
Status: Point in time view as at 01/04/2006.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 01 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 (N.I. 16)

The Employment Rights (Northern Ireland) Order 1996 ^{F1}

- - - - 23rd July 1996

THE EMPLOYMENT RIGHTS (NORTHERN IRELAND) ORDER 1996

PART I

INTRODUCTORY AND INTERPRETATION

CHAPTER I

CITATION AND COMMENCEMENT

1. Citation and commencement

CHAPTER II

INTERPRETATION – GENERAL

2. Interpretation – general
3. Employees, workers
4. Associated employers
5. Normal working hours

CHAPTER III

CONTINUOUS EMPLOYMENT

6. Introductory
7. Period of continuous employment
8. Weeks counting in computing period
9. Intervals in employment
10. Special provisions for redundancy payments
11. Employment abroad etc.
12. Industrial disputes
13. Reinstatement after military service
14. Change of employer
15. Reinstatement or re-engagement of dismissed employee

Status: Point in time view as at 01/04/2006.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 01 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)

CHAPTER IV

A WEEK'S PAY

Introductory

16. Introductory

Employments with normal working hours

- 17. General
- 18. Remuneration varying according to time of work
- 19. Supplementary

Employments with no normal working hours

20. Employments with no normal working hours

The calculation date

- 21. Rights during employment
- 22. Rights on termination

Maximum amount of week's pay

23. Maximum amount

Miscellaneous

- 24. New employments and other special cases
- 25. Supplementary

PART II

ACCESS TO EMPLOYMENT

- 26. Refusal of employment on grounds related to union membership
- 27. Refusal of service of employment agency on grounds related to union membership
- 28. Complaints to industrial tribunal
- 29. Determination of complaints
- 30. Complaint against employer and employment agency
- 31. Awards against third parties
- 32. Interpretation and other supplementary provisions

PART III

EMPLOYMENT PARTICULARS

Right to statements of employment particulars

- 33. Statement of initial employment particulars
- 34. Statement of initial particulars: supplementary
- 35. Note about disciplinary procedures and pensions
- 36. Statement of changes
- 37. Exclusion from rights to statements
- 38. Reasonably accessible document or collective agreement
- 39. Power of Department to require particulars of further matters

Status: Point in time view as at 01/04/2006.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 01 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)

- 39A Use of alternative documents to give particulars
- 39B Giving of alternative documents before start of employment

Right to itemised pay statement

- 40. Itemised pay statement
- 41. Standing statement of fixed deductions
- 42. Power to amend provisions about pay and standing statements

Enforcement

- 43. References to industrial tribunals
- 44. Determination of references

PART IV

PROTECTION OF WAGES

Deductions by employer

- 45. Right not to suffer unauthorised deductions
- 46. Excepted deductions

Payments to employer

- 47. Right not to have to make payments to employer
- 48. Excepted payments

Cash shortages and stock deficiencies in retail employment

- 49. Introductory
- 50. Limits on amount and time of deductions
- 51. Wages determined by reference to shortages etc.
- 52. Limits on method and timing of payments
- 53. Limit on amount of payments
- 54. Final instalments of wages

Enforcement

- 55. Complaints to industrial tribunals
- 56. Determination of complaints
- 57. Determinations: supplementary
- 58. Complaints and other remedies

Supplementary

- 59. Meaning of “wages” etc.

PART V

GUARANTEE PAYMENTS

- 60. Right to guarantee payment
- 61. Exclusions from right to guarantee payment
- 62. Calculation of guarantee payment
- 63. Limits on amount of and entitlement to guarantee payment
- 64. Contractual remuneration
- 65. Power to modify provisions about guarantee payments

Status: Point in time view as at 01/04/2006.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 01 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)

