

NI v GB Law

Key differences in employment law between NI and GB – February 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statutory dismissal procedure and the grievance procedure requirements are now contained in the LRA Code of Practice	GB repealed all of the statutory dispute resolution procedures and replaced them with the ACAS Code of Practice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
There are no fees for lodging an industrial tribunal claim	The fees for lodging an employment tribunal range from £390-£1,200
Public Interest Disclosure legislation (whistle-blowing) remains largely the same since 1999 but is due to mirror GB 2013 reforms sometime in 2017	In summer 2013 there were 4 significant areas of change to the whistle-blowing law – public interest test, vicarious liability, some extended coverage, reduction of compensation for bad faith
A tribunal applicant can proceed to industrial tribunal directly if that is what they want, but later in 2017 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)
No back-stop limitation period for making backdated holiday pay calculations that have not included contractual non-guaranteed overtime	From 1/7/15 employment tribunal claims will limit backdated holiday pay calculations that have not included contractual non-guaranteed overtime to 2 years
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 currently no plans to reform the law on either trade unions or industrial action	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.