

EXPLANATORY MEMORANDUM

EMPLOYMENT RELATIONS (NORTHERN IRELAND) ORDER 2004

INTRODUCTION

BACKGROUND AND POLICY OBJECTIVES

CONSULTATION

COMMENTARY ON ARTICLES

PART II: UNION RECOGNITION

Amendment of Schedule 1A to the 1995 Order

Information required by Labour Relations Agency (LRA) for ballots and ascertaining union membership

PART III: LAW RELATING TO INDUSTRIAL ACTION

Information about employees to be balloted on industrial action

Entitlement to vote in ballot on industrial action

Inducement of members not accorded entitlement to vote

Information about employees to be contained in notice of industrial action

Protections for striking employees

Date of dismissal

Dismissal after end of protected period

PART IV: RIGHTS OF TRADE UNION MEMBERS, WORKERS AND EMPLOYEES

This Explanatory Memorandum refers to the Employment Relations (Northern Ireland) Order 2004 No. 3078

Extension of protection against detriment for union membership

Detriment for use of union services or refusal of inducement

Inducements relating to union membership or activities

Dismissal for use of union services or refusal of inducement

Expulsion from trade union attributable to conduct

National security: powers of industrial tribunals

Right to be accompanied

Ways in which provisions conferring rights on individuals may be made

Protection of employees in respect of jury service

Flexible working

PART V: THE CERTIFICATION OFFICER

Striking out applications or complaints by Certification Officer (CO)

Amalgamations: approval; listing and certification

Restriction of grounds of appeal from Certification Officer

PART VI: MISCELLANEOUS

Enforcement officers for the agricultural wages legislation

Additional case in which election for president of union not required

Body corporate acting as auditor of trade union or employees association

Means of voting in ballots and elections

Provision of money for trade union modernisation

Amendments and repeals

Schedule 1 Amendment of Schedule 1a to the 1995 Order

*This Explanatory Memorandum refers to the Employment
Relations (Northern Ireland) Order 2004 No. 3078*

Determination of appropriate bargaining unit

Union communications with workers after acceptance of application

Circumstances in which the IC must arrange a ballot

Power of the IC to extend notification period

Postal votes for workers absent from ballot at workplace

Additional duties on employers informed of ballots

Unfair practices in relation to recognition ballots

Application where agreement does not cover pay, hours and holidays

Employer's notice to end bargaining arrangements

Unfair practice in relation to derecognition ballots

Appeals against demands for costs

Power to amend Schedule 1A to the 1995 Order

Means of communicating with workers

Unfair practices: power to make provision about periods before notice of ballot

Power to make provision about effect of amalgamations

Information about union membership and employment in bargaining unit

“Pay” and other matters subject to collective bargaining

Schedule 2 Amendments