- 66. Complaints to industrial tribunals
- 67. Exemption orders

PART VA

PROTECTED DISCLOSURES

- 67A Meaning of “protected disclosure”
- 67B Disclosures qualifying for protection
- 67C Disclosure to employer or other responsible person
- 67D Disclosure to legal adviser
- 67E Disclosure to Minister of the Crown or a Northern Ireland department
- 67F Disclosure to prescribed person
- 67G Disclosure in other cases
- 67H Disclosure of exceptionally serious failure
- 67J Contractual duties of confidentiality
- 67K Extension of meaning of “worker” etc. for Part VA
- 67KA Application of Part VA and related provisions to police
- 67L Other interpretative provisions

PART VI

PROTECTION FROM SUFFERING DETRIMENT ETC. IN EMPLOYMENT

CHAPTER I

RIGHTS NOT TO SUFFER DETRIMENT

- 67M Jury service
- 68. Health and safety cases
- 68A Working time cases
- 69. Trustees of occupational pension schemes
- 70. Employee representatives
- 70A Employees exercising right to time off work for study or training
- 70B Protected disclosures
- 70C Leave for family and domestic reasons
-
- 70E Flexible working
- 71. Complaints to industrial tribunals
- 72. Remedies
- 72A Application to police of Article 68 and related provisions

CHAPTER II

DETRIMENT

- 73. Detriment on grounds related to union membership or activities
- 74. Complaints to industrial tribunal
- 75. Consideration of complaint
- 76. Remedies
- 77. Awards against third parties

Status: Point in time view as at 01/04/2006.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 01 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)

CHAPTER III

INDUCEMENTS

- 77A Inducements relating to union membership or activities
- 77B Inducements relating to collective bargaining
- 77C Time limit for proceedings
- 77D Consideration of complaint
- 77E Remedies
- 77F Interpretation and other supplementary provisions

PART VII

TIME OFF WORK

Public duties

- 78. Right to time off for public duties
- 79. Complaints to industrial tribunals

Looking for work and making arrangements for training

- 80. Right to time off to look for work or arrange training
- 81. Right to remuneration for time off under Article 80
- 82. Complaints to industrial tribunals

Ante-natal care

- 83. Right to time off for ante-natal care
- 84. Right to remuneration for time off under Article 83
- 85. Complaints to industrial tribunals

Ante-natal care: agency workers

- 85ZA Right to time off for ante-natal care (agency workers)
- 85ZB Right to remuneration for time off under Article 85ZA
- 85ZC Complaints to industrial tribunals: agency workers
- 85ZD Agency workers: supplementary

Dependants

- 85A Time off for dependants
- 85B Complaint to industrial tribunal

Occupational pension scheme trustees

- 86. Right to time off for pension scheme trustees
- 87. Right to payment for time off under Article 86
- 88. Complaints to industrial tribunals

Employee representatives

- 89. Right to time off for employee representatives
- 90. Right to remuneration for time off under Article 89
- 91. Complaints to industrial tribunals

Status: Point in time view as at 01/04/2006.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 01 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)

Study or training

- 91A Right to time off for young person for study or training
- 91B Right to remuneration for time off under Article 91A
- 91C Complaints to industrial tribunals

Trade union duties and activities

- 92. Right to time off for carrying out trade union duties
- 92A Time off for union learning representatives
- 93. Right to remuneration for time off under Article 92
- 94. Right to time off for trade union activities
- 95. Complaints to industrial tribunals

PART VIII

SUSPENSION FROM WORK

Suspension on medical grounds

- 96. Right to remuneration on suspension on medical grounds
- 97. Exclusions from right to remuneration

Suspension on maternity grounds

- 98. Meaning of suspension on maternity grounds
- 99. Right to offer of alternative work
- 100. Right to remuneration

Ending the supply of an agency worker on maternity grounds

- 100A Meaning of ending the supply of an agency worker on maternity grounds
- 100B Right to offer of alternative work
- 100C Right to remuneration
- 100D Agency workers: supplementary

General

- 101. Calculation of remuneration
- 101A Calculation of remuneration (agency workers)
- 102. Complaints to industrial tribunals
- 102A Complaints to industrial tribunals: agency workers

