

SCHEDULES

SCHEDULE 1

Article 15

STATUTORY DISPUTE RESOLUTION PROCEDURES

PART I

DISMISSAL AND DISCIPLINARY PROCEDURES

CHAPTER I

STANDARD PROCEDURE

Step 1: statement of grounds for action and invitation to meeting

1.—(1) The employer must set out in writing the employee's alleged conduct or characteristics, or other circumstances, which lead him to contemplate dismissing or taking disciplinary action against the employee.

(2) The employer must send the statement or a copy of it to the employee and invite the employee to attend a meeting to discuss the matter.

Step 2: meeting

2.—(1) The meeting must take place before action is taken, except in the case where the disciplinary action consists of suspension.

(2) The meeting must not take place unless—

(a) the employer has informed the employee what the basis was for including in the statement under paragraph 1(1) the ground or grounds given in it, and

(b) the employee has had a reasonable opportunity to consider his response to that information.

(3) The employee must take all reasonable steps to attend the meeting.

(4) After the meeting, the employer must inform the employee of his decision and notify him of the right to appeal against the decision if he is not satisfied with it.

Step 3: appeal

3.—(1) If the employee does wish to appeal, he must inform the employer.

(2) If the employee informs the employer of his wish to appeal, the employer must invite him to attend a further meeting.

(3) The employee must take all reasonable steps to attend the meeting.

(4) The appeal meeting need not take place before the dismissal or disciplinary action takes effect.

(5) After the appeal meeting, the employer must inform the employee of his final decision.

Changes to legislation: There are currently no known outstanding effects for the *The Employment (Northern Ireland) Order 2003*. (See end of Document for details)

CHAPTER II MODIFIED PROCEDURE

Step 1: statement of grounds for action

4. The employer must—
- (a) set out in writing—
 - (i) the employee's alleged misconduct which has led to the dismissal,
 - (ii) what the basis was for thinking at the time of the dismissal that the employee was guilty of the alleged misconduct, and
 - (iii) the employee's right to appeal against dismissal, and
 - (b) send the statement or a copy of it to the employee.

Step 2: appeal

- 5.—(1) If the employee does wish to appeal, he must inform the employer.
- (2) If the employee informs the employer of his wish to appeal, the employer must invite him to attend a meeting.
- (3) The employee must take all reasonable steps to attend the meeting.
- (4) After the appeal meeting, the employer must inform the employee of his final decision.

^{F1}PART II GRIEVANCE PROCEDURES

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F1 Sch. 1 Pt. II (paras. 6-10) repealed (3.4.2011) by [Employment Act \(Northern Ireland\) 2011 \(c. 13\)](#), ss. 1(1)(b), 16, 17(1), [Sch. 4](#); S.R. 2011/159, [art. 2](#) (with [art. 3](#), [Sch.](#))

PART III GENERAL REQUIREMENTS

Introductory

11. The following requirements apply to each of the procedures set out [^{F2}in Part 1] (so far as applicable).

F2 Words in [Sch. 1 para. 11](#) substituted (3.4.2011) by [Employment Act \(Northern Ireland\) 2011 \(c. 13\)](#), ss. 1(2), 17(1), [Sch. 1 para. 4](#); S.R. 2011/159, [art. 2](#) (with [art. 3](#), [Sch.](#))

Timetable

12. Each step and action under the procedure must be taken without unreasonable delay.

Changes to legislation: There are currently no known outstanding effects for the *The Employment (Northern Ireland) Order 2003*. (See end of Document for details)

Meetings

13.—(1) Timing and location of meetings must be reasonable.

(2) Meetings must be conducted in a manner that enables both employer and employee to explain their cases.

(3) In the case of appeal meetings which are not the first meeting, the employer should, as far as is reasonably practicable, be represented by a more senior manager than attended the first meeting (unless the most senior manager attended that meeting).

PART IV

SUPPLEMENTARY

Status of meetings

14. A meeting held for the purposes of this Schedule is a hearing for the purposes of Article 15(4)^{F3} . . . of the Employment Relations (Northern Ireland) Order 1999 (NI 9) (definition of “disciplinary hearing”^{F3} . . . in relation to the right to be accompanied under Article 12 of that Order).

F3 Words in Sch. 1 para. 14 repealed (3.4.2011) by [Employment Act \(Northern Ireland\) 2011 \(c. 13\)](#), ss. 1(2), 16, 17(1), Sch. 1 para. 5, [Sch. 4](#); S.R. 2011/159, [art. 2](#) (with art. 3, Sch.)

