

2007 No. 91

EMPLOYMENT

**The Employment (Northern Ireland) Order 2003 (Amendment
of Schedules 2, 3 and 4) Order (Northern Ireland) 2007**

Made - - - - - *15th February 2007*

Coming into operation - *6th April 2007*

*To be laid before Parliament under paragraph 7(3) of the
Schedule to the Northern Ireland Act 2000*

The Department for Employment and Learning, in exercise of the powers conferred by Articles 17(7), 19(8), 27(8) and 34(1) of the Employment (Northern Ireland) Order 2003(a), makes the following Order:

Citation, commencement and interpretation

1. This Order may be cited as the Employment (Northern Ireland) Order 2003 (Amendment of Schedules 2, 3 and 4) Order (Northern Ireland) 2007 and shall come into operation on 6th April 2007.

2. In this Order “the 2003 Order” means the Employment (Northern Ireland) Order 2003.

Amendment of Schedules 2, 3 and 4

3. In the 2003 Order, at the end of each of the following Schedules(b)—

- (a) Schedule 2 (tribunal jurisdictions to which Article 17 applies);
- (b) Schedule 3 (tribunal jurisdictions to which Article 19 applies); and
- (c) Schedule 4 (tribunal jurisdictions to which Article 27 applies),

add—

“Regulation 45 of the European Public Limited-Liability Company Regulations (Northern Ireland) 2004 (detriment: enforcement and subsidiary provisions)

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

(a) S.I. 2003/2902 (N.I. 15)

(b) Schedules 2, 3 and 4 to the 2003 Order have each been amended by Article 30(1) and paragraph 25 of Schedule 2 to the Employment Relations (Northern Ireland) Order 2004 (S.I. 2004/3078 (N.I. 19)); by regulation 30(5) of the Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 55); by regulation 44 and paragraph 4 of Schedule 5 to the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 497); by regulation 53 and paragraph 6 of Schedule 7 to the Employment Equality (Age) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 261); and by paragraph 13(2) of Schedule 3 to the European Cooperative Society (Involvement of Employees) Regulations 2006 (S.I. 2006/2059)

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)".

Transitional provisions

- 4.—(1) Subject to paragraph (2), this Order shall apply—
- (a) in relation to dismissal and relevant disciplinary action, where the employer first contemplates dismissing or taking disciplinary action against the employee after this Order comes into operation; and
 - (b) in relation to grievances, where the action about which the employee complains occurs or continues after this Order comes into operation.
- (2) This Order shall not apply in relation to a grievance—
- (a) where the action about which the employee complains continues after this Order comes into operation if the employee has raised a grievance about the action with the employer before it comes into operation; or
 - (b) where the employee has presented a complaint to an industrial tribunal about that grievance before this Order comes into operation.

Sealed with the Official Seal of the Department for Employment and Learning on 15th February 2007.



D. S. S. McAuley
A senior officer of the
Department for Employment and Learning

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedules 2, 3 and 4 to the Employment (Northern Ireland) Order 2003 (“the 2003 Order”) and comes into operation on 6th April 2007.

Part IV of the 2003 Order provides for statutory dispute resolution procedures which are set out in Schedule 1 to that Order. There are procedures for both dismissal and disciplinary proceedings and grievance issues. These procedures apply to the jurisdictions which are listed in Schedules 2 and 3 to the 2003 Order.

Additionally, Article 17 of the 2003 Order requires an industrial tribunal to adjust a compensatory award in certain circumstances in the case of the jurisdictions listed in Schedule 2. Article 19 of the 2003 Order precludes the presentation in certain circumstances of a case arising under a jurisdiction listed in Schedule 3. Article 27 allows an industrial tribunal to award compensation in certain cases arising under the jurisdictions listed in Schedule 4.

Article 3 of this Order adds the jurisdictions specified therein to the jurisdictions listed in Schedules 2, 3 and 4 to the 2003 Order.

This Order also contains transitional provisions. These specify that the dismissal and disciplinary procedures only apply where the employer first contemplated taking action after the Order comes into operation, and the grievance procedure only applies where the grievance occurs after the Order comes into operation unless the grievance is a continuing matter and the employee has raised it with his employer or has presented a complaint to an industrial tribunal before that date.