STATUTORY RULES OF NORTHERN IRELAND

2015 No. 105

EMPLOYMENT

WORK AND FAMILIES

The Flexible Working Regulations (Northern Ireland) 2015

Made - - - -	*2nd March 2015*
Coming into operation	*5th April 2015*

The Department for Employment and Learning makes the following Regulations in exercise of the powers conferred by Articles 112F(1)(b), (5) and 8(a), 112H(3)(b), 112I(3) and 251(6) of the Employment Rights (Northern Ireland) Order 1996(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Flexible Working Regulations (Northern Ireland) 2015 and shall come into operation on 5th April 2015.

(2) In these Regulations—

"the 1996 Order" means the Employment Rights (Northern Ireland) Order 1996;

"flexible working application" means an application made under Article 112F of the 1996 Order (statutory right to request a contract variation);

"the Procedure Regulations" means the Flexible Working (Procedural Requirements) Regulations (Northern Ireland) 2003(**2**).

Application, revocation and saving

2.—(1) These Regulations apply to a flexible working application made on or after 5th April 2015.

(2) The Flexible Working (Eligibility, Complaints and Remedies) Regulations (Northern Ireland) 2003(**3**) are revoked but continue to apply to a flexible working application made before 5th April 2015.

(**1**) S.I. 1996/1919 (N.I. 16); Articles 112F, 112H and 112I were inserted by Article 15 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2)). Article 112F was amended by section 19 of the Work and Families Act (Northern Ireland) 2015 (c. 1 (N.I.).

(**2**) S.R. 2003 No. 173.

(**3**) S.R. 2003 No. 174; as amended by S.R. 2007 No. 53, S.R. 2007 No. 393, S.R. 2010 No. 221 and S.I. 2013/3021.

Entitlement to make an application

3. An employee who has been continuously employed(**4**) for a period of at least 26 weeks is entitled to make a flexible working application.

Form of application

4. A flexible working application must—

(a) be in writing;

(b) state whether the employee has previously made any such application to the employer and, if so, when; and

(c) be dated.

Date when application is taken as made

5.—(1) A flexible working application is taken as made on the day it is received.

(2) Any such application is received, unless the contrary is proved—

(a) where paragraph (3) applies and the application is sent by electronic transmission, on the day of transmission;

(b) if sent by post, on the day on which it would have been delivered in the ordinary course of post; and

(c) if it is delivered personally, on the day of delivery.

(3) This paragraph applies where the employer has agreed that the application can be sent by electronic transmission and has specified an electronic address to which the application can be sent and the electronic form to be used by the employee.

Breaches of the Procedure Regulations by the employer entitling an employee to make a complaint to an industrial tribunal

6. The breaches of the Procedure Regulations which entitle an employee to make a complaint to an industrial tribunal under Article 112H of the 1996 Order, notwithstanding the fact that his application has not been disposed of by agreement or withdrawn, are—

(a) failure to hold a meeting in accordance with regulation 3(1) or 8(1);

(b) failure to notify a decision in accordance with regulation 4 or 9.

Compensation

7. For the purposes of Article 112I of the 1996 Order (remedies) the maximum amount of compensation is 8 weeks' pay(**5**) of the employee who presented the complaint under Article 112H of the 1996 Order (complaints to industrial tribunals).

(**4**) Continuous employment is computed in accordance with Chapter 3 of Part 1 of the Employment Rights (Northern Ireland) Order 1996.

(**5**) A week's pay is calculated in accordance with Chapter 4 of Part 1 of the Employment Rights (Northern Ireland) Order 1996.