Scope of grievance procedures

15. ^{F4}

F4 Sch. 1 para. 15 repealed (3.4.2011) by [Employment Act \(Northern Ireland\) 2011 \(c. 13\)](#), ss. 1(2), 16, 17(1), Sch. 1 para. 6, [Sch. 4](#); S.R. 2011/159, [art. 2](#) (with art. 3, Sch.)

SCHEDULE 2

Article 17

TRIBUNAL JURISDICTIONS TO WHICH ARTICLE 17 APPLIES

Section 2 of the Equal Pay Act (Northern Ireland) 1970 (c. 32) (equality clauses)

Article 63 of the Sex Discrimination (Northern Ireland) Order 1976 (NI 15) (discrimination in the employment field)

Paragraph 156 of Schedule 1A to the Trade Union and Labour Relations (Northern Ireland) Order 1995 (NI 12) (detriment in relation to union recognition rights)

[^{F5}Section 17A of the Disability Discrimination Act 1995] (c. 50) (discrimination in the employment field)

Changes to legislation: There are currently no known outstanding effects for the
The Employment (Northern Ireland) Order 2003. (See end of Document for details)

F5 SR 2004/55

F5 SR 2004/55

Article 55 of the Employment Rights (Northern Ireland) Order 1996 (NI 16) (unauthorised deductions and payments)

Article 71 of that Order (detriment in employment)

Article 74 of that Order (detriment in relation to trade union membership and activities)

[^{F6}Article 77A of that Order (inducements relating to union membership or activities)]

F6 2004 NI 19

F6 2004 NI 19

Article 77B of that Order (inducements relating to collective bargaining)

Article 145 of that Order (unfair dismissal)

Article 198 of that Order (redundancy payments)

Article 52 of the Race Relations (Northern Ireland) Order 1997 (NI 6) (discrimination in the employment field)

Section 24 of the National Minimum Wage Act 1998 (c. 39) (detriment in relation to national minimum wage)

The Industrial Tribunals Extension of Jurisdiction Order (Northern Ireland) 1994 (SR 1994/308) (breach of employment contract and termination)

Regulation 30 of the Working Time Regulations (Northern Ireland) 1998 (SR 1998/386) (breach of regulations)

Regulation 32 of the Transnational Information and Consultation of Employees Regulations 1999 (S.I. 1999/3323) (detriment relating to European Works Councils)

[^{F7}Regulation 34 of the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 (discrimination in the employment field)]

F7 SR 2003/497

F7 SR 2003/497

[^{F8}Regulation 41 of the Employment Equality (Age) Regulations (Northern Ireland) 2006 (discrimination in the employment field)]

F8 Words in Sch. 2 inserted (1.10.2006) by [Employment Equality \(Age\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/261\)](#), regs. 1(1), 53(1), **Sch. 7 para. 6(a)** (with reg. 50)

F8 Words in Sch. 2 inserted (1.10.2006) by [Employment Equality \(Age\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/261\)](#), regs. 1(1), 53(1), **Sch. 7 para. 6(a)** (with reg. 50)

[^{F9F10} ...

F9 Words in Sch. 2 added (6.4.2007) by [Employment \(Northern Ireland\) Order 2003 \(Amendment of Schedules 2, 3 and 4\) Order \(Northern Ireland\) 2007 \(S.R. 2007/91\)](#), **art. 3(a)** (with transitional provisions in art. 4)

F10 Words in [Sch. 2](#) repealed (27.1.2020) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\)](#), ss. 26(1)(a), 29(2), **Sch. 3** (with s. 26(2)); S.R. 2020/1, art. 2(k)(o)(iii)

F9 Words in Sch. 2 added (6.4.2007) by [Employment \(Northern Ireland\) Order 2003 \(Amendment of Schedules 2, 3 and 4\) Order \(Northern Ireland\) 2007 \(S.R. 2007/91\)](#), **art. 3(a)** (with transitional provisions in art. 4)

F10 Words in [Sch. 2](#) repealed (27.1.2020) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\)](#), ss. 26(1)(a), 29(2), **Sch. 3** (with s. 26(2)); S.R. 2020/1, art. 2(k)(o)(iii)

Regulation 33 of the Information and Consultation of Employees Regulations (Northern Ireland) 2005 (detriment: enforcement and subsidiary provisions)

F9 Words in Sch. 2 added (6.4.2007) by [Employment \(Northern Ireland\) Order 2003 \(Amendment of Schedules 2, 3 and 4\) Order \(Northern Ireland\) 2007 \(S.R. 2007/91\)](#), **art. 3(a)** (with transitional provisions in art. 4)

