STATUTORY RULES OF NORTHERN IRELAND

2020 No. 4

EMPLOYMENT

DISPUTE RESOLUTION

The Industrial Tribunals (1996 Order) (Application of Conciliation Provisions) Order (Northern Ireland) 2020

Made - - - -	*3rd January 2020*
Coming into operation	*27th January 2020*

The Department for the Economy(**1**), in exercise of the powers conferred by Articles 20(8) and (8A) and 25(5) of the Industrial Tribunals (Northern Ireland) Order 1996(**2**), makes the following Order.

Citation and commencement

1. This Order may be cited as the Industrial Tribunals (1996 Order) (Application of Conciliation Provisions) Order (Northern Ireland) 2020 and shall come into operation on 27th January 2020.

Amendments to the Industrial Tribunals (Northern Ireland) Order 1996

2. In Article 20(1) of the Industrial Tribunals (Northern Ireland) Order 1996—

(a) in sub-paragraph (c) omit the reference to "Article 112(1) of the Employment Rights (Northern Ireland) Order 1996" and in the appropriate place insert—

"(viiaa) Article 112(1) of the Employment Rights (Northern Ireland) Order 1996;";

(b) in sub-paragraph (cc) omit "18,";

(c) after sub-paragraph (e) insert—

"(ea) under regulation 11 of the Safety Representatives and Safety Committees Regulations (Northern Ireland) 1979;

(eb) under Article 6 of the Industrial Tribunals Extension of Jurisdiction Order (Northern Ireland) 1994;

(ec) under paragraph 2 of Schedule 2 to the Health and Safety (Consultation with Employees) Regulations (Northern Ireland) 1996;";

(**1**) 2016 c. 5 (N.I.). Functions relevant to this Order were transferred from the Department for Employment and Learning by S.R. 2016 No. 76, Article 6(1)(c).

(**2**) S.I. 1996/1921 (N.I. 18); Article 20 was amended by the Employment Act (Northern Ireland) 2016 (c. 15 (N.I.)), section 3 and Schedule 1.

(d) after sub-paragraph (k) insert—

"(ka) under regulation 15 of the Flexible Working (Procedural Requirements) Regulations (Northern Ireland) 2003;";

(e) in sub-paragraph (o) for the two places it occurs, substitute—

"(o) under regulation 30 or 34 of the European Cooperative Society (Involvement of Employees) Regulations 2006;

(oa) under paragraph 4 or 8 of the Schedule to the Occupational and Personal Pension Schemes (Consultation by Employers) Regulations (Northern Ireland) 2006;";

(f) in sub-paragraph (t), after "5" insert ", 10"; and

(g) after sub-paragraph (t) insert—

"(ta) under regulation 5 of the Posted Workers (Enforcement of Employment Rights) Regulations (Northern Ireland) 2016;".

Amendments

3. The amendments in the Schedule to this Order have effect.

Sealed with the Official Seal of the Department for the Economy on 3rd January 2020.

L.S.

Colin Jack
A senior officer of the
Department for the Economy

SCHEDULE Article 3

Safety Representatives and Safety Committees Regulations (Northern Ireland) 1979

1. The Safety Representatives and Safety Committees Regulations (Northern Ireland) 1979(**3**) are amended as follows.

2. In regulation 11 after paragraph (2) insert—

"(2A) Regulation 12 (extension of time limit to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).".

3. After regulation 11 insert—

"**Extension of time limit to facilitate conciliation before institution of proceedings**

12.—(1) In this regulation—

(a) Day A is the day on which the worker concerned complies with the requirement in paragraph (1) of Article 20A of the Industrial Tribunals (Northern Ireland) Order 1996 (requirement to contact Labour Relations Agency before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and

(b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under paragraph (11) of that Article) the certificate issued under paragraph (4) of that Article.

(2) In working out when the three month time limit set by regulation 11(2) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the three month time limit set by regulation 11(2) would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(4) The power conferred on the industrial tribunal by paragraph (2) of regulation 11 to extend the three month time limit set by that paragraph is exercisable in relation to that time limit as extended by this regulation.".

