

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2014 No. 88**

**The Employment Relations (Northern Ireland) Order  
1999 (Blacklists) Regulations (Northern Ireland) 2014**

*Supplementary provisions*

**Complaint against employer and employment agency**

14.—(1) Where P has a right of complaint under regulation 5 or 6 against R and E arising out of the same facts, P may present a complaint against either R or E or against R and E jointly.

(2) If P presents a complaint against only one party, that party or P may request the tribunal to join the other as a party to the proceedings.

(3) The request shall be granted if it is made before the hearing of the complaint begins, but may be refused if it is made after that time; and no such request may be made after the tribunal has made its decision as to whether the complaint is well-founded.

(4) Where P brings a complaint against R and E jointly, or where P brings a complaint against one of them and the other is joined as a party to the proceedings, and the tribunal—

- (a) finds that the complaint is well-founded as against R and E, and
- (b) awards compensation,

the tribunal may order that the compensation shall be paid by R, by E, or partly by R and partly by E, as the tribunal may consider just and equitable in all the circumstances.

**Awards against third parties in tribunal proceedings**

15.—(1) If in proceedings on a complaint under regulation 5, 6 or 9, or under Part 11 of the Employment Rights (Northern Ireland) Order 1996 as it applies by virtue of these Regulations, either the respondent or complainant claims that another person contravened regulation 3 in respect of the prohibited list to which the complaint relates, the complainant or respondent may request the tribunal to direct that other person be joined as a party to the proceedings.

(2) The request shall be granted if it is made before the hearing of the complaint begins, but may be refused if it is made after that time; and no such request may be made if it is made after the tribunal has made a decision as to whether the complaint is well-founded.

(3) Where a person has been so joined as a party to the proceedings and the tribunal-

- (a) finds that the complaint is well-founded,
- (b) awards compensation, and
- (c) finds the claim in paragraph (1) is well-founded,

the tribunal shall make a declaration to that effect and may award such of the remedies mentioned in paragraph (4) as it considers just and equitable.

(4) The remedies the tribunal may award are—

- (a) an order that compensation shall be paid by the person joined instead of by the respondent, or partly by that person and partly by the respondent;

- (b) a recommendation that within a specified period the person joined takes action appearing to the tribunal to be practicable for the purpose of obviating or reducing the adverse effect on the complainant of any conduct to which the complaint relates.
- (5) If the person joined fails without reasonable justification to comply with a recommendation to take action, the tribunal may increase its award of compensation or, if it has not made such an award, make one.
- (6) Where by virtue of regulation 14 (complaint against employer and employment agency) there is more than one respondent, the above provisions apply to either or both of them.

### Restrictions on contracting out

16. Article 245 of the Employment Rights (Northern Ireland) Order 1996 <sup>M1</sup> (restrictions on contracting out) applies in relation to regulations 5, 6 and 9 as if they were contained in that Order.

#### Marginal Citations

**M1** S.I. 1996/1919 (N.I. 16); Article 245 amended by Articles 9(4), 10(2), 11(2), 16, paragraph 13 and 15 of Schedule 1 and Schedule 2 to the [Employment Rights \(Dispute Resolution\) \(Northern Ireland\) Order 1998 \(S.I. 1998/1265 \(N.I. 8\)\)](#), by Article 40 and Schedule 9 to the [Employment Relations \(Northern Ireland\) Order 1999 \(S.I. 1999/2790 \(N.I. 9\)\)](#), and by regulation 11 and paragraph 2(16) of Schedule 2 to the [Fixed-term Employees \(Prevention of Less Favourable Treatment\) Regulations \(Northern Ireland\) 2002 \(S.R. 2002 No. 298\)](#)

### Consequential amendments

- 17.—(1) The Industrial Tribunals (Northern Ireland) Order 1996 <sup>M2</sup> is amended as follows.
- (2) In Article 12(1) <sup>M3</sup> (dismissal of complaint where action taken for purpose of safeguarding national security) after sub-paragraph (b) insert—
- “, or
- (c) regulation 9 of the Employment Relations (Northern Ireland) Order 1999 (Blacklists) Regulations (Northern Ireland) 2014 (detriment connected with prohibited list).”
- (3) In Article 18(1) <sup>M4</sup> (recoupment of benefits: payments in relation to which power exercisable)—
- (a) omit the word “or” at the end of sub-paragraph (b); and
- (b) after sub-paragraph (c) insert—
- “or
- (d) payments by employers to employees under regulation 5, 6 or 9 of the Employment Relations (Northern Ireland) Order 1999 (Blacklists) Regulations (Northern Ireland) 2014.”
- (4) In Article 20(1) <sup>M5</sup> (conciliation: proceedings and claims to which Article applies)—
- (a) omit the word “or” at the end of sub-paragraph (t);
- (b) after sub-paragraph (u) insert—
- “, or
- (v) under regulation 5, 6 or 9 of the Employment Relations (Northern Ireland) Order 1999 (Blacklists) Regulations (Northern Ireland) 2014.”

(5) In the list in Schedule 4A to the Industrial Relations (Northern Ireland) Order 1992<sup>M6</sup> (tribunal jurisdictions to which provisions apply requiring adjustment of award in case of failure to comply with code of practice), after the entry relating to regulation 17 of the Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008 insert—

“Regulation 9 of the Employment Relations (Northern Ireland) Order 1999 (Blacklists) Regulations (Northern Ireland) 2014 (S.R. 2014 No. 88) (detriment connected with prohibited list).”

