
STATUTORY INSTRUMENTS

1995 No. 1980 (N.I. 12)

The Trade Union and Labour Relations
(Northern Ireland) Order 1995 ^{F1}

- - - - 26th July 1995

THE TRADE UNION AND LABOUR RELATIONS
(NORTHERN IRELAND) ORDER 1995

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PART I — RECOGNITION

Introduction

1. A trade union (or trade unions) seeking recognition to be entitled to conduct collective bargaining...
2. (1) This paragraph applies for the purposes of this Part. (2) References to the bargaining...
3. (1) This paragraph applies for the purposes of this Part. (2) References to collective bargaining...

Request for recognition

4. (1) The union or unions seeking recognition must make a request for recognition to the...
5. The request is not valid unless it is received by the employer.
6. The request is not valid unless the union (or each of the unions) has a...
7. (1) The request is not valid unless the employer, taken with any associated employer or...
8. The request is not valid unless it— (a) is in writing, (b) identifies the union...
9. The Department may by order prescribe the form of requests and the procedure for making...

Parties agree

10. (1) If before the end of the first period the parties agree a bargaining unit...

Employer rejects request

11. (1) This paragraph applies if— (a) before the end of the first period the employer...

Negotiations fail

12. (1) Sub-paragraph (2) applies if— (a) the employer informs the union (or unions) under paragraph...

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Acceptance of applications

13. The Court must give notice to the parties of receipt of an application under paragraph...
14. (1) This paragraph applies if— (a) two or more relevant applications are made, (b) at...
15. (1) This paragraph applies to these applications— (a) any application with regard to which no...

Withdrawal of application

16. (1) If an application under paragraph 11 or 12 is accepted by the Court, the...

Notice to cease consideration of application

17. (1) This paragraph applies if the Court has received an application under paragraph 11 or...

Appropriate bargaining unit

18. (1) If the Court accepts an application under paragraph 11(2) or 12(2) it must try...
- 18A (1) This paragraph applies if the Court accepts an application under paragraph 11(2) or 12(2)...
19. (1) This paragraph applies if— (a) the Court accepts an application under paragraph 11(2) or...
- 19A (1) This paragraph applies if— (a) the Court accepts an application under paragraph 11(2) or...
- 19B (1) This paragraph applies if the Court has to decide whether a bargaining unit is...

Union communications with workers after acceptance of application

- 19C (1) This paragraph applies if the Court accepts an application under paragraph 11(2) or 12(2)...
- 19D (1) An employer who is informed by the Court under paragraph 19C(7)(b) must comply with...
- 19E (1) During the initial period, the appointed person must if asked to do so by...
- 19F (1) If the Court is satisfied that the employer has failed to fulfil a duty...

Union recognition

20. (1) This paragraph applies if— (a) the Court accepts an application under paragraph 11(2) or...
21. (1) This paragraph applies if— (a) the Court accepts an application under paragraph 11(2) or...
22. (1) This paragraph applies if— (a) the Court proceeds with an application in accordance with...

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23. (1) This paragraph applies if— (a) the Court proceeds with an application in accordance with...
24. (1) This paragraph applies if the Court gives notice under paragraph 22(3) or 23(2). (2)...
25. (1) This paragraph applies if the Court arranges under paragraph 24 for the holding of...
26. (1) An employer who is informed by the Court under paragraph 25(9) must comply with...
27. (1) If the Court is satisfied that the employer has failed to fulfil any of...
- 27A (1) Each of the parties informed by the Court under paragraph 25(9) must refrain from...
- 27B (1) A party may complain to the Court that another party has failed to comply...
- 27C (1) This paragraph applies if the Court decides that a complaint under paragraph 27B is...
- 27D (1) This paragraph applies if the Court issues a declaration under paragraph 27C(2) and the...
- 27E (1) This paragraph applies if the Court issues a declaration that a complaint under paragraph...
- 27F (1) This paragraph applies if the Court gives a notice under paragraph 27C(3)(b). (2) Paragraphs...
28. (1) This paragraph applies if the holding of a ballot has been arranged under paragraph...
29. (1) As soon as is reasonably practicable after the Court is informed of the result...

