

SCHEDULES

SCHEDULE 2 ^{F1}

RIGHTS OF SHOP WORKERS AS RESPECTS SUNDAY WORKING

F1 functions transf. by SR 1999/481
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Right not to be dismissed for refusing Sunday work

11.—(1) Where an employee who is a protected shop worker or an opted-out shop worker is dismissed, he shall be regarded for the purposes of Part XI of the Employment Rights Order as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that he refused, or proposed to refuse, to do shop work on Sunday or on a particular Sunday.

(2) Sub-paragraph (1) does not apply in relation to an opted-out shop worker where the reason (or principal reason) for the dismissal is that he refused, or proposed to refuse, to do shop work on any Sunday or Sundays falling before the end of the notice period.

(3) A shop worker who is dismissed shall be regarded for the purposes of Part XI of the Employment Rights Order as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that the shop worker gave, or proposed to give, an opting-out notice to the employer.

(4) For the purposes of paragraph 2(2)(b) or 7(1)(b), the appropriate date in relation to this paragraph is the effective date of termination.

Sub#para. (5) rep. by 1999 NI 9

12.—(1) An employee who is dismissed shall be regarded for the purposes of Part XI of the Employment Rights Order as unfairly dismissed if—

- (a) the reason (or, if more than one, the principal reason) for the dismissal is that the employee was redundant;
- (b) it is shown that the circumstances constituting the redundancy applied equally to one or more other employees in the same undertaking who held positions similar to that held by the employee and who have not been dismissed by the employer; and
- (c) it is shown that sub-paragraph (2) applies.

(2) This sub-paragraph applies if either—

- (a) the employee was a protected shop worker or an opted-out shop worker and the reason (or, if more than one, the principal reason) for which the employee was selected for dismissal was that specified in sub-paragraph (1) of paragraph 11 (read with sub-paragraph (2) of that paragraph); or
- (b) the employee was a shop worker and the reason (or, if more than one, the principal reason) for which the employee was selected for dismissal was that specified in sub-paragraph (3) of that paragraph.

(3) For the purposes of paragraph 2(2)(b) or 7(1)(b), the appropriate date in relation to this paragraph is the effective date of termination.

Changes to legislation: There are currently no known outstanding effects for the *The Shops (Sunday Trading &c.) (Northern Ireland) Order 1997*, Cross Heading: *Right not to be dismissed for refusing Sunday work*. (See end of Document for details)

13. Articles 140 and 141 of the Employment Rights Order (qualifying period of employment and upper age limit)^{F1} . . . do not apply if—

- (a) sub-paragraph (1) of paragraph 11 (read with sub-paragraph (2) of that paragraph) or sub-paragraph (3) of that paragraph applies; or
- (b) paragraph 12 applies.

F1 [1998 NI 8](#)

Changes to legislation:

There are currently no known outstanding effects for the The Shops (Sunday Trading &c.) (Northern Ireland) Order 1997, Cross Heading: Right not to be dismissed for refusing Sunday work.