PART IX

CHAPTER I

MATERNITY LEAVE

- 103. Ordinary maternity leave
- 104. Compulsory maternity leave
- 105. Additional maternity leave
- 106. Redundancy and dismissal
- 107. Articles 103 to 105: supplemental

Status: Point in time view as at 01/04/2006.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 01 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)

CHAPTER IA

ADOPTION LEAVE

- 107A Ordinary adoption leave
- 107B Additional adoption leave
- 107C Redundancy and dismissal
- 107D Chapter IA: supplemental

CHAPTER II

PARENTAL LEAVE

- 108. Entitlement to parental leave
- 109. Rights during and after parental leave
- 110. Special cases
- 111. Supplemental
- 112. Complaint to industrial tribunal

CHAPTER III

PATERNITY LEAVE

- 112A Entitlement to paternity leave: birth
- 112AA Entitlement to additional paternity leave: birth
- 112B Entitlement to paternity leave: adoption
- 112BB Entitlement to additional paternity leave: adoption
- 112C Rights during and after paternity leave
- 112D Special cases
- 112E Chapter III: supplemental

PART IXA

FLEXIBLE WORKING

- 112F Statutory right to request contract variation
- 112G Employer's duties in relation to application under Article 112F
- 112H Complaints to industrial tribunals
- 112I Remedies

PART X

TERMINATION OF EMPLOYMENT

Minimum period of notice

- 118. Rights of employer and employee to minimum notice
- 119. Rights of employee in period of notice
- 120. Employments with normal working hours
- 121. Employments without normal working hours
- 122. Short-term incapacity benefit and industrial injury benefit
- 123. Supplementary

Written statement of reasons for dismissal

- 124. Right to written statement of reasons for dismissal

Status: Point in time view as at 01/04/2006.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 01 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)

125. Complaints to industrial tribunal

PART XI

UNFAIR DISMISSAL

CHAPTER I

RIGHT NOT TO BE UNFAIRLY DISMISSED

The right

126. The right

Dismissal

127. Circumstances in which an employee is dismissed

Art. 128 rep. by 1999 NI 9

129. Effective date of termination

Fairness

130. General

130A Procedural fairness

130B Jury service

131. Leave for family reasons

132. Health and safety cases

132A Working time cases

133. Trustees of occupational pension schemes

134. Employee representatives

134A Protected disclosure

135. Assertion of statutory right

135A The national minimum wage

135B Tax credit

135C Flexible working

136. Trade union membership or activities

137. Redundancy

138. Replacements

139. Pressure on employer to dismiss unfairly

Retirement

130ZA No normal retirement age: dismissal before 65

130ZB No normal retirement age: dismissal at or after 65

130ZC Normal retirement age: dismissal before retirement age

130ZD Normal retirement age 65 or higher: dismissal at or after retirement age

130ZE Normal retirement age below 65: dismissal at or after retirement age

130ZF Reason for dismissal: particular matters

130ZG Retirement dismissals: fairness

130ZH Interpretation

Other Dismissals

135D Pension enrolment

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 01 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)

Exclusion of right

- 140. Qualifying period of employment
- 141. Upper age limit
- 142. Dismissal procedures agreements
- 143. Dismissal of those taking part in unofficial industrial action
- 144. Dismissals in connection with other industrial action
- 144A Participation in official industrial action
- 144B Conciliation and mediation: supplementary provisions

CHAPTER II

REMEDIES FOR UNFAIR DISMISSAL

Introductory

- 145. Complaints to industrial tribunal
- 146. The remedies: orders and compensation

Orders for reinstatement or re-engagement

- 147. The orders
- 148. Order for reinstatement
- 149. Order for re-engagement
- 150. Choice of order and its terms
- 151. Enforcement of order and compensation