Consequences of recognition

30. (1) This paragraph applies if the Court issues a declaration under this Part that the...
31. (1) This paragraph applies if an application for assistance is made to the Court under...

Method not carried out

32. (1) This paragraph applies if— (a) the Court issues a declaration under this Part that...

General provisions about admissibility

33. An application under paragraph 11 or 12 is not admissible unless— (a) it is made...
34. An application under paragraph 11 or 12 is not admissible unless the union gives (or...
35. (1) An application under paragraph 11 or 12 is not admissible if the Court is...
36. (1) An application under paragraph 11 or 12 is not admissible unless the Court decides...
37. (1) This paragraph applies to an application made by more than one union under paragraph...

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38. (1) This paragraph applies if— (a) the Court accepts a relevant application relating to a...
39. (1) This paragraph applies if the Court accepts a relevant application relating to a bargaining...
40. (1) This paragraph applies if the Court issues a declaration under paragraph 27D(4) or 29(4)...
41. (1) This paragraph applies if the Court issues a declaration under paragraph 119D(4), 119H(5) or...
42. (1) This paragraph applies for the purposes of paragraphs 39 to 41. (2) It is...

General provisions about validity

43. (1) Paragraphs 44 to 50 apply if the Court has to decide under paragraph 20...
44. (1) The application in question is invalid if the Court is satisfied that there is...
45. The application in question is invalid unless the Court decides that— (a) members of the...
46. (1) This paragraph applies if— (a) the Court accepts an application under paragraph 11 or...
47. (1) This paragraph applies if the Court accepts an application under paragraph 11 or 12...
48. (1) This paragraph applies if the Court issues a declaration under paragraph 27D(4) or 29(4)...
49. (1) This paragraph applies if the Court issues a declaration under paragraph 119D(4), 119H(5) or...
50. (1) This paragraph applies for the purposes of paragraphs 47 to 49. (2) It is...

Competing applications

51. (1) For the purposes of this paragraph— (a) the original application is the application referred...

PART II — VOLUNTARY RECOGNITION

Agreements for recognition

52. (1) This paragraph applies for the purposes of this Part. (2) An agreement is an...

Other interpretation

53. (1) This paragraph applies for the purposes of this Part. (2) In relation to an...
54. (1) This paragraph applies for the purposes of this Part. (2) Except in paragraph 63(2),...

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Determination of type of agreement

55. (1) This paragraph applies if one or more of the parties to an agreement applies...

Termination of agreement for recognition

56. (1) The employer may not terminate an agreement for recognition before the relevant period ends....
57. (1) If an agreement for recognition is terminated, as from the termination the agreement and...

Application to Court to specify method

58. (1) This paragraph applies if the parties make an agreement for recognition.
(2) The parties...
59. (1) This paragraph applies if— (a) the parties to an agreement for recognition agree a...
60. (1) This paragraph applies if an application for assistance is made to the Court under...
61. (1) An application to the Court is not admissible unless— (a) it is made in...

Court's response to application

62. (1) The Court must give notice to the parties of receipt of an application under...
63. (1) If the Court accepts an application it must try to help the parties to...
PART III — CHANGES AFFECTING BARGAINING UNIT

Introduction

64. (1) This Part applies if— (a) the Court has issued a declaration that a union...
65. References in this Part to the parties are to the employer and the union (or...

Either party believes unit no longer appropriate

66. (1) This paragraph applies if the employer believes or the union believes (or unions believe)...
67. (1) An application under paragraph 66 is not admissible unless the Court decides that it...
68. (1) The Court must give notice to the parties of receipt of an application under...
69. (1) This paragraph applies if— (a) the Court gives notice of acceptance of the application,...
70. (1) This paragraph applies if— (a) the Court gives notice of acceptance of the application,...
71. If the Court gives notice under paragraph 70 of a decision that the original unit...