(6) In the list in Schedule 2 to the Employment (Northern Ireland) Order 2003<sup>M7</sup> (tribunal jurisdictions to which provisions apply requiring adjustment of award in case of non-completion of statutory dispute resolution procedure), after the entry relating to regulation 17 of the Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008 insert—

“Regulation 9 of the Employment Relations (Northern Ireland) Order 1999 (Blacklists) Regulations (Northern Ireland) 2014 (detriment connected with prohibited list).”

### Marginal Citations

- M2** [S.I. 1996/1921 \(N.I. 18\)](#)
- M3** [S.I. 1996/1921 \(N.I. 18\)](#); Article 12 substituted by Article 38 and paragraph 3 of Schedule 8 to the [Employment Relations \(Northern Ireland\) Order 1999 \(S.I. 1999/2790 \(N.I. 9\)\)](#), and amended by Articles 17 and 30(1) and paragraph 23 of Schedule 2 to the [Employment Relations \(Northern Ireland\) Order 2004 \(S.I. 2004/3078 \(N.I. 19\)\)](#)
- M4** [S.I. 1996/1921 \(N.I. 18\)](#); Article 18 amended by Article 78, paragraph 118 of Schedule 6, and Schedule 7 to the [Social Security \(Northern Ireland\) Order 1998 \(S.I. 1998/1506 \(N.I. 10\)\)](#), by section 28 and paragraph 9 of Schedule 3 to the [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2 \(N.I.\)\)](#) and by section 34 and Part 1 of Schedule 4 to the [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13 \(N.I.\)\)](#)
- M5** [S.I. 1996/1921 \(N.I. 18\)](#); Article 20 amended by regulation 17 and paragraph 9 of the Schedule to the Occupational and Personal Pension Schemes (Consultation by Employees) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 48), by regulation 52 and paragraph 11 of Schedule 2 to the [Companies \(Cross-Border Mergers\) Regulations 2007 \(S.I. 2007/2974\)](#), by regulation 19 and paragraph 1 of Schedule 3 to the Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008 (S.R. 2008 No. 315), by section 56(6) of the [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c.13 \(N.I.\)\)](#), by regulation 33 of the [European Public Limited-Liability Company \(Employee Involvement\) \(Northern Ireland\) Regulations 2009 \(S.I. 2009/2402\)](#), by paragraph 18 of Part 1 of Schedule 2 to the Agency Workers Regulations (Northern Ireland) 2011 (S.R. 2011 No. 350) and by other amendments not relevant to these Regulations
- M6** [S.I. 1992/807 \(N.I. 5\)](#); Schedule 4A inserted by section 4(4) of, and Schedule 2 to, the [Employment Act \(Northern Ireland\) 2011 \(c. 13 \(N.I.\)\)](#) and amended by regulation 2 of the Labour Relations Agency (Code of Practice on Disciplinary and Grievance Procedures) (Jurisdictions) Order (Northern Ireland) 2011 (S.R. 2011 No. 411)
- M7** [S.I. 2003/2902 \(N.I. 15\)](#); Schedule 2 amended by regulation 30(5) of the Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 55), by Article 30 and paragraph 25 of Schedule 2 to the [Employment Relations \(Northern Ireland\) Order 2004 \(S.I. 2004/3078 \(N.I. 19\)\)](#), by regulation 44 and paragraph 4(a) of Schedule 5 to the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 497), by regulation 53(1) and paragraph 6(a) of Part 1 of Schedule 7 to the Employment Equality (Age) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 261), by regulation 34(4)(a) of the [European Cooperative Society \(Involvement of Employees\) Regulations 2006 \(S.I. 2006/2059\)](#) as substituted by paragraph 13(2) of Schedule 3 to those Regulations, by Article 3(a) of the Employment (Northern Ireland) Order 2003 (Amendment of Schedules 2,3 and 4) Order (Northern Ireland) 2007 (S.R. 2007 No. 91), by regulations 22(3) and 63(a) of the [Companies \(Cross-border Mergers\) Regulations 2007 \(S.I. 2007/2974\)](#) as substituted by paragraph 19 of Schedule 2 to those Regulations and by regulation 19

**Changes to legislation:** There are currently no known outstanding effects for the *The Employment Relations (Northern Ireland) Order 1999 (Blacklists) Regulations (Northern Ireland) 2014, Supplementary provisions.* (See end of Document for details)

and paragraph 3(a) of Schedule 3 to the Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008 (S.R. 2008 No. 315)

**[<sup>F1</sup>Extension of time limit to facilitate conciliation before institution of proceedings**

**18.**—(1) This regulation applies where these Regulations provide for it to apply for the purposes of a provision of these Regulations (“a relevant provision”).

(2) In this regulation—

(a) Day A is the day on which the worker concerned complies with the requirement in paragraph (1) of Article 20A of the Industrial Tribunals (Northern Ireland) Order 1996 (requirement to contact Labour Relations Agency before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and

(b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under paragraph (11) of that Article) the certificate issued under paragraph (4) of that Article.

(3) In working out when the time limit set by a relevant provision expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(4) If the time limit set by a relevant provision would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(5) Where an industrial tribunal has power under these Regulations to extend the time limit set by a relevant provision, the power is exercisable in relation to that time limit as extended by this regulation.]

**F1** [Reg. 18](#) inserted (27.1.2020) by [The Industrial Tribunals \(1996 Order\) \(Application of Conciliation Provisions\) Order \(Northern Ireland\) 2020 \(S.R. 2020/4\)](#), art. 1, **Sch. para. 55**

**Changes to legislation:**

There are currently no known outstanding effects for the The Employment Relations (Northern Ireland) Order 1999 (Blacklists) Regulations (Northern Ireland) 2014, Supplementary provisions.