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STATUTORY INSTRUMENTS

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**1995 No. 1980**

The Trade Union and Labour Relations  
(Northern Ireland) Order 1995

PART IV

RIGHTS IN RELATION TO TRADE UNION MEMBERSHIP

*Action short of dismissal*

**Action short of dismissal: non infringing actions**

**43.** In Article 35 of the No. 2 Order after paragraph (2) there shall be inserted—

“(2A) In determining what was the purpose for which action was taken by the employer against the complainant in a case where—

(a) there is evidence that the employer’s purpose was to further a change in his relationship with all or any class of his employees, and

(b) there is also evidence that his purpose was one falling within Article 33, the tribunal shall regard the purpose mentioned in sub-paragraph (a) (and not the purpose mentioned in sub-paragraph (b)) as the purpose for which the employer took the action, unless it considers that the action was such as no reasonable employer would take having regard to the purpose mentioned in sub-paragraph (a).

(2B) Where the action which the tribunal determines to have been the action taken against the complainant was action taken in consequence of previous action by the employer sub-paragraph (a) of paragraph (2A) is satisfied if the purpose mentioned in that sub-paragraph was the purpose of the previous action.

(2C) In paragraph (2A) “class”, in relation to an employer and his employees, means those employed at a particular place of work, those employees of a particular grade, category or description or those of a particular grade, category or description employed at a particular place of work.”.