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- 72. Paragraph 82 applies if the Court gives notice under paragraph 70 of— (a) a decision...
- 73. (1) This paragraph applies if— (a) the parties agree under paragraph 69 a bargaining unit...

Employer believes unit has ceased to exist

- 74. (1) If the employer— (a) believes that the original unit has ceased to exist, and...
- 75. (1) Paragraph 76 applies if— (a) the Court gives notice under paragraph 74(5), and (b)...
- 76. (1) The Court must give notice to the parties of receipt of an application under...
- 77. (1) If the Court accepts an application it— (a) must give the employer and the...
- 78. (1) This paragraph applies if— (a) the Court gives notice under paragraph 77(4), and (b)...
- 79. (1) This paragraph applies if— (a) the Court gives notice under paragraph 77(4), and (b)...
- 80. Paragraph 82 applies if the Court gives notice under paragraph 79 of a decision as...
- 81. (1) This paragraph applies if— (a) the parties agree under paragraph 78 a bargaining unit...

Position where Court decides new unit

- 82. (1) This paragraph applies if the Court gives notice under paragraph 70 of — (a) a...
- 83. (1) This paragraph applies if in the Court's opinion the new unit contains at least...
- 84. (1) This paragraph applies if in the Court's opinion the new unit contains— (a) at...
- 85. (1) If the Court's opinion is not that mentioned in paragraph 83(1) or 84(1) it...
- 86. (1) This paragraph applies if the Court decides under paragraph 85(1) that the support of...
- 87. (1) This paragraph applies if— (a) the Court decides both the questions in paragraph 86(2)...
- 88. (1) This paragraph applies if— (a) the Court decides both the questions in paragraph 86(2)...
- 89. (1) If the Court gives notice under paragraph 87(3) or 88(2) the union (or unions)...

Residual workers

- 90. (1) This paragraph applies if— (a) the Court decides an appropriate bargaining unit or units...
- 91. (1) This paragraph applies if— (a) the Court has proceeded as stated in paragraphs 83...

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Applications under this Part

92. (1) An application to the Court under this Part is not admissible unless—
(a) it...

Withdrawal of application

93. (1) If an application under paragraph 66 or 75 is accepted by the Court, the...

Meaning of collective bargaining

94. (1) This paragraph applies for the purposes of this Part. (2) In relation to paragraphs...

Method of collective bargaining

95. (1) This paragraph applies for the purposes of this Part. (2) Where a method of...

PART IV — DERECOGNITION: GENERAL

Introduction

96. (1) This Part applies if the Court has issued a declaration that a union is...
97. For the purposes of this Part the relevant date is the date of the expiry...
98. References in this Part to the parties are to the employer and the union (or...

Employer employs fewer than 21 workers

99. (1) This paragraph applies if— (a) the employer believes that he, taken with any associated...
99A (1) A notice given for the purposes of paragraph 99(2) (“the notice in question”) is...
100. (1) If an employer gives notice for the purposes of paragraph 99(2), Within the validation...
101. (1) This paragraph applies if— (a) the Court gives notice under paragraph 100(3), and (b)...
102. (1) The Court must give notice to the parties of receipt of an application under...
103. (1) If the Court accepts an application it— (a) must give the employer and the...

Employer's request to end arrangements

104. (1) This paragraph and paragraphs 105 to 111 apply if after the relevant date the...
105. (1) If before the end of the first period the parties agree to end the...
106. (1) This paragraph applies if— (a) before the end of the first period the union...

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- 107. (1) This paragraph applies if— (a) the union informs (or unions inform) the employer under...
- 108. (1) An application under paragraph 106 or 107 is not admissible unless— (a) it is...
- 109. (1) An application under paragraph 106 or 107 is not admissible if— (a) a relevant...
- 110. (1) An application under paragraph 106 or 107 is not admissible unless the Court decides...
- 111. (1) The Court must give notice to the parties of receipt of an application under...

Workers' application to end arrangements

- 112. (1) A worker or workers falling within the bargaining unit may after the relevant date...
- 113. (1) An application under paragraph 112 is not admissible if— (a) a relevant application was...
- 114. (1) An application under paragraph 112 is not admissible unless the Court decides that— (a)...
- 115. (1) The Court must give notice to the worker (or workers), the employer and the...
- 116. (1) If the Court accepts the application, in the negotiation period the Court must help...

