

**Status:** This version of this provision is prospective.

**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](https://legislation.gov.uk) editorial team to The Employment Equality (Age) Regulations (Northern Ireland) 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

PROSPECTIVE

## SCHEDULE 5

### Duty to consider working beyond retirement

#### Detriment and dismissal

13.—(1) An employee has the right not to be subjected to any detriment by any act by his employer done on the ground that he exercised or sought to exercise his right to be accompanied in accordance with paragraph 9.

(2) A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that he accompanied or sought to accompany an employee pursuant to a request under paragraph 9.

(3) Article 71 of the 1996 Order<sup>(1)</sup> (complaints to industrial tribunals) shall apply in relation to contraventions of sub-paragraph (1) or (2) as it applies in relation to contraventions of certain Articles of that Order.

(4) Sub-paragraph (2) does not apply where the worker is an employee and the detriment in question amounts to dismissal (within the meaning of Part XI of the 1996 Order).

(5) An employee who is dismissed shall be regarded for the purposes of Part XI of the 1996 Order as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that he—

- (a) exercised or sought to exercise his right to be accompanied in accordance with paragraph 9; or
- (b) accompanied or sought to accompany an employee pursuant to a request under that paragraph.

(6) Articles 163 to 167 of the 1996 Order (interim relief) shall apply in relation to dismissal for the reason specified in sub-paragraph (5)(a) or (b) as they apply in relation to dismissal for a reason specified in Article 163(1)(b) of that Order.

#### Commencement Information

**II** Sch. 5 para. 13 in operation at 1.10.2006, see [reg. 1\(1\)](#)

<sup>(1)</sup> Article 71 was amended by regulation 31(2) of [S.R. 1998 No. 386](#); paragraph 3 of the Schedule to the Employment Rights (Time off for Study or Training) (Northern Ireland) Order 1998 (S.I.1998/1761 (N.I. 15)); Article 6 of the Public Interest Disclosure (Northern Ireland) Order 1998 (S.I. 1998/1763 (N.I. 17)); paragraph 4 of Schedule 4 to the Employment Relations (Northern Ireland) Order 1999 (S.I. 1999/2790 (N.I. 9)); paragraph 4(8) of Schedule 2 to the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2)); paragraph 2(3) of Schedule 1 to the Tax Credit Act 2002 (c. 21); paragraph 2(3) of Schedule 5 to the Employment (Northern Ireland) Order 2003 (S.I. 2003/2902 (N.I. 15)) and paragraph 20(2) of Schedule 1 to the Employment Relations (Northern Ireland) Order 2004 (S.I. 2004/3078 (N.I. 19))

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**Changes and effects yet to be applied to :**

- Sch. 5 para. 13 coming into force by [S.R. 2006/261 reg. 1\(1\)](#)

**Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:**

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Sch. 1 para. 7(b)(iv) and preceding semi-colon and word inserted by [S.R. 2016/25 art. 3\(a\)](#)
- Sch. 1 para. 23(d) and preceding semi-colon and word inserted by [S.R. 2016/25 art. 3\(d\)](#)
- Sch. 1 para. 1(6)(b) words inserted by [S.R. 2012/124 art. 25\(d\)](#)
- Sch. 1 para. 16(1)(b) words inserted by [S.R. 2016/25 art. 3\(b\)](#)
- Sch. 1 para. 16(1)(c) words inserted by [S.R. 2016/25 art. 3\(c\)](#)
- Sch. 1 para. 16(1)(a) words substituted by [S.R. 2019/92 reg. 2\(a\)](#)
- Sch. 1 para. 16(2) words substituted by [S.R. 2019/92 reg. 2\(b\)](#)
- reg. 14(a) words inserted by [S.R. 2016/25 art. 4\(a\)](#)
- reg. 34(5)(c) and word added by [S.R. 2009/425 reg. 2\(b\)](#)
- reg. 48(2A) inserted by [S.R. 2020/4 Sch. para. 38](#)
- reg. 48A inserted by [S.R. 2020/4 Sch. para. 39](#)