NI v GB Law

Key differences in employment law between NI and GB – March 2020

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statutory dismissal procedure and the grievance procedure requirements are now contained in the LRA Code of Practice	GB repealed all of the statutory dispute resolution procedures and replaced them with the ACAS Code of Practice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
There are no fees for lodging an industrial tribunal claim	The fee regime for lodging an employment tribunal was scrapped in July 2017
Public Interest Disclosure (PID) legislation in NI was brought largely into line with the law in GB in 2017 but some minor differences still exist	PID Changes between 2013 and 2016 included – public interest test, vicarious liability, some extended coverage, reduction of compensation for bad faith
A tribunal applicant must first consider conciliation through the LRA before progressing. This is known as Early Conciliation and has been operating since January 2020 in NI	A tribunal applicant must first consider conciliation through ACAS before progressing. This is known as Early Conciliation and has been operating since 2014 in GB
The law on compromise agreements and settlement processes remains as it was	Relatively recent reforms in relation to "settlement" agreements and protected conversations which now operate in GB
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 not extend to Northern Ireland	Fit for work – national occupational health service rolled out between 2014-2015 and has been slightly amended in recent years
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)
No back-stop limitation period for making backdated holiday pay calculations that have not included regularly worked and achieved contractual nonguaranteed overtime and voluntary overtime	From 1/7/15 employment tribunal claims will limit backdated holiday pay calculations that have not included regularly worked and achieved contractual non-guaranteed overtime or voluntary overtime limited to a 2 year backstop
There is no regulation of exclusivity clauses in zero hours contracts in Northern Ireland	Exclusivity clauses in zero hours contracts have been banned since January 2016
Flexible working requests for all employees are via the existing statutory process under the Employment Rights (NI) Order 1996.	Flexible working requests for all employees are via the ACAS guidance.
There are no plans at the minute to reform the law on either trade unions or industrial action.	Some reforms into trade union record keeping and lobbying have already been introduced, and the Trade Union Act 2016 has been gradually implemented during 2016, 2017 and 2018 and this has made major changes to industrial action ballots, notices, facility time reports and so on.

The Agency provides a briefing on the differences between NI and GB employment law on a regular basis. Please check our "events" section of our website for more information.