Paragraph 8 of the Schedule to the Occupational and Personal Pension Schemes (Consultation by Employers) Regulations (Northern Ireland) 2006 (protections from suffering other detriment in employment)]

Changes to legislation: There are currently no known outstanding effects for the *The Employment (Northern Ireland) Order 2003*. (See end of Document for details)

F9 Words in Sch. 2 added (6.4.2007) by *Employment (Northern Ireland) Order 2003 (Amendment of Schedules 2, 3 and 4) Order (Northern Ireland) 2007 (S.R. 2007/91)*, **art. 3(a)** (with transitional provisions in art. 4)

[^{F11}Regulation 51 of the *Companies (Cross-Border Mergers) Regulations 2007* (detriment: enforcement and subsidiary provisions).]

F11 Words in Sch. 2 inserted (15.12.2007) by *Companies (Cross-Border Mergers) Regulations 2007 (S.I. 2007/2974)*, regs. 22(3), 63, **Sch. 2 para. 19**

F11 Words in Sch. 2 inserted (15.12.2007) by *Companies (Cross-Border Mergers) Regulations 2007 (S.I. 2007/2974)*, regs. 22(3), 63, **Sch. 2 para. 19**

[^{F12}Regulation 17 of the *Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008* (breach of regulations)]

F12 Words in Sch. 2 inserted (1.10.2008) by *Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008 (S.R. 2008/315)*, reg. 19, **Sch. 3 para. 3(a)**

F12 Words in Sch. 2 inserted (1.10.2008) by *Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008 (S.R. 2008/315)*, reg. 19, **Sch. 3 para. 3(a)**

[^{F13}Regulation 32 of the *European Public Limited-Liability Company (Employment Involvement) (Northern Ireland) Regulations 2009*]

F13 Words in Sch. 2 inserted (27.1.2020) by *Employment Act (Northern Ireland) 2016 (c. 15)*, **ss. 26(1)(b), 29(2)** (with s. 26(2)); S.R. 2020/1, art. 2(k)

[^{F14}Regulation 9 of the *Employment Relations (Northern Ireland) Order 1999* (Blacklists) *Regulations (Northern Ireland) 2014* (detriment connected with prohibited list).]

F14 Words in Sch. 2 inserted (6.4.2014) by *The Employment Relations (Northern Ireland) Order 1999 (Blacklists) Regulations (Northern Ireland) 2014 (S.R. 2014/88)*, regs. 1, **17(6)**

^{F15}F15 SCHEDULE 3

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F15 Sch. 3 repealed (3.4.2011) by *Employment Act (Northern Ireland) 2011 (c. 13)*, ss. 16, 17(1), **Sch. 4**; S.R. 2011/159, **art. 2** (with art. 3, Sch.)

SCHEDULE 4

Article 27

TRIBUNAL JURISDICTIONS TO WHICH ARTICLE 27 APPLIES

Section 2 of the Equal Pay Act (Northern Ireland) 1970 (c. 32) (equality clauses)

Article 63 of the Sex Discrimination (Northern Ireland) Order 1976 (NI 15) (discrimination in the employment field)

Paragraph 156 of Schedule 1A to the Trade Union and Labour Relations (Northern Ireland) Order 1995 (NI 12) (detriment in relation to union recognition rights)

[^{F20}Section 17A of the Disability Discrimination Act 1995] (c. 50) (discrimination in the employment field)

F20 SR 2004/55

F20 SR 2004/55

Article 55 of the Employment Rights (Northern Ireland) Order 1996 (NI 16) (unauthorised deductions and payments)

Article 71 of that Order (detriment in employment)

Article 74 of that Order (detriment in relation to trade union membership and activities)

[^{F21}Article 77A of that Order (inducements relating to union membership or activities)]

F21 2004 NI 19

F21 2004 NI 19

Article 77B of that Order (inducements relating to collective bargaining)

Article 145 of that Order (unfair dismissal)

Article 198 of that Order (redundancy payments)

Changes to legislation: There are currently no known outstanding effects for the *The Employment (Northern Ireland) Order 2003*. (See end of Document for details)

Article 52 of the Race Relations (Northern Ireland) Order 1997 (NI 6) (discrimination in the employment field)

Section 24 of the National Minimum Wage Act 1998 (c. 39) (detriment in relation to national minimum wage)

The Industrial Tribunals Extension of Jurisdiction Order (Northern Ireland) 1994 (SR 1994/308) (breach of employment contract and termination).

