

# NI v GB Law

## Key differences in employment law between NI and GB – December 2017

NI	GB
Qualifying period in order to claim unfair dismissal = 1 year.	Qualifying period in order to claim unfair dismissal = 2 years.
NI retains the statutory dismissal procedure and the grievance procedure requirements are now contained in the LRA Code of Practice.	GB repealed all of the statutory dispute resolution procedures and replaced them with the ACAS Code of Practice.
Collective redundancy consultation period where over 100 employees = 90 days.	Collective redundancy consultation period where over 100 employees = 45 days.
A tribunal applicant can proceed to industrial tribunal directly if that is what they want, but later in 2018 they will be required to consider early conciliation.	A tribunal applicant must first consider conciliation through ACAS before progressing.
The law on compromise agreements and settlement processes remains as it was.	Recent reforms in relation to “settlement” agreements and protected conversations.
The law on TUPE transfers remains as it was in 2006 (also see Service Provision Change '06).	There were 6 technical reforms to TUPE 2006 legislation in 2014.
Fit for Work – national occupational health service does <u>not</u> extend to Northern Ireland.	Fit for work – national occupational health service rolled out between 2014-2015.
Arbitration as an alternative to going to industrial tribunal can be used in over 50 areas of claim.	Arbitration as an alternative to going to industrial tribunal can be used in only 2 areas of claim (unfair dismissal and flexible working).

<p>No back-stop limitation period for making backdated holiday pay calculations that have not included contractual non-guaranteed overtime.</p>	<p>From 1/7/15 employment tribunal claims will limit backdated holiday pay calculations that have not included contractual non-guaranteed overtime to 2 years.</p>
<p>There is no regulation of exclusivity clauses in zero hours contracts in Northern Ireland.</p>	<p>Exclusivity clauses in zero hours contracts have been banned since January 2016.</p>
<p>Flexible working requests for all employees are via the existing statutory process under the Employment Rights (NI) Order 1996.</p>	<p>Flexible working requests for all employees are via the ACAS guidance.</p>
<p>There are currently no plans to reform the law on either trade unions or industrial action.</p>	<p>Some reforms into trade union record keeping and lobbying have already been introduced. On 1 March 2017 six new statutory instruments will be brought into operation amending the law on strike ballot thresholds for important public services as part of the Trade Union Act 2016.</p>