

STATUTORY INSTRUMENTS

1995 No. 1980

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

[^{F1}PART IVA] N.I.

[^{F1}COLLECTIVE BARGAINING: RECOGNITION]

F1 1999 NI 9

[^{F2}Recognition of trade unions] N.I.

44A. Schedule 1A shall have effect.]

F2 1999 NI 9

[^{F3}Training] N.I.

44B.—(1) This Article applies where—

- (a) a trade union is recognised, in accordance with Schedule 1A, as entitled to conduct collective bargaining on behalf of a bargaining unit (within the meaning of Part I of that Schedule), and
- (b) a method for the conduct of collective bargaining is specified by the Industrial Court under paragraph 31(3) of that Schedule (and is not the subject of an agreement under paragraph 31(5)(a) or (b)).

(2) The employer must from time to time invite the trade union to send representatives to a meeting for the purpose of—

- (a) consulting about the employer's policy on training for workers within the bargaining unit,
- (b) consulting about his plans for training for those workers during the period of six months starting with the day of the meeting, and
- (c) reporting about training provided for those workers since the previous meeting.

(3) The date set for a meeting under paragraph (2) must not be later than—

- (a) in the case of a first meeting, the end of the period of six months starting with the day on which this Article first applies in relation to a bargaining unit, and
- (b) in the case of each subsequent meeting, the end of the period of six months starting with the day of the previous meeting.

(4) The employer shall, before the period of two weeks ending with the date of a meeting, provide to the trade union any information—

- (a) without which the union's representatives would be to a material extent impeded in participating in the meeting, and
- (b) which it would be in accordance with good industrial relations practice to disclose for the purposes of the meeting.

[^{F4}(4A) If the information mentioned in paragraph (4) includes information relating to the employment situation the employer must (so far as not required by paragraph (4)) also provide at the same time to the trade union the following information—

- (a) the number of agency workers working temporarily for and under the supervision and direction of the employer,
- (b) the parts of the employer's undertaking in which those agency workers are working, and
- (c) the type of work those agency workers are carrying out.]

(5) Article 40(1) of the 1992 Order shall apply in relation to the provision of information under paragraph (4) [^{F5}or (4A)] as it applies in relation to the disclosure of information under Article 39 of that Order.

(6) The employer shall take account of any written representations about matters raised at a meeting which he receives from the trade union within the period of four weeks starting with the date of the meeting.

(7) Where more than one trade union is recognised as entitled to conduct collective bargaining on behalf of a bargaining unit, a reference in this Article to “the trade union” is a reference to each trade union.

(8) Where at a meeting under this Article (Meeting 1) an employer indicates his intention to convene a subsequent meeting (Meeting 2) before the expiry of the period of six months beginning with the date of Meeting 1, for the reference to a period of six months in paragraph (2)(b) there shall be substituted a reference to the expected period between Meeting 1 and Meeting 2.

(9) The Department may by order amend any of paragraphs (2) to (6).

(10) No order shall be made under paragraph (9) unless a draft has been laid before, and approved by resolution of, the Assembly.]

F3 1999 NI 9

F4 Art. 44B(4A) inserted (5.12.2011) by [Agency Workers Regulations \(Northern Ireland\) 2011 \(S.R. 2011/350\)](#), reg. 23(2), **Sch. 2 para. 6(a)**

F5 Words in art. 44B(5) inserted (5.12.2011) by [Agency Workers Regulations \(Northern Ireland\) 2011 \(S.R. 2011/350\)](#), reg. 23(2), **Sch. 2 para. 6(b)**

Article 44B: complaint to industrial tribunal **N.I.**

44C.—(1) A trade union may present a complaint to an industrial tribunal that an employer has failed to comply with his obligations under Article 44B in relation to a bargaining unit.

- (2) An industrial tribunal shall not consider a complaint under this Article unless it is presented—
 - (a) before the end of the period of three months beginning with the date of the alleged failure, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

[^{F6}(2A) Article 147A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2)(a).]

- (3) Where an industrial tribunal finds a complaint under this Article well-founded it—
 - (a) shall make a declaration to that effect, and
 - (b) may make an award of compensation to be paid by the employer to each person who was, at the time when the failure occurred, a member of the bargaining unit.
- (4) The amount of the award shall not, in relation to each person, exceed two weeks' pay.
- (5) For the purpose of paragraph (4) a week's pay—
 - (a) shall be calculated in accordance with Chapter IV of Part I of the Employment Rights Order (taking the date of the employer's failure as the calculation date), and
 - (b) shall be subject to the limit in Article 23(1) of that Order.
- (6) Proceedings for enforcement of an award of compensation under this Article—
 - (a) may, in relation to each person to whom compensation is payable, be commenced by that person, and
 - (b) may not be commenced by a trade union.

F6 [Art. 44C\(2A\)](#) inserted (27.1.2020) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\), s. 29\(2\)](#), [Sch. 2 para. 7](#); S.R. 2020/1, art. 2(n)

Changes to legislation:

There are currently no known outstanding effects for the The Trade Union and Labour Relations (Northern Ireland) Order 1995, PART IVA.