Industrial Tribunals Extension of Jurisdiction Order (Northern Ireland) 1994

4. The Industrial Tribunals Extension of Jurisdiction Order (Northern Ireland) 1994(**4**) is amended as follows.

5. In Article 7 for "An industrial tribunal" substitute "Subject to Article 8A, an industrial tribunal".

6. In Article 8 for "An industrial tribunal" substitute "Subject to Article 8A, an industrial tribunal".

7. After Article 8 insert—

"**Extension of time limit to facilitate conciliation before institution of proceedings**

8A.—(1) This Article applies where this Order provides for it to apply for the purposes of a provision of this Order ("a relevant provision").

(2) In this Article—

(**3**) S.R. 1979 No. 437.
(**4**) S.R. 1994 No. 308. Article 7 was amended by S.R. 2004 No. 521.

(a) Day A is the day on which the worker concerned complies with the requirement in paragraph (1) of Article 20A of the Industrial Tribunals (Northern Ireland) Order 1996 (requirement to contact Labour Relations Agency before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and

(b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under paragraph (11) of that Article) the certificate issued under paragraph (4) of that Article.

(3) In working out when the time limit set by a relevant provision expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(4) If the time limit set by a relevant provision would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(5) Where an industrial tribunal has power under this Order to extend the time limit set by a relevant provision, the power is exercisable in relation to that time limit as extended by this Article.".

Health and Safety (Consultation with Employees) Regulations (Northern Ireland) 1996

8. Schedule 2 to the Health and Safety (Consultation with Employees) Regulations (Northern Ireland) 1996(**5**) is amended as follows.

9. In paragraph 3 for "An industrial tribunal" substitute "Subject to paragraph 3A, an industrial tribunal".

10. After paragraph 3 insert—

"3A.—(1) In this paragraph—

(a) Day A is the day on which the worker concerned complies with the requirement in paragraph (1) of Article 20A of the Industrial Tribunals (Northern Ireland) Order 1996 (requirement to contact Labour Relations Agency before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and

(b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under paragraph (11) of that Article) the certificate issued under paragraph (4) of that Article.

(2) In working out when the three month time limit set by paragraph 3 expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the three month time limit set by paragraph 3 would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(4) The power conferred on the industrial tribunal by paragraph 3 to extend the three month time limit set by that paragraph is exercisable in relation to that time limit as extended by this paragraph.".

(**5**) S.R. 1996 No. 511.

Transnational Information and Consultation of Employees Regulations 1999

11. The Transnational Information and Consultation of Employees Regulations 1999(**6**) are amended as follows.

12. In regulation 27(**7**) after paragraph (2A) insert—

"(2B) Regulation 27B (extension of time limit to facilitate conciliation before institution of proceedings in Northern Ireland) applies for the purposes of paragraph (2).".

13. After regulation 27A(**8**) insert—

"**Extension of time limit to facilitate conciliation before institution of proceedings in Northern Ireland**

27B.—(1) In this regulation—

(a) Day A is the day on which the worker concerned complies with the requirement in paragraph (1) of Article 20A of the Industrial Tribunals (Northern Ireland) Order 1996 (requirement to contact Labour Relations Agency before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and

(b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under paragraph (11) of that Article) the certificate issued under paragraph (4) of that Article.

(2) In working out when the three month time limit set by regulation 27(2)(a) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the three month time limit set by regulation 27(2)(a) would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(4) The power conferred on the industrial tribunal by regulation 27(2)(b) to extend the three month time limit set by paragraph (2)(a) of that regulation is exercisable in relation to that time limit as extended by this regulation.".

14. In regulation 41(2)(b)(**9**), for "Article 20" substitute "any of Articles 20A to 20C".

Part-time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000

15. The Part-time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000(**10**) are amended as follows.

16. In regulation 8 after paragraph (2) insert—

"(2A) Regulation 8A (extension of time limit to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).".

17. After regulation 8 insert—

"**Extension of time limit to facilitate conciliation before institution of proceedings**

8A.—(1) In this regulation—

(**6**) S.I. 1999/3323.
(**7**) Regulation 27 was amended by S.I. 2014/386.
(**8**) Regulation 27A was inserted by S.I. 2014/386.
(**9**) Regulation 41 was amended by S.I. 2004/2518, S.I. 2009/3348, S.I. 2013/1956, S.I. 2014/386 and S.I. 2014/431.
(**10**) S.R. 2000 No. 219. Regulation 8 was amended by S.R. 2002 No. 286.