
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART XII

REDUNDANCY PAYMENTS ETC.

CHAPTER II

RIGHT ON DISMISSAL BY REASON OF REDUNDANCY

Exclusions

Employee anticipating expiry of employer's notice

- 177.**—(1) Subject to paragraph (3), an employee is not entitled to a redundancy payment where—
- (a) he is taken to be dismissed by virtue of Article 171(3) by reason of giving to his employer notice terminating his contract of employment on a date earlier than the date on which notice by the employer terminating the contract is due to expire,
 - (b) before the employee's notice is due to expire, the employer gives him a notice such as is specified in paragraph (2), and
 - (c) the employee does not comply with the requirements of that notice.
- (2) The employer's notice referred to in paragraph (1)(b) is a notice in writing—
- (a) requiring the employee to withdraw his notice terminating the contract of employment and to continue in employment until the date on which the employer's notice terminating the contract expires, and
 - (b) stating that, unless he does so, the employer will contest any liability to pay to him a redundancy payment in respect of the termination of his contract of employment.
- (3) An industrial tribunal may determine that the employer is liable to make an appropriate payment to the employee if on a reference to the tribunal it appears to the tribunal, having regard to—
- (a) the reasons for which the employee seeks to leave the employment, and
 - (b) the reasons for which the employer requires him to continue in it,
- to be just and equitable that the employee should receive the payment.
- (4) In paragraph (3) "appropriate payment" means—
- (a) the whole of the redundancy payment to which the employee would have been entitled apart from paragraph (1), or
 - (b) such part of that redundancy payment as the tribunal thinks fit.