Compensation

- 152. General
- 153. Basic award
- 154. Basic award: minimum in certain cases
- 155. Basic award of two weeks' pay in certain cases
- 156. Basic award: reductions
- 157. Compensatory award
- 158. Limit of compensatory award etc.
- 158A Adjustments under the Employment (Northern Ireland) Order 2003
Art. 159 rep. by 1999 NI 9
- 160. Acts which are both unfair dismissal and discrimination
- 161. Matters to be disregarded in assessing contributory fault
Art. 162 rep. by 1999 NI 9
Art. 162A rep. by 2003 NI 15
Art. 162B rep. by 1999 NI 9

Interim relief

- 163. Interim relief pending determination of complaint
- 164. Procedure on hearing of application and making of order
- 165. Order for continuation of contract of employment
- 166. Application for variation or revocation of order
- 167. Consequence of failure to comply with order

Status: Point in time view as at 01/04/2006.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 01 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)

CHAPTER III

SUPPLEMENTARY

- 168. Death of employer or employee
- 169. Awards against third parties
- 169A. Application to police

PART XII

REDUNDANCY PAYMENTS ETC.

CHAPTER I

RIGHT TO REDUNDANCY PAYMENT

- 170. The right

CHAPTER II

RIGHT ON DISMISSAL BY REASON OF REDUNDANCY

Dismissal by reason of redundancy

- 171. Circumstances in which an employee is dismissed
- 173. No dismissal in cases of renewal of contract or re-engagement
- 174. Redundancy

Exclusions

- 175. Summary dismissal
- 176. Renewal of contract or re-engagement
- 177. Employee anticipating expiry of employer's notice
- 178. Strike during currency of employer's notice
- 179. Provisions supplementary to Article 178

Supplementary

- 180. The relevant date
- 181. Provisions supplementing Articles 173 and 176

CHAPTER III

RIGHT BY REASON OF LAY-OFF OR SHORT-TIME

Lay-off and short-time

- 182. Meaning of "lay-off" and "short-time"
- 183. Eligibility by reason of lay-off or short-time

Exclusions

- 184. Counter-notices
- 185. Resignation
- 186. Dismissal
- 187. Likelihood of full employment

Status: Point in time view as at 01/04/2006.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 01 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)

Supplementary

- 188. The relevant date
- 189. Provisions supplementing Articles 183 and 187

CHAPTER IV

GENERAL EXCLUSIONS FROM RIGHT

- 190. Qualifying period of employment
- 191. Upper age limit
- 192. Exemption orders
- 193. Pension rights
- 194. Public offices etc.
- 195. Overseas government employment
- 196. Domestic servants

CHAPTER V

OTHER PROVISIONS ABOUT REDUNDANCY PAYMENTS

- 197. Amount of a redundancy payment
- 198. References to industrial tribunals
- 199. Claims for redundancy payment
- 200. Written particulars of redundancy payment

CHAPTER VI

PAYMENTS BY DEPARTMENT

- 201. Applications for payments
- 202. Making of payments
- 203. Amount of payments
- 204. Information relating to applications for payments
- 205. References to industrial tribunals

CHAPTER VII

SUPPLEMENTARY

Application of Part to particular cases

- 206. Employment not under contract of employment
- 207. Termination of employment by statute
- 208. Employees paid by person other than employer

Death of employer or employee

- 209. Death of employer: dismissal
- 210. Death of employer: lay-off and short-time
- 211. Death of employee

Equivalent payments

- 212. References to industrial tribunals

Status: Point in time view as at 01/04/2006.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 01 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)

Other supplementary provisions

- 213. Old statutory compensation schemes
- 214. Notices
- 215. Interpretation

PART XIII

PROCEDURE FOR HANDLING REDUNDANCIES

Duty of employer to consult representatives of employees

- 216. Duty of employer to consult representatives of employees
- 216A. Election of employee representatives
- 217. Complaint and protective award
- 218. Entitlement under protective award
- 219. Termination of employment during protected period
- 220. Complaint by employee to industrial tribunal

