
STATUTORY INSTRUMENTS

1999 No. 2790

The Employment Relations (Northern Ireland) Order 1999

Other rights of individuals

Collective agreements: detriment and dismissal

19.—(1) The Department may make regulations about cases where a worker—

- (a) is subjected to detriment by his employer, or
- (b) is dismissed,

on the grounds that he refuses to enter into a contract which includes terms which differ from the terms of a collective agreement which applies to him.

(2) The regulations may make provision which applies only in specified classes of case.

(3) In this Article—

“collective agreement” has the meaning given by Article 2(2) of the Industrial Relations (Northern Ireland) Order 1992;

“employer” and “worker” have the same meaning as in Article 2(2) of the Trade Union and Labour Relations Order.

(4) The payment of higher wages or higher rates of pay or overtime or the payment of any signing on or other bonuses or the provision of other benefits having a monetary value to other workers employed by the same employer shall not constitute a detriment to any worker not receiving the same or similar payments or benefits within the meaning of paragraph (1)(a) so long as—

- (a) there is no inhibition in the contract of employment of the worker receiving the same from being the member of any trade union, and
- (b) the said payments of higher wages or rates of pay or overtime or bonuses or the provision of other benefits are in accordance with the terms of a contract of employment and reasonably relate to services provided by the worker under that contract.