

**EXPLANATORY MEMORANDUM TO THE HOUSE OF LORDS SELECT
COMMITTEE ON THE MERITS OF STATUTORY INSTRUMENTS**

**EMPLOYMENT (NORTHERN IRELAND) ORDER 2003 (DISPUTE
RESOLUTION) REGULATIONS (NORTHERN IRELAND) 2004**

S.R. 2004 No. 521

- 1.1 This explanatory memorandum has been prepared by the Department for Employment and Learning and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the House of Lords Select Committee on the Merits of Statutory Instruments.

Description

- 2.1 Schedule 1 to the Employment (Northern Ireland) Order 2003 (“the 2003 Order”) sets out minimum steps to be taken at work in relation to a grievance and, separately, to matters involving disciplinary action or dismissal. The purpose of these Regulations is to define the circumstances in which the procedures are to be used.
- 2.2 The Regulations are made under powers conferred on the Department for Employment and Learning by the 2003 Order.

Matters of Special Interest to the Select Committee

- 3.1 None

Legislative Background

- 4.1 The 2003 Order replicates the provisions contained in Parts 2 and 3 and some of the provisions of Part 4 of the Employment Act 2002 (c. 22), which applies to England, Wales and Scotland. The 2003 Order introduces new statutory dispute resolution procedures and associated employment tribunal reforms.
- 4.2 The Statutory Rule is the first to be made under the powers conferred by Part IV of the 2003 Order. During the current suspension of the Northern Ireland Assembly, this statutory rule is required to be laid before Parliament under the negative resolution procedure [see paragraph 7(3) of the Schedule to the Northern Ireland Act 2000 (c.1)].
- 4.3 The Regulations will operate in tandem with new Regulations and Rules of Procedure in respect of industrial tribunals and the Fair Employment Tribunal, currently under preparation.

Extent

- 5.1 The Regulations apply to Northern Ireland only. The corresponding Great Britain Regulations are The Employment Act 2002 (Dispute Resolution) Regulations 2004 (S.I. 2004/752).

European Convention on Human Rights

- 6.1 Not applicable, as these Regulations are neither subject to affirmative resolution, nor do they amend primary legislation.

Policy Background

- 7.1 The 2003 Order is designed to ensure that an attempt is made to resolve disputes at work before it becomes necessary to bring them before a tribunal. By encouraging early resolution of disputes at work, it is intended that litigation will be reduced.
- 7.2 The Regulations provide the detail of how the statutory minimum dismissal, disciplinary and grievance procedures prescribed by the 2003 Order are to be applied.
- 7.3 Public consultation was carried out on the Regulations from February until April 2004. Respondents were generally positive, but identified a need for clear guidance to be produced. This has since been done; guidance is available from the Department for Employment and Learning web-site www.delni.gov.uk/resolvingdisputes.

Impact

- 8.1 Consideration of the regulatory impact of the Regulations confirmed that no significant costs are expected to arise for employers, as the Regulations do not carry any additional burden to that already statutorily required by the 2003 Order.

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December 2004