Ballot on derecognition

- 117. (1) This paragraph applies if the Court accepts an application under paragraph 106 or 107....
- 118. (1) An employer who is informed by the Court under paragraph 117(11) must comply with...
- 119. (1) If the Court is satisfied that the employer has failed to fulfil any of...
- 119A (1) Each of the parties informed by the Court under paragraph 117(11) must refrain from...
- 119B (1) A party may complain to the Court that another party has failed to comply...
- 119C (1) This paragraph applies if the Court decides that a complaint under paragraph 119B is...
- 119D (1) This paragraph applies if the Court issues a declaration under paragraph 119C(2) and the...
- 119E (1) This paragraph applies if the Court issues a declaration that a complaint under paragraph...
- 119F (1) This paragraph applies if the Court makes arrangements under paragraph 119C(3)(b). (2) Paragraphs 117(4)...
- 119G (1) Paragraphs 119A to 119C, 119E and 119F apply in relation to an application under...
- 119H (1) This paragraph applies in relation to an application under paragraph 112 in the cases...
- 119I (1) This paragraph applies if— (a) a ballot has been arranged in consequence of an...
- 120. (1) This paragraph applies if the holding of a ballot has been arranged under paragraph...

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121. (1) As soon as is reasonably practicable after the Court is informed of the result...

PART V — DERECOGNITION WHERE RECOGNITION AUTOMATIC

Introduction

122. (1) This Part of this Schedule applies if— (a) the Court has issued a declaration...
123. (1) This Part also applies if— (a) the Court has issued a declaration under paragraph...
124. (1) This Part also applies if the Court has issued a declaration under paragraph 87(2)...
125. For the purposes of this Part the relevant date is the date of the expiry...
126. References in this Part of this Schedule to the parties are to the employer and...

Employer's request to end arrangements

127. (1) The employer may after the relevant date request the union (or each of the...
128. (1) If before the end of the negotiation period the parties agree to end the...
129. (1) An application under paragraph 128 is not admissible unless— (a) it is made in...
130. (1) An application under paragraph 128 is not admissible if— (a) a relevant application was...
131. (1) An application under paragraph 128 is not admissible unless the Court is satisfied that...
132. (1) The Court must give notice to the parties of receipt of an application under...

Ballot on derecognition

133. (1) Paragraph 117 applies if the Court accepts an application under paragraph 128 (as well...

PART VI — DERECOGNITION WHERE UNION NOT INDEPENDENT

Introduction

134. (1) This Part applies if— (a) an employer and a union (or unions) have agreed...
135. In this Part references to the parties are to the employer and the union (or...
136. In this Part references to the bargaining unit are to the group of workers referred...

Workers' application to end arrangements

137. (1) A worker or workers falling within the bargaining unit may apply to the Court...
138. An application under paragraph 137 is not admissible if the Court is satisfied that any...

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139. (1) An application under paragraph 137 is not admissible unless the Court decides that— (a)...
140. An application under paragraph 137 is not admissible if the Court is satisfied that— (a)...
141. (1) The Court must give notice to the worker (or workers), the employer and the...
142. (1) If the Court accepts the application, in the negotiation period the Court must help...
143. (1) This paragraph applies if— (a) the Court accepts an application under paragraph 137, (b)...
144. (1) This paragraph applies if the Court is subsequently satisfied that— (a) the Certification Officer...
145. (1) This paragraph applies if the Court is subsequently satisfied that— (a) the Certification Officer...
146. (1) This paragraph applies if— (a) the Court accepts an application under paragraph 137, (b)...

Ballot on derecognition

147. (1) Paragraph 117 applies if— (a) the Court accepts an application under paragraph 137, and...

Derecognition: other cases

148. (1) This paragraph applies if as a result of a declaration by the Court another...