Duty of employer to notify Department

- 221. Duty of employer to notify Department of certain redundancies
- 222. Offence of failure to notify

Supplementary provisions

- 223. Construction of references to dismissal as redundant etc.
- 224. Construction of references to representatives
- 225. Power to vary provisions
- 226. Power to adapt provisions in case of collective agreement

PART XIV

INSOLVENCY OF EMPLOYERS

- 227. Employee's rights on insolvency of employer
- 228. Insolvency
- 229. Debts to which Part applies
- 230. The appropriate date
- 231. Limit on amount payable under Article 227
- 232. Role of relevant officer
- 233. Complaints to industrial tribunals
- 234. Transfer to Department of rights and remedies
- 235. Power to obtain information

PART XV

MISCELLANEOUS

CHAPTER I

PARTICULAR TYPES OF EMPLOYMENT

Crown employment etc.

- 236. Crown employment
- 237. Armed forces
- 238. National security

Status: Point in time view as at 01/04/2006.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 01 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)

Excluded classes of employment

- 239. Employment outside Northern Ireland
Art. 240 rep. by SR 2002/298
- 241. Short-term employment
- 242. Mariners
- 243. Police officers

CHAPTER II

OTHER MISCELLANEOUS MATTERS

Restrictions on disclosure of information

- 244. National security etc.

Contracting out etc. and remedies

- 245. Restrictions on contracting out
- 246. Law governing employment
- 247. Remedy for infringement of certain rights

General provisions about death of employer or employee

- 248. Institution or continuance of tribunal proceedings
- 249. Rights and liabilities accruing after death
- 249A. Time limits in relation to certain mediated cross-border disputes

Modifications of Order

- 250. Powers to amend Order

PART XVI

GENERAL AND SUPPLEMENTARY

General

- 251. Orders and regulations
- 252. Financial provisions

Reciprocal arrangements

- 253. Reciprocal arrangements with Great Britain
- 254. Reciprocal arrangements with Isle of Man

Final provisions

- Article 255—Amendments
- 256. Transitionals, savings and transitory provisions
- 257. Repeals and revocations

SCHEDULES

— Schedule 1—Amendments

Status: Point in time view as at 01/04/2006.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 01 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)

SCHEDULE 2 — TRANSITIONAL PROVISIONS, SAVINGS AND TRANSITORY PROVISIONS

PART I — TRANSITIONAL PROVISIONS AND SAVINGS

General transitionals and savings

1. The substitution of this Order for the provisions repealed or revoked by this Order does...
2. (1) Anything done, or having effect as done, (including the making of subordinate legislation) under...
3. Any reference (express or implied) in this Order or any other statutory provision, or in...
4. (1) Any reference (express or implied) in any statutory provision, or in any instrument or...
5. Paragraphs 1 to 4 have effect in place of section 29 of the Interpretation Act...

Preservation of old transitionals and savings

6. (1) The repeal by this Order of a statutory provision previously repealed subject to savings...

Employment particulars

7. (1) In this paragraph “existing employee” means an employee whose employment with his employer began...

Monetary limits in old cases

8. In relation to any case in which (but for this Order) a limit lower than...

Periods of employment

9. (1) The reference in Article 11(2)(b) to a person being an employed earner for the...
10. (1) Subject to paragraph 9 and sub-paragraph (2), Chapter III of Part I applies to...

PART II — TRANSITORY PROVISIONS

Occupational pension scheme trustees

11. (1) If Articles 42 to 46 of the Pensions (Northern Ireland) Order 1995 have not...

Armed forces

12. (1) If Article 10 of the Industrial Relations (Northern Ireland) Order 1993 has not come...
Para. 13 rep. by 1998 NI 8

Document Generated: 2024-07-01

Status: Point in time view as at 01/04/2006.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 01 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)

— Schedule 3—Repeals

Status:

Point in time view as at 01/04/2006.

Changes to legislation:

The Employment Rights (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 01 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.