

SCHEDULES

SCHEDULE 2

AMENDMENTS

The Employment Rights (Northern Ireland) Order 1996 (NI 16)

8.—(1) In Article 15(3) (reinstatement or re-engagement of dismissed employee) at the end add “or

(d) a complaint under Article 52 of the Race Relations (Northern Ireland) Order 1997 arising out of a dismissal.”.

(2) In Article 15(4)(a) (relevant compromise contracts) at the end of head (i) insert “or” and after head (iii) add—

“(iv) Article 68(6)(b) of the Race Relations (Northern Ireland) Order 1997, or”.

(3) In Article 151(6) (cases where employer may incur higher additional award) at the end add “and

(c) a dismissal which is an act of discrimination within the meaning of the Race Relations (Northern Ireland) Order 1997 which is unlawful by virtue of that Order.”.

(4) In Article 160 (acts which are both unfair dismissal and discrimination) for paragraph (1) substitute—

“(1) Where compensation falls to be awarded in respect of any act both under—

(a) the provisions of this Order relating to unfair dismissal, and

(b) either or both of the Sex Discrimination (Northern Ireland) Order 1976 and the Race Relations (Northern Ireland) Order 1997,

an industrial tribunal shall not award compensation under any one of those two or three Orders in respect of any loss or other matter which is or has been taken into account under the other, or any of the others, by the tribunal (or another industrial tribunal) in awarding compensation on the same or another complaint in respect of that act.”.