PART VII — LOSS OF INDEPENDENCE

Introduction

149. (1) This Part applies if the Court has issued a declaration that a union is...
150. (1) This Part also applies if— (a) the parties have agreed that a union is...
151. References in this Part to the parties are to the employer and the union (or...

Loss of certificate

152. (1) This paragraph applies if— (a) only one union is a party, and (b) under...

Certificate re-issued

153. (1) This paragraph applies if— (a) only one union is a party, (b) paragraph 152...

Miscellaneous

154. Parts III to VI shall not apply in the case of the parties at any...
155. If— (a) by virtue of paragraph 153 the bargaining arrangements have effect again beginning with...

PART VIII — DETRIMENT

Changes to legislation: The Trade Union and Labour Relations (Northern Ireland) Order 1995 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Detriment

- 156. (1) A worker has a right not to be subjected to any detriment by any...
- 157. (1) An industrial tribunal shall not consider a complaint under paragraph 156 unless it is...
- 158. On a complaint under paragraph 156 it shall be for the employer to show the...
- 159. (1) If the industrial tribunal finds that a complaint under paragraph 156 is well-founded it...
- 160. (1) If the industrial tribunal finds that a complaint under paragraph 156 is well-founded and—...

Dismissal

- 161. (1) For the purposes of Part XI of the Employment Rights Order (unfair dismissal) the...

Selection for redundancy

- 162. For the purposes of Part XI of the Employment Rights Order (unfair dismissal) the dismissal...
Para. 163 rep. by 1999 NI 9

Exclusion of requirement as to qualifying period

- 164. Articles 140 and 141 of the Employment Rights Order (qualifying period and upper age limit...

Meaning of worker's contract

- 165. References in this Part to a worker's contract shall be construed in accordance with Article...

PART IX — GENERAL

Rights of appeal against demands for costs

- 165A (1) This paragraph applies where a demand has been made under paragraph 19E(3), 28(4) or...

Power to amend

- 166. (1) This paragraph applies if the Court represents to the Department that a provision of...
- 166A (1) This paragraph applies in relation to any provision of paragraph 19D(2), 26(4) or 118(4)...
- 166B (1) The Department may by order provide that, during any period beginning and ending with...

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Guidance

167. (1) The Department may issue guidance to the Court on the way in which it...

Method of conducting collective bargaining

168. (1) After consulting the Agency the Department may by order specify for the purposes of...

Directions about certain applications

169. (1) The Department may make to the Court directions as described in subparagraph (2) in...

Effect of union amalgamations and transfers of engagements

- 169A (1) The Department may by order make provision for any case where— (a) an application...

Effect of change of identity of employer

- 169B (1) The Department by order make provision for any case where— (a) an application has...

Orders under paragraphs 169A and 169B: supplementary

- 169C (1) An order under paragraph 169A or 169B may— (a) amend this Schedule; (b) include...

Notice of declarations

170. (1) If the Court issues a declaration under this Schedule it must notify the parties...

Supply of information to the Court

- 170A (1) The Court may, if it considers it necessary to do so to enable or...

Court's general duty

171. In exercising functions under this Schedule in any particular case the Court must have regard...

“ Pay ” and other matters subject to collective bargaining

- 171A (1) In this Schedule “pay” does not include terms relating to a person's membership of...

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General interpretation

172. (1) References in this Schedule to the Court are to the Industrial Court. (2) For...

— Schedule 2—Amendments

SCHEDULE 3 — TRANSITIONAL PROVISIONS

— General

1. (1) An order under Article 1 may contain such transitional provisions as appear to the...
 - Elections for certain trade union positions
2. (1) Where a person was elected to a position to which Part III of this...
 - Deduction of trade union subscriptions
3. For the purposes of Article 35 a deduction representing a payment to a trade union...
 - Political resolutions
4. Articles 66(1) and (2) of the 1992 Order shall, notwithstanding their repeal by this Order,...

— Schedule 4—Repeals

Changes to legislation:

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Changes and effects yet to be applied to :

- art.145 restr. (prosp.) by [1998 c. 32 s.56\(5\)\(a\)](#)