**(23)**;

regulation 41 of the Employment Equality (Age) Regulations (Northern Ireland) 2006;**(24)**

regulation 30 or 34 of and paragraphs 9 and 13 of Schedule 3 to the European Cooperative Society (Involvement of Employees) Regulations 2006;**(25)**

regulation 45 or 51 of and paragraphs 6 and 10 of Schedule 2 to the Companies (Cross-Border Mergers) Regulations 2007**(26)**;

regulation 17 of the Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008**(27)**;

section 56 of the Pensions (No. 2) Act (Northern Ireland) 2008**(28)**;

regulation 28 or 32 of the European Public Limited-Liability Company (Employee Involvement) (Northern Ireland) Regulations 2009**(29)**;

regulation 18 of the Agency Workers Regulations (Northern Ireland) 2011**(30)**.

(17) S.R. 2003 No. 497
(18) S.I. 2004/1713
(19) S.R. 2004 No. 417
(20) S.R. 2005 No. 47
(21) S.I. 2006/246
(22) S.R. 2006 No. 48
(23) S.R. 2006 No. 177
(24) S.R. 2006 No. 261
(25) S.I. 2006/2059
(26) S.I. 2007/2974
(27) S.R. 2008 No. 315
(28) 2008 c. 13 (N.I.)
(29) S.I. 2009/2402
(30) S.R. 2011 No. 350

EXPLANATORY NOTE

(This note is not part of the Order)

Under Article 84A(1)(b) of the Industrial Relations (Northern Ireland) Order 1992, the Department for Employment and Learning is empowered to specify statutory provisions in respect of which the Labour Relations Agency may prepare an arbitration scheme for dealing with disputes which are or could become the subject of industrial tribunal proceedings.

This Order utilises that power, listing in the Schedule a range of employment rights jurisdictions in respect of which the Agency may prepare a scheme.

The Department has not prepared a specific impact assessment in respect of this Order. The impact of revised arbitration arrangements has already been assessed in connection with the Department's review of systems for resolving disputes arising in the workplace. For more information, visit www.delni.gov.uk or contact the Department.