Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Employment Rights (Increase of Limits) Order (Northern Ireland) 2020. 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*

STATUTORY RULES OF NORTHERN IRELAND

2020 No. 42

TERMS AND CONDITIONS OF EMPLOYMENT

The Employment Rights (Increase of Limits) Order (Northern Ireland) 2020

Made - - - -	*20th March 2020*
Coming into operation	*6th April 2020*

The Department for the Economy makes the following Order in exercise of the powers conferred by Articles 33(2) and 39(3) of the Employment Relations (Northern Ireland) Order 1999 [F1] and now vested in it [F2].

F1 S.I. 1999/2790 (N.I. 9); Article 33 was amended by the Employment Act (Northern Ireland) 2016 (c. 15 (N.I.)), **section 22** and by the Employment Relations (Northern Ireland) Order 2004 (N.I. 19), Article 30(1) and Schedule 2, paragraph 24.

F2 The functions of the Department of Economic Development under the Employment Relations (Northern Ireland) Order 1999 were transferred to the Department of Higher and Further Education, Training and Employment by S.R. 1999 No.481, **article 4(b)** and Schedule 2, Part II. The Department of Higher and Further Education, Training and Employment was renamed the Department for Employment and Learning by 2001 c.15 (N.I.), **section 1**, and following the dissolution of that department by the Departments Act (Northern Ireland) 2016 (c.5 (N.I.)), **section 1(10)**, its functions under the Employment Relations (Northern Ireland) Order 1999 were transferred to the Department for the Economy by S.R. 2016 No. 76, **Article 6(1)(c)**.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Employment Rights (Increase of Limits) Order (Northern Ireland) 2020 and comes into operation on 6th April 2020.

(2) In this Order —

"the 1995 Order" means the Trade Union and Labour Relations (Northern Ireland) Order 1995 [F3];

"the 1996 Order" means the Employment Rights (Northern Ireland) Order 1996 [F4].

F3 S.I. 1995/1980 (N.I. 12).

F4 S.I. 1996/1919 (N.I. 16).

Revocation

2. The Employment Rights (Increase of Limits) Order (Northern Ireland) 2019 [F5] is revoked.

F5 S.R. 2019 No. 63.

Increase of limits

3. In the provisions set out in column 1 of the Schedule (generally described in column 2), for the sums specified in column 3 substitute the sums specified in column 4.

Saving and transitional provision

4.—(1) The revocation in Article 2 and the substitutions made by Article 3 do not have effect in relation to a case where the appropriate date falls before 6th April 2020.

(2) In this Article "the appropriate date" means —

(a) in the case of an application made under Article 34(1) of the 1995 Order (compensation for unjustifiable discipline by a trade union), the date of the determination infringing the applicant's right;

(b) in the case of an application for an award of compensation under Article 40(2) of the 1995 Order (compensation for expulsion from a trade union), the date of the expulsion from the union;

(c) in the case of a complaint presented under Article 44C(1) of the 1995 Order [F6] (failure by an employer to consult with a trade union on training matters), the date of the failure;

(d) in the case of an award under paragraph 159(1) of Schedule 1A to the 1995 Order [F7], where a worker has suffered a detriment that is the termination of the worker's contract, the date of the termination;

(e) in the case of a complaint presented under Article 28(1)(a) of the 1996 Order (refusal of employment on grounds related to union membership) or Article 28(1)(b) of that Order (refusal of service of employment agency on grounds related to union membership), the date of the conduct to which the complaint relates, as determined by Article 28(3) and (4) of that Order;

(f) in the case of a guarantee payment to which an employee is entitled under Article 60(1) of the 1996 Order (right to guarantee payment in respect of workless day), the day in respect of which the payment is due;

(g) in the case of an award of compensation under Article 72(1)(b) of the 1996 Order [F8] by virtue of section 24(2) of the National Minimum Wage Act 1998 [F9], where a worker has suffered a detriment that is the termination of the worker's contract, the date of the termination;

(h) in the case of an award under Article 77E(2)(b) of the 1996 Order (award to worker in respect of offer made by employer in contravention of Article 77A or 77B of that Order [F10]), the date of the offer;

(i) in the case of an award under Article 112I(1)(b) of the 1996 Order [F11] (award of compensation relating to an application for contract variation), the date of the failure in relation to the application or of the decision to reject the application;

(j) in the case of an award under Article 146(4) or (5) of the 1996 Order [F12] (award in relation to unfair dismissal), the effective date of termination, as defined by Article 129 of that Order [F13];

(k) in the case of an award under Article 151(1) or (3) of the 1996 Order [F14], where an employer has failed to comply fully with the terms of an order for reinstatement or re-engagement or has failed to reinstate or re-engage the complainant in accordance with such an order, the date by which the order for reinstatement (specified under Article 148(2)(c) of that Order) or re-engagement (specified under Article 149(2)(f) of that Order) should have been complied with;

(l) in the case of entitlement to a redundancy payment by virtue of Article 170(1)(a) of the 1996 Order (dismissal by reason of redundancy), the relevant date, as defined by Article 180 of that Order [F15];

(m) in the case of entitlement to a redundancy payment by virtue of Article 170(1)(b) of the 1996 Order (eligibility for a redundancy payment by reason of being laid off or kept on short-time), the relevant date, as defined by Article 188 of that Order;

(n) in the case of entitlement to a payment under Article 227 of the 1996 Order (payments by the Department), the appropriate date, as defined by Article 230 of that Order;

(o) in the case of a complaint presented under Article 13(1) of the Employment Relations (Northern Ireland) Order 1999 [F16] (failure or threatened failure to allow the worker to be accompanied at the disciplinary or grievance hearing, to allow the companion to address the hearing or confer with the worker, or to postpone the hearing), the date of the failure or threat;

(p) in the case of a complaint presented under regulation 15 of the Flexible Working (Procedural Requirements) Regulations (Northern Ireland) 2003 [F17] (failure or threatened failure to allow an employee to be accompanied at a meeting, to allow the companion to address the meeting or confer with the employee, or to postpone the meeting), the date of the failure or threat;

(q) in the case of an award made under Article 27(2) of the Employment (Northern Ireland) Order 2003 [F18] (failure to give statement of employment particulars etc.), the date the proceedings to which that Article applies were begun;

(r) in the case of an increase in an award in pursuance of Article 27(3) of the Employment (Northern Ireland) Order 2003, the date the proceedings to which that Article applies were begun;

(s) in the case of an award made under Article 28(2) of the Employment (Northern Ireland) Order 2003 (failure to give statement of employment particulars etc.), the date the proceedings to which that Article applies were begun;

(t) in the case of an increase in an award in pursuance of Article 28(3) of the Employment (Northern Ireland) Order 2003, the date the proceedings to which that Article applies were begun.

F6 Article 44C was inserted by Article 7 of the Employment Relations (Northern Ireland) Order 1999.

F7 Schedule 1A was inserted by Articles 3(1) and (3) and Schedule 1 to the Employment Relations (Northern Ireland) Order 1999.

F8 Article 72(1) was amended by the Work and Families Act (Northern Ireland) 2015 (c. 1(N.I.)), **section 18(4)(a)**.

F9 1998 c. 39.

F10 Articles 77A, 77B and 77E were inserted by Article 14 of the Employment Relations (Northern Ireland) Order 2004 (S.I. 2004/3078 (N.I. 19)).

F11 Article 112I was inserted by Article 15(2) of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2)).