
STATUTORY INSTRUMENTS

1987 No. 936

The Industrial Relations (Northern Ireland) Order 1987

Periods of continuous employment

Computation of period of continuous employment

22.—(1) References in any provision of—

- (a) the Act of 1965; or
- (b) the Industrial Relations (Northern Ireland) Orders 1976 to 1987, to a period of continuous employment are, except where provision is expressly made to the contrary, to a period computed in accordance with the provisions of this Article and Schedule 1 to the Act of 1965.

(2) In computing an employee's period of continuous employment any question arising as to—

- (a) whether the employee's employment is of a kind counting towards a period of continuous employment; or
- (b) whether periods (consecutive or otherwise) are to be treated as forming a single period of continuous employment, shall be determined in accordance with Schedule 1 to the Act of 1965 (that is to say, week by week), but the length of an employee's period of employment shall be computed in months and years of twelve months in accordance with the following rules.

(3) Subject to the following provisions of this Article, an employee's period of continuous employment for the purposes of any provision mentioned in paragraph (1) begins with the day on which he starts work and ends with the day by reference to which the length of his period of continuous employment falls to be ascertained for the purposes of the provision in question.

(4) For the purposes of sections 11 and 18 of, and Schedule 3 to, the Act of 1965 an employee's period of continuous employment shall be treated as beginning on his eighteenth birthday if that date is later than the starting date referred to in paragraph (3).

(5) If an employee's period of continuous employment includes one or more periods which, by virtue of any provision of the Act of 1965, do not count in computing the length of the period but do not break continuity, the beginning of the period shall be treated as postponed by the number of days falling within that intervening period or, as the case may be, by the aggregate number of days falling within those periods.

(6) The number of days falling within such an intervening period is—

- (a) in the case of a period to which section 27(5) of the Act of 1965 applies, seven days for each week within that subsection;
- (b) in the case of a period to which paragraph 7(2) or 8 of Schedule 1 to the Act of 1965 applies, the number of days between the last working day before the strike or lock-out and the day on which work was resumed;
- (c) in the case of a period to which paragraph 9 of that Schedule applies, the number of days between the employee's last day of employment before whole-time service within the

meaning of the Reserve Forces (Safeguarding of Employment) Act 1985 and the day on which he resumed employment in accordance with that Act.

Change of basis of computation of period of continuous employment

- 23.—(1) The amendments set out in Schedule 2 shall have effect for the following purposes—
- (a) amending statutory provisions which confer rights by reference to the length of an employee’s period of continuous employment so as to substitute for periods expressed in weeks or years of fifty-two weeks corresponding periods expressed in months or years of twelve months;
 - (b) modifying the computation of an employee’s period of continuous employment under Schedule 1 to the Act of 1965 so as to provide for computing the length of the period in months and years of twelve months;
 - (c) making minor and consequential amendments in connection with the purposes mentioned in sub-paragraphs (a) and (b).
- (2) The amendments set out in Schedule 2 shall not apply—
- (a) where the date by reference to which the length of an employee’s period of continuous employment falls to be ascertained (“the qualification date”) is before the coming into operation of this Article; or
 - (b) where the result would be to deprive a person of any right or entitlement which he would have had if the qualification date had fallen immediately before the coming into operation of this Article.
- (4) Nothing in this Article shall affect—
- (a) any order made before the coming into operation of this Article under section 21 of the Act of 1965, Article 26 of the No. 1 Order or Article 8 of the No. 2 Order (exclusion of certain provisions where equivalent protection afforded by collective agreement or wages order); or
 - (b) the operation of any agreement or wages order to which such an order relates or the operation of any statutory provision in relation to such an agreement or wages order.
- (5) Subject to paragraph (2), the amendments set out in Schedule 2 shall, so far as they relate to the computation of the length of a period of continuous employment, apply to periods before the coming into operation of this Article as they apply to later periods.