

**EMPLOYMENT RELATIONS
(NORTHERN IRELAND) ORDER 2004**

S.I. 2004 3078

EXPLANATORY MEMORANDUM

BACKGROUND AND POLICY OBJECTIVES

3. In July 2002, the Secretary of State for Trade and Industry announced a review of the Employment Relations Act 1999 (“the 1999 Act”): the Northern Ireland counterpart being the Employment Relations (Northern Ireland) Order 1999 (“the 1999 Order”). In line with commitments made in the White Paper “Fairness at Work” (1998), the Government reviewed the operation of the statutory procedures for the recognition and derecognition of trade unions by employers. The review also looked at the operation of the other provisions of the 1999 Act and in Northern Ireland, the 1999 Order.

The 1999 Order:

- introduced a new statutory procedure for the recognition and derecognition of trade unions by employers;
- prevented employers from subjecting an individual to detriment, by any act or any deliberate failure to act, on the grounds of trade union membership, and introduced a power to make regulations prohibiting blacklisting on grounds of union membership;
- made changes to the law on industrial action (ballot and notice requirements and the right for dismissed strikers to complain of unfair dismissal);
- introduced new rights and changes in family-related employment rights;
- introduced new rights for workers to be accompanied in certain disciplinary and grievance hearings;
- made other changes to individual employment rights.
- The review concluded that the 1999 Act and Order were generally working well, but that some changes were required to improve and streamline procedures. The Employment Relations (Northern Ireland) Order 2004 implements the findings of the review in Northern Ireland, following their implementation in GB by the Employment Relations Act 2004.