STATUTORY RULES OF NORTHERN IRELAND

2020 No. 2

EMPLOYMENT

DISPUTE RESOLUTION

The Industrial Tribunals and Fair Employment Tribunal (Early Conciliation: Exemptions and Rules of Procedure) Regulations (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 20A(7), (11) and (12) and 25(5) of the Industrial Tribunals (Northern Ireland) Order 1996(**2**) and Articles 88ZA(7), (10) and (11) and 104(3) of the Fair Employment and Treatment (Northern Ireland) Order 1998(**3**), makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Industrial Tribunals and Fair Employment Tribunal (Early Conciliation: Exemptions and Rules of Procedure) Regulations (Northern Ireland) 2020 and the Rules of Procedure contained in the Schedule may be referred to as the Early Conciliation Rules of Procedure.

(2) These Regulations come into operation on 27th January 2020.

Interpretation

2. In these Regulations and in the Schedule—

"the Agency" means the Labour Relations Agency;

"claim form" means the form prescribed by the Department in accordance with Regulation 15(1)(a) of the Tribunal Regulations;

"early conciliation certificate" means the certificate prescribed by the Department in accordance with regulation 4(1)(b);

(**1**) 2016 c. 5 (N.I.). Functions relevant to these Regulations 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 20A was inserted by the Employment Act (Northern Ireland) 2016 (c. 15 (N.I.)), section 1(1).
(**3**) S.I. 1998/3162 (N.I. 21); Article 88ZA was inserted by c. 15(N.I.), section 5(2).

"early conciliation form" means a form prescribed by the Department in accordance with regulation 4(1)(a);

"Fair Employment and Treatment Order" means the Fair Employment and Treatment (Northern Ireland) Order 1998;

"Fair Employment Tribunal" means the Fair Employment Tribunal for Northern Ireland established in accordance with regulation 5 of the Tribunal Regulations;

"industrial tribunal" means an industrial tribunal established in accordance with regulation 4 of the Tribunal Regulations;

"Industrial Tribunals Order" means the Industrial Tribunals (Northern Ireland) Order 1996;

"prospective claimant" means a person who is considering presenting a claim form to an industrial tribunal or the Fair Employment Tribunal in relation to relevant proceedings;

"prospective respondent" means a person who would be the respondent on the claim form which the prospective claimant is considering presenting to an industrial tribunal or the Fair Employment Tribunal;

"relevant proceedings" means proceedings listed in Article 20(1) of the Industrial Tribunals Order or proceedings under Article 38 of the Fair Employment and Treatment Order;

"respondent" means the person against whom proceedings are brought;

"requirement for early conciliation" means the requirement set out in Article 20A(1) of the Industrial Tribunals Order or Article 88ZA(1) of the Fair Employment and Treatment Order;

"Tribunal Regulations" means the Industrial Tribunals and Fair Employment Tribunal (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2020(**4**).

Exemptions from early conciliation

3.—(1) A person ("A") may start relevant proceedings without complying with the requirement for early conciliation where—

(a) another person ("B") has complied with that requirement in relation to the same dispute and A wishes to start proceedings on the same claim form as B;

(b) A starts those relevant proceedings on the same claim form as proceedings which are not relevant proceedings;

(c) A is able to show that the respondent has contacted the Agency in relation to a dispute, the Agency has not received information from A under Article 20A(1) of the Industrial Tribunals Order or Article 88ZA(1) of the Fair Employment and Treatment Order in relation to that dispute, and the proceedings on the claim form relate to that dispute;

(d) the proceedings are proceedings under Part XI of the Employment Rights (Northern Ireland) Order 1996(**5**) and the complaint presented to start those proceedings is accompanied by an application under Article 163 of that Order; or

(e) A is starting proceedings against the Security Service, the Secret Intelligence Service or the Government Communications Headquarters.

(2) Where A benefits from the exemption in paragraph (1)(a), the requirement for early conciliation shall be treated as complied with for the purposes of any provision extending the time limit for starting relevant proceedings in relation to that dispute.

(**4**) S.R 2020 No. 3.
(**5**) S.I. 1996/1919 (N.I. 16)

Power to prescribe

4.—(1) The Department may prescribe—

(a) one or more early conciliation forms to be used by prospective claimants for the purpose of complying with the early conciliation requirement; and

(b) an early conciliation certificate to be issued by the Agency if rule 7 of the Schedule applies.

(2) The Department must publish any forms prescribed under paragraph (1)(a) in a manner which the Department considers appropriate to bring them to the attention of prospective claimants and their advisers.

Application of the Schedule

5. The Schedule to these Regulations has 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