[^{F22}Regulation 43 of the Working Time Regulations (Northern Ireland) 2016 (breach of regulations)]

F22 Words in Sch. 4 substituted (28.2.2016) by [The Working Time Regulations \(Northern Ireland\) 2016 \(S.R. 2016/49\)](#), regs. 1, **53(4)** (with reg. 22(1))

F22 Words in Sch. 4 substituted (28.2.2016) by [The Working Time Regulations \(Northern Ireland\) 2016 \(S.R. 2016/49\)](#), regs. 1, **53(4)** (with reg. 22(1))

Regulation 32 of the Transnational Information and Consultation of Employees Regulations 1999 (S.I. 1999/3323) (detriment relating to European Works Councils)

[^{F23}Regulation 34 of the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 (discrimination in the employment field)]

F23 SR 2003/497

F23 SR 2003/497

[^{F24}Regulation 41 of the Employment Equality (Age) Regulations (Northern Ireland) 2006 (discrimination in the employment field)]

F24 Words in Sch. 4 inserted (1.10.2006) by [Employment Equality \(Age\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/261\)](#), regs. 1(1), 53(1), **Sch. 7 para. 6(c)** (with reg. 50)

F24 Words in Sch. 4 inserted (1.10.2006) by [Employment Equality \(Age\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/261\)](#), regs. 1(1), 53(1), **Sch. 7 para. 6(c)** (with reg. 50)

[^{F25F26} ...

F25 Words in Sch. 4 added (6.4.2007) by [Employment \(Northern Ireland\) Order 2003 \(Amendment of Schedules 2, 3 and 4\) Order \(Northern Ireland\) 2007 \(S.R. 2007/91\)](#), **art. 3(c)** (with transitional provisions in [art. 4](#))

Changes to legislation: There are currently no known outstanding effects for the *The Employment (Northern Ireland) Order 2003*. (See end of Document for details)

F26 Words in Sch. 4 repealed (27.1.2020) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\), ss. 26\(3\)\(a\), 29\(2\), Sch. 3 \(with s. 26\(4\)\)](#); S.R. 2020/1, art. 2(k)(o)(iii)

F25 Words in Sch. 4 added (6.4.2007) by [Employment \(Northern Ireland\) Order 2003 \(Amendment of Schedules 2, 3 and 4\) Order \(Northern Ireland\) 2007 \(S.R. 2007/91\), art. 3\(c\)](#) (with transitional provisions in art. 4)

F26 Words in Sch. 4 repealed (27.1.2020) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\), ss. 26\(3\)\(a\), 29\(2\), Sch. 3 \(with s. 26\(4\)\)](#); S.R. 2020/1, art. 2(k)(o)(iii)

Regulation 33 of the Information and Consultation of Employees Regulations (Northern Ireland) 2005 (detriment: enforcement and subsidiary provisions)

F25 Words in Sch. 4 added (6.4.2007) by [Employment \(Northern Ireland\) Order 2003 \(Amendment of Schedules 2, 3 and 4\) Order \(Northern Ireland\) 2007 \(S.R. 2007/91\), art. 3\(c\)](#) (with transitional provisions in art. 4)

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[^{F27}Regulation 51 of the Companies (Cross-Border Mergers) Regulations 2007 (detriment: enforcement and subsidiary provisions).]

F27 Words in Sch. 4 inserted (15.12.2007) by [Companies \(Cross-Border Mergers\) Regulations 2007 \(S.I. 2007/2974\), regs. 22\(3\), 63, Sch. 2 para. 19](#)

F27 Words in Sch. 4 inserted (15.12.2007) by [Companies \(Cross-Border Mergers\) Regulations 2007 \(S.I. 2007/2974\), regs. 22\(3\), 63, Sch. 2 para. 19](#)

[^{F28}Regulation 17 of the Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008 (breach of regulations)]

F28 Words in Sch. 4 inserted (1.10.2008) by [Cross-border Railway Services \(Working Time\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/315\), reg. 19, Sch. 3 para. 3\(c\)](#)

F28 Words in Sch. 4 inserted (1.10.2008) by [Cross-border Railway Services \(Working Time\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/315\), reg. 19, Sch. 3 para. 3\(c\)](#)

Changes to legislation: There are currently no known outstanding effects for the
The Employment (Northern Ireland) Order 2003. (See end of Document for details)

[^{F29}Regulation 32 of the European Public Limited-Liability Company (Employment Involvement)
(Northern Ireland) Regulations 2009]

F29 Words in Sch. 4 inserted (27.1.2020) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\)](#), **ss. 26(3)(b)**,
29(2) (with s. 26(4)); S.R. 2020/1, art. 2(k)

Schedule 5—Amendments

Schedule 6—Repeals

Changes to legislation:

There are currently no known outstanding effects for the The Employment (Northern Ireland) Order 2003.