Status: Point in time view as at 06/04/2018.
Changes to legislation: The Employment Rights (Northern Ireland) Order 1996, Section 132A is up to date with all changes known to be in force on or before 12 July 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)

STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART XI

UNFAIR DISMISSAL

CHAPTER I

RIGHT NOT TO BE UNFAIRLY DISMISSED

[F1Other Dismissals]

X1[F1**Working time cases**

132A.—[

F2(1)] An employee who is dismissed shall be regarded for the purposes of this Part as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that the employee—

(a) refused (or proposed to refuse) to comply with a requirement which the employer imposed (or proposed to impose) in contravention of [F3the Working Time Regulations (Northern Ireland) 2016] ,

(b) refused (or proposed to refuse) to forgo a right conferred on him by those Regulations,

(c) failed to sign a workforce agreement for the purposes of those Regulations, or to enter into, or agree to vary or extend, any other agreement with his employer which is provided for in those Regulations, or

(d) being—

(i) a representative of members of the workforce for the purposes of Schedule 1 to those Regulations, or

(ii) a candidate in an election in which any person elected will, on being elected, be such a representative,

performed (or proposed to perform) any functions or activities as such a representative or candidate.

[

F2(2) A reference in this Article to [F4the Working Time Regulations (Northern Ireland) 2016] includes a reference to

[the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003.
F5(a)]

[the Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004 [F6; F7...
F5(b)

(c) the Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008[F8; and]

[^{F9}(d) the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018.]]]]]

Editorial Information

X1   The insertion of the new arts. 130ZA-130ZH preceded by new "Retirement" crossheading and followed by new "Other Dismissals" crossheading on 1.10.2006 gives rise to a change in the structure of this Order on legislation.gov.uk which breaks the continuity of historical versions of the existing provisions which are brought under new "Other Dismissals" crossheading

F1   SR 1998/386

F2   SI 2003/3049

F3   Words in art. 132A(1)(a) substituted (28.2.2016) by The Working Time Regulations (Northern Ireland) 2016 (S.R. 2016/49), regs. 1, **53(3)(b)(i)** (with reg. 22(1))

F4   Words in art. 132A(2) substituted (28.2.2016) by The Working Time Regulations (Northern Ireland) 2016 (S.R. 2016/49), regs. 1, **53(3)(b)(ii)** (with reg. 22(1))

F5   SI 2004/1713

F6   Art. 132A(2)(c) and preceding word inserted (1.10.2008) by Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008 (S.R. 2008/315), reg. 19, **Sch. 3 para. 2(3)**

F7   Word in art. 132A(2)(b) omitted (17.3.2014) by virtue of The Merchant Shipping (Maritime Labour Convention) (Hours of Work) (Amendment) Regulations 2014 (S.I. 2014/308), reg. 1(2), **Sch. para. 3(3)(a)**

F8   Word in art. 132A(2)(c) inserted (17.3.2014) by The Merchant Shipping (Maritime Labour Convention) (Hours of Work) (Amendment) Regulations 2014 (S.I. 2014/308), reg. 1(2), **Sch. para. 3(3)(b)**

F9   Art. 132A(2)(d) substituted (6.4.2018) by The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 (S.I. 2018/58), reg. 1, **Sch. 2 para. 3(b)** (with regs. 3, 4)