
STATUTORY INSTRUMENTS

2009 No. 2402

The European Public Limited-Liability Company (Employee Involvement) (Northern Ireland) Regulations 2009

PART 6

COMPLIANCE AND ENFORCEMENT

Misuse of procedures

22.—(1) If an employees' representative, or an employee for whom there is no such representative, believes that a participating company [^{F1}, an SE or a UK Societas] is misusing or intending to misuse the SE [^{F2} or the UK Societas] or the powers in these Regulations for the purpose of—

- (a) depriving the employees of that participating company or of any of its concerned subsidiaries or, as the case may be, of the SE [^{F3} or the UK Societas] or of any of [^{F4} their] subsidiaries of their rights to employee involvement, or
- (b) withholding rights from any of the employees referred to in sub-paragraph (a),

the representative or, as the case may be, the employee may make a complaint to the Industrial Court.

(2) Where a complaint is made to the Industrial Court under paragraph (1)—

- (a) before registration of the SE, or
- (b) within the period of 12 months following the date of its registration [^{F5} as an SE (including registration as an SE which subsequently converted to a UK Societas on IP completion day],

the Industrial Court must uphold the complaint unless the respondent proves that it did not misuse or intend to misuse the SE or the powers in these Regulations for a purpose specified in sub-paragraph (a) or (b) of paragraph (1).

(3) If it finds the complaint to be well founded, the Industrial Court—

- (a) must make a declaration to that effect, and
- (b) may make an order requiring the participating company or the SE [^{F6} or the UK Societas], as the case may be, to take such action as is specified in the order to ensure that the employees referred to in paragraph (1)(a) are not deprived of their rights to employee involvement or that such rights are not withheld from them,

and the provisions of regulations 20(6) to (9) and 21 apply where the Industrial Court makes a declaration or order under this paragraph as they apply where it makes a declaration or order under regulation 20(4).

Textual Amendments

- F1** Words in reg. 22(1) substituted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **74(a)(i)(aa)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 22(1) inserted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **74(a)(i)(bb)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 22(1)(a) inserted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **74(a)(ii)(aa)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in reg. 22(1)(a) substituted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **74(a)(ii)(bb)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in reg. 22(2)(b) inserted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **74(b)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), **3(i)**, 5(k)-(n)); 2020 c. 1, **Sch. 5 para. 1(1)**
- F6** Words in reg. 22(3)(b) inserted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **74(c)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The European Public Limited-Liability Company (Employee Involvement) (Northern Ireland) Regulations 2009, Section 22.