
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 103

**The Employment Rights (Northern Ireland) Order
1996 (Protection from Detriment in Health and Safety
Cases) (Amendment) Order (Northern Ireland) 2021**

Transitional and saving provision

7.—(1) A worker is not to be regarded as having been subjected to a detriment in contravention of Article 68(1A) of the Employment Rights (Northern Ireland) Order 1996 if the date of the relevant act or failure to act, or the last of a series of similar relevant acts or failures to act, occurred before commencement day.

(2) If the date of the last of a series of similar relevant acts or failures to act occurs on or after commencement day, the fact that a relevant act or failure to act in that series occurred before commencement day does not prevent it from being taken into account in determining whether the worker has been subjected to a detriment in contravention of Article 68(1A) of the Employment Rights (Northern Ireland) Order 1996.

(3) The repeal by this Order of Article 68(1)(d) and (e) does not prevent a complaint under Article 71 that an employee has been subjected to detriment in contravention of Article 68(1)(d) or (e) from being presented or continued on or after commencement day if the date of the relevant act or failure to act, or the last of a series of similar relevant acts or failures to act, occurred before commencement day.

(4) In this article—

“commencement day” means the day on which this Order comes into operation;

“relevant act or failure to act” means—

- (a) in relation to Article 68(1) of the Employment Rights (Northern Ireland) Order 1996, an act, or deliberate failure to act, by an employer done on the ground set out in Article 68(1)(d) or (e) of that Order;
- (b) in relation to Article 68(1A) of the Employment Rights (Northern Ireland) Order 1996, an act, or deliberate failure to act, by an employer done on the ground set out in Article 68(1A)(a) or (b) of that Order.

(5) Article 71(4) of the Employment Rights (Northern Ireland) Order 1996 applies to paragraphs (1) and (2) as it applies to Article 71(3) of that Order.