

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.

Status: This is the original version (as it was originally made).

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.

PART II
GRIEVANCE PROCEDURES
CHAPTER I
STANDARD PROCEDURE

Step 1: statement of grievance

6. The employee must set out the grievance in writing and send the statement or a copy of it to the employer.

Step 2: meeting

- 7.—(1) The employer must invite the employee to attend a meeting to discuss the grievance.
(2) The meeting must not take place unless—
 - (a) the employee has informed the employer what the basis for the grievance was when he made the statement under paragraph 6, and
 - (b) the employer 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 as to his response to the grievance and notify him of the right to appeal against the decision if he is not satisfied with it.

Step 3: appeal

- 8.**—(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) After the appeal meeting, the employer must inform the employee of his final decision.

CHAPTER II
MODIFIED PROCEDURE

Step 1: statement of grievance

- 9.** The employee must—
(a) set out in writing—
 (i) the grievance, and
 (ii) the basis for it, and
(b) send the statement or a copy of it to the employer.

Step 2: response

- 10.** The employer must set out his response in writing and send the statement or a copy of it to the employee.

PART III
GENERAL REQUIREMENTS

Introductory

- 11.** The following requirements apply to each of the procedures set out above (so far as applicable).

Timetable

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

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) and (5) of the [Employment Relations \(Northern Ireland\) Order 1999 \(NI 9\)](#) (definition of “disciplinary hearing” and “grievance hearing” in relation to the right to be accompanied under Article 12 of that Order).

Scope of grievance procedures

15.—(1) The procedures set out in Part II are only applicable to matters raised by an employee with his employer as a grievance.

(2) Accordingly, those procedures are only applicable to the kind of disclosure dealt with in Part VA of the Employment Rights Order (protected disclosures of information) if information is disclosed by an employee to his employer in circumstances where—

- (a) the information relates to a matter which the employee could raise as a grievance with his employer, and
- (b) it is the intention of the employee that the disclosure should constitute the raising of the matter with his employer as a grievance.

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)

Section 8 of the Disability Discrimination Act 1995 (c. 50) (discrimination in the employment field)

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)

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)

SCHEDULE 3

Article 19

TRIBUNAL JURISDICTIONS TO WHICH ARTICLE 19 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)

Section 8 of the Disability Discrimination Act 1995 (c. 50) (discrimination in the employment field)

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)

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)

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)

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)

Section 8 of the Disability Discrimination Act 1995 (c. 50) (discrimination in the employment field)

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

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- Article 71 of that Order (detriment in employment)
- Article 74 of that Order (detriment in relation to trade union membership and activities)
- 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)

SCHEDULE 5

Article 35

CONSEQUENTIAL AMENDMENTS

The Industrial Relations (Northern Ireland) Order 1992 (NI 5)

1.—(1) In Articles 90(1) and 95(1) at the end insert “or for purposes connected with trade union learning representatives”.

(2) For Article 90(5) for the words “guidance on the matters referred to in paragraph (2)(a) or (b)” substitute

“guidance—

- (a) on the time off to be permitted to a trade union learning representative in accordance with Article 92A (time off for training and carrying out functions as a learning representative);
- (b) on the training that is sufficient to enable a trade union learning representative to carry on the activities mentioned in Article 92A(2) (activities for which time off is to be permitted), or
- (c) on any of the matters referred to in paragraph (2),”.

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

2.—(1) In Article 22(3) for “153, 155 or 162A” substitute “146, 153, 154 or 155”.

(2) In Article 23(1) for “or” at the end of sub-paragraph (b) substitute—

“(ba) an award under Article 146(5); or”.

(3) The Article 70D which was inserted by Article 15(3) of the Employment (Northern Ireland) Order 2002—

- (a) shall be renumbered as Article 70E; and
- (b) shall be taken to have been inserted after the Article 70D which was inserted by paragraph 2(2) of Schedule 1 to the Tax Credits Act 2002;

and, accordingly, in Article 71(1) for “70D” substitute “70E”.

- (4) In Article 130(6) for “131” substitute “130A”.
- (5) In Article 140(3) after sub-paragraph (fg) insert—
“(fh) Article 135C applies;”.
- (6) In Article 146(4) and 151(3)(a) for “162A” substitute “161”.
- (7) In Article 152(1)(b) omit “and 162A(1), (3) and (4)”.
- (8) In Article 157(1) for “to 162 and 162A(1), (3) and (4)” substitute “and 161”.
- (9) Article 162A shall cease to have effect.
- (10) In Article 251(3)(a) after “63(7)” insert “, 92A(11)”.

The Industrial Tribunals (Northern Ireland) Order 1996 (NI 18)

3. In Article 21, at the end of paragraph (a) insert “and”.

The Fair Employment and Treatment (Northern Ireland) Order 1998 (NI 21)

- 4.—(1) In Article 38 after paragraph (1) there shall be inserted—
“(1A) Paragraph (1) is subject to Article 20 of the Employment (Northern Ireland) Order 2003.”.
- (2) In Article 46(1) after “paragraph (5)” insert “and to any regulations under Article 22 of the Employment (Northern Ireland) Order 2003”.
- (3) In Article 81(1) at the end add “or any other statutory provision”.

The Employment Relations (Northern Ireland) Order 1999 (NI 9)

5. In Article 24(1) at the end add—
“(h) the Employment (Northern Ireland) Order 2003.”.

The Employment (Northern Ireland) Order 2002 (NI 2)

6. In Schedule 1 for paragraph 1(2) substitute—
“(2) Sub-paragraph (1) does not apply to the imposition of such a penalty as is mentioned in Article 12(2)(a).”.

SCHEDULE 6

Article 35

REPEALS

Short Title	Extent of repeal
Employment Rights Northern Ireland) Order 1996 (NI 16)	Article 35(3) and (4). Article 152(4). Article 162A.

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Short Title	Extent of repeal
Industrial Tribunals (Northern Ireland) Order 1996 (NI 18)	In Article 21, paragraph (c) and the word “and” immediately before it.
Employment Rights (Dispute Resolution) (Northern Ireland) Order 1998 (NI 8)	Article 14. In Schedule 1, paragraphs 8, 10 to 12 and 14.
Fair Employment and Treatment (Northern Ireland) Order 1998 (NI 21)	Article 84(2) (f), (g), (i) and (j).
Employment Relations (Northern Ireland) Order 1999 (NI 9)	Article 13(6).