
STATUTORY INSTRUMENTS

1987 No. 936

The Industrial Relations (Northern Ireland) Order 1987

Unfair dismissal

Reduction of compensation: matters to be disregarded

8. After Article 33 of the No. 1 Order there shall be inserted—

“Reduction of compensation: matters to be disregarded

33A.—(1) This Article applies in any case where a tribunal makes an award of compensation for unfair dismissal under Article 32(2)(a) or (5) and the dismissal is to be regarded as unfair by virtue of Article 22A or 22C(a).

(2) In such a case the tribunal, in considering whether it would be just and equitable to reduce, or further reduce, the amount of any part of the award, shall disregard any conduct or action of the complainant in so far as it constitutes—

- (a) a breach, or proposed breach, of any requirement falling within paragraph (3);
- (b) a refusal, or proposed refusal, to comply with a requirement of a kind mentioned in Article 22A(14)(a); or
- (c) an objection, or proposed objection, (however expressed) to the operation of a provision of a kind mentioned in Article 22A(14)(b).

(3) A requirement falls within this paragraph if it is imposed on the complainant in question by or under any arrangement or contract of employment or other agreement and requires him—

- (a) to be or become a member of any trade union or of a particular trade union or of one of a number of particular trade unions;
- (b) to cease to be, or refrain from becoming, a member of any trade union or of a particular trade union or of one of a number of particular trade unions; or
- (c) not to take part in the activities of any trade union or of a particular trade union or of one of a number of particular trade unions.”.