

**2020 No. 1 (C. 1)**

**EMPLOYMENT**

**The Employment Act (Northern Ireland) 2016 (Commencement  
No. 3) Order (Northern Ireland) 2020**

*Made* - - - - *3rd January 2020*

The Department for the Economy<sup>(a)</sup>, in exercise of the power conferred by section 29(2) of the Employment Act (Northern Ireland) 2016<sup>(b)</sup>, and now vested in it<sup>(c)</sup>, makes the following Order:

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Employment Act (Northern Ireland) 2016 (Commencement No. 3) Order (Northern Ireland) 2020.

(2) In this Order “the Act” means the Employment Act (Northern Ireland) 2016.

**Provisions coming into operation on 27th January 2020**

**2.** The following provisions of the Act come into operation on 27th January 2020—

- (a) section 1 (Conciliation before and after institution of proceedings);
- (b) section 2 (Extension of limitation periods to allow conciliation);
- (c) section 3 (Extended power to define “relevant proceedings” for conciliation purposes);
- (d) section 5 (Conciliation before and after complaint to Fair Employment Tribunal);
- (e) section 6 (Extension of time limit to allow conciliation);
- (f) section 9 (Review of early conciliation);
- (g) section 11 (Employment judges: industrial tribunals);
- (h) section 12 (Employment judges: Fair Employment Tribunal);
- (i) section 23 (Prohibition on disclosure of information held by the Labour Relations Agency);
- (j) section 25 (Statutory shared parental pay: correction of references);
- (k) section 26 (References to tribunal jurisdictions to which Articles 17 and 27 of the Employment (Northern Ireland) Order 2003<sup>(d)</sup> apply);
- (l) section 27 (Repeals), to the extent that it relates to the provisions specified in paragraph (o);
- (m) Schedule 1 (Conciliation: minor and consequential amendments);

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<sup>(a)</sup> Formerly the Department of Enterprise, Trade and Investment, see 2016 c. 5 (N.I.)

<sup>(b)</sup> 2016 c. 15 (N.I.)

<sup>(c)</sup> Functions relevant to this Order were transferred from the Department for Employment and Learning by S.R. 2016 No. 76, Article 6(1)(c).

<sup>(d)</sup> S.I. 2003/2902 (N.I. 15).

- (n) Schedule 2 (Extension of limitation periods to allow for conciliation);
- (o) Schedule 3, only in respect of—
  - (i) Article 20(2) to (5) of the Industrial Tribunals (Northern Ireland) Order 1996**(a)**;
  - (ii) Articles 38(1A), 46(1) and 88 of the Fair Employment and Treatment (Northern Ireland) Order 1998**(b)**;
  - (iii) the Employment (Northern Ireland) Order 2003; and
  - (iv) the Employment Act (Northern Ireland) 2011**(c)**.

Sealed with the Official Seal of the Department for the Economy on 3rd January 2020.



*Colin Jack*  
A senior officer of the  
Department for the Economy

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**(a)** S.I. 1996/1921 (N.I. 18).  
**(b)** S.I. 1998/3162 (N.I. 21).  
**(c)** 2011 c. 13 (N.I.).

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into operation certain provisions of the Employment Act (Northern Ireland) 2016 on 27th January 2020.

Article 2(a) to (e) commence provisions on early conciliation of employment disputes.

Article 2(f) commences the provision which places an obligation on the Department to review early conciliation.

Article 2(g) and (h) commences the provisions that permits the Department to make regulations which provide that the members of the panel of chairmen of industrial tribunals and Fair Employment Tribunal may be referred to as employment judges.

Article 2(i) commences the provision which prohibits the Labour Relations Agency, or persons appointed by the Agency, from releasing information relating to a worker, employer of a worker, or a trade union, that they hold in the course of performing their functions.

Article 2(j) corrects a small number of references in the Social Security Contributions and Benefits (Northern Ireland) Act 1992, dealing with statutory shared parental pay, which were introduced by the Work and Families Act (Northern Ireland) 2015

Article 2(k) updates legislative references in Schedules 2 and 4 to the Employment (Northern Ireland) Order 2003.

Article 2(l) and (o) gives effect to the dispute resolution repeals in Schedule 3 of the Act.

Article 2(m) and (n) gives effect to Schedules 1 and 2, which respectively, make minor and consequential amendments to existing legislation, and set out how the relevant time limits for bringing a claim will be extended where necessary to provide sufficient time for early conciliation to take place and to ensure that the claimant is not disadvantaged.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Employment Act (Northern Ireland) 2016 have been brought into operation by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Section 13 to 17, section 27 (partially) and Schedule 3 (partially)	1st October 2017	2016 No. 199 (C. 12)
Section 22, section 27 (partially) and Schedule 3 partially	30th March 2018	2018 No. 79 (C. 7)

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