
STATUTORY INSTRUMENTS

1995 No. 1980

**The Trade Union and Labour Relations
(Northern Ireland) Order 1995**

[^{F1}PART IVA]

[^{F1}COLLECTIVE BARGAINING: RECOGNITION]

Article 44B: complaint to industrial tribunal

44C.—(1) A trade union may present a complaint to an industrial tribunal that an employer has failed to comply with his obligations under Article 44B in relation to a bargaining unit.

- (2) An industrial tribunal shall not consider a complaint under this Article unless it is presented—
- (a) before the end of the period of three months beginning with the date of the alleged failure, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

[^{F1}(2A) Article 147A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2)(a).]

- (3) Where an industrial tribunal finds a complaint under this Article well-founded it—
- (a) shall make a declaration to that effect, and
 - (b) may make an award of compensation to be paid by the employer to each person who was, at the time when the failure occurred, a member of the bargaining unit.
- (4) The amount of the award shall not, in relation to each person, exceed two weeks' pay.
- (5) For the purpose of paragraph (4) a week's pay—
- (a) shall be calculated in accordance with Chapter IV of Part I of the Employment Rights Order (taking the date of the employer's failure as the calculation date), and
 - (b) shall be subject to the limit in Article 23(1) of that Order.
- (6) Proceedings for enforcement of an award of compensation under this Article—
- (a) may, in relation to each person to whom compensation is payable, be commenced by that person, and
 - (b) may not be commenced by a trade union.

F1 [Art. 44C\(2A\)](#) inserted (27.1.2020) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\)](#), s. 29(2), [Sch. 2 para. 7](#); S.R. 2020/1, art. 2(n)

Changes to legislation:

There are currently no known outstanding effects for the The Trade Union and Labour Relations (Northern Ireland) Order 1995, Section 44C.