

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations generally prohibit the compilation, use, sale or supply of blacklists containing details of trade union members and activists, where the purpose of that list is to discriminate against workers on grounds of trade union membership or trade union activities (regulation 3). The Regulations give rights to persons to complain to the industrial tribunal in certain circumstances. These rights arise where a person has been refused employment (regulation 5) or employment agency services (regulation 6) or has been subjected to a detriment (regulation 9) for a reason related to a blacklist.

The Regulations make amendments to the Employment Rights (Northern Ireland) Order 1996 to also give a right of complaint to the industrial tribunal where a person has been unfairly dismissed for a reason relating to a blacklist. The Regulations provide for minimum and maximum compensation available from the industrial tribunal in specified cases. Persons who have suffered or will suffer a loss due to the use or apprehended use of a blacklist may apply to the Court for damages, including damages for injury to feelings, and for orders restraining or preventing the compilation, use, sale or supply of the blacklist (regulation 13). A person cannot claim compensation from the industrial tribunal and damages from the Court in respect of the same conduct (regulation 13(5)). Where a person is pursuing a complaint before the industrial tribunal, that person is permitted to apply to the Court for orders restraining or preventing the compilation, use, sale or supply of the blacklist in question (regulation 13(4)).

**Changes to legislation:**

There are currently no known outstanding effects for the The Employment Relations (Northern Ireland) Order 1999 (Blacklists) Regulations (Northern Ireland) 2014.