

## Important differences in employment law in Northern Ireland and England and Wales

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<b>Particulars</b>	<b>Northern Ireland</b>	<b>England &amp; Wales</b>
Written particulars of employment	<p>Employees must be given a written statement of particulars of employment within two months of commencing employment.</p> <p><i>Proposals are in place to extend this right to both employees and workers on or before their first day of work, but this has not come into effect.</i></p>	<p>All workers and employees must be given a written statement of particulars of employment on or before the first day of a new job.</p>
Pay slip	<p>Only employees have a right to receive an itemised pay slip.</p> <p><i>Proposals are in place for all workers and employees to receive pay slips.</i></p>	<p>All workers have a right to receive an itemised pay slip.</p>
Discipline and grievance	<p>Employers must follow a statutory dispute resolution procedure when disciplining an employee or considering dismissal. A breach of the procedure is automatically unfair.</p> <p>There are grievance procedure requirements contained in the LRA Code of Practice.</p> <p>If there has been failure to comply with the statutory procedure/relevant Code of Practice, the tribunal may increase or decrease any award by between 10% - 50%.</p>	<p>The ACAS Code of Practice must be followed by employers when disciplining or engaging in grievance processes with employees.</p> <p>If there has been failure to comply with the ACAS Code of Practice (as appropriate), then the tribunal may increase or decrease any award by no more than 25%.</p>

Unfair dismissal	<p>Qualifying working period to claim unfair dismissal is one year (save in specific situations where there is no qualifying period).</p> <p>Unfair dismissal compensation is capped at £118,455 (2025/26) (a one-year salary cap does not apply).</p>	<p>Qualifying working period to claim unfair dismissal is two years (save in certain situations where there is no qualifying period).</p> <p><i>Proposals in place to change this to a ‘day-one’ right meaning that no qualifying period will be necessary but this is unlikely to be in place for a number of years.</i></p> <p>Unfair dismissal compensation is capped at £118,223 (or one year’s salary if less) (2025/26).</p>
Settlement / Compromise	<p>The law on compromise agreements and settlement processes remains unchanged.</p> <p>The provisions relating to protected conversations and settlement agreements have not been implemented in NI.</p>	<p>The ability to have protected conversations in pre-termination negotiations applies (in unfair dismissal cases).</p> <p>This effectively allows anything that is said between the employer and employee in a particular unfair dismissal context to be inadmissible in tribunals as evidence because it is a protected conversation.</p>
Collective redundancy consultation	Collective redundancy consultation requirement for 100+ employees is at least 90 days	Collective redundancy consultation requirement for 100+ employees is at least 45 days
Fair employment	Where an employer employs 11 or more employees who work at least 16 hours each week, the employer must register with the Equality Commission for Northern Ireland (ECNI).	Recommended but no requirement to monitor.

	<p>Registered employers must monitor the community background and sex of their employees, appointees and apprentices and submit a monitoring return to ECNI.</p> <p>Registered employers must review the composition of their workforce every three years.</p>	
Equality legislation	<p>There are nine individual pieces of legislation in respect of anti-discrimination which apply:</p> <ul style="list-style-type: none"> <li>• Equal Pay Act (NI) 1970</li> <li>• Sex Discrimination (NI) Order 1976</li> <li>• Race Relations (NI) Order 1997</li> <li>• Disability Discrimination Act 1995</li> <li>• Fair Employment and Treatment (NI) Order 1998</li> <li>• Section 75 Northern Ireland Act 1998</li> <li>• Employment Equality (Sexual Orientation) Regulations (NI) 2003</li> <li>• Equality Act (Sexual Orientation) Regulations (NI) 2006</li> <li>• Employment Equality (Age) Regulations (NI) 2006</li> </ul>	The Equality Act 2010 applies to all grounds of discrimination.
Gender pay gap reporting	Does not apply.	Organisations with 250 or more employees must report on their gender pay gap figures annually.
Sexual harassment	Employers have a legal duty to protect employees from sexual harassment from employees or other third parties. An employer is deemed liable if it knows that the employee has been sexually harassed in the course of their	From 26 October 2024, employers have a proactive duty to take “reasonable steps” to prevent sexual harassment of their workers, including by third parties.

	<p>employment on at least two occasions by a third party and has not taken reasonable steps to prevent it from happening to the employee again.</p> <p>The GB proactive duty does not apply.</p>	
Sexual harassment guidance	<p>The Labour Relations Agency (&amp; Irish Congress of Trade Unions) has published guidance on eliminating sexual harassment from the workplace, containing detailed recommendations on steps employers should consider taking to prevent and deal with such behaviour.</p> <p>While the guidance is not legally binding, it can be taken into account by Industrial and Fair Employment Tribunals and used by claimants in evidence.</p>	<p>The UK Equality and Human Rights Commission (EHRC) has produced guidance and a code of practice outlining the steps that employers will be expected to take to prevent sexual harassment in the workplace.</p> <p>Employers will need to comply with the code and guidance to be in the best position to defend claim. Failure to comply could also lead to enforcement action by the EHRC.</p>
Zero hour contracts	<p>Zero-hour contracts are currently allowed in NI but proposals have been put in place to regulate their use, which includes making exclusivity clauses unenforceable and introducing a right to request “banded hours” (to reflect the hours worked on average over the last three months).</p> <p>These changes have not yet been put in place and will likely differ from the current position and changes proposed in GB.</p>	<p>Exclusivity clauses in zero-hour contracts are void and unenforceable in GB.</p> <p>The Employment Rights Bill has proposed changes to zero-hour contracts such as the right to guaranteed hours and reasonable notice of shift cancellation but these changes have not yet come into force.</p>
Fire and rehire	<p>No code of practice in place in Northern Ireland, however, following the ‘Good Jobs’ Employment</p>	<p>In July 2024 a statutory code on fire and rehire came into effect. The code stresses that fire and</p>

	Rights Bill consultation it is envisioned that similar provisions to those in GB will be put in place in Northern Ireland in due course.	rehire should be the last resort and urges employers to first engage in thorough and open information and consultation processes.
Flexible work	Employees with 26 weeks' service have a statutory right to make a flexible working request. Employers must follow a strict procedure upon receipt of an application. There are tight timelines for arranging meetings and providing an outcome and eight reasons for refusing a request.	From 6 April 2024, employees have the right to request flexible working from "day one" of their employment. They can now make two requests in a 12-month period (previously one request) and the employer's decision period has reduced from three to two months.
Bereavement leave: parents	<p>Employees are entitled to at least two weeks' leave following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy. This is paid at the statutory rate if the employee has 26 weeks' continuous service.</p> <p>Following a public consultation, a new right for parents who lose an unborn child before 24 weeks of pregnancy is set to be introduced.</p>	<p>Employees are entitled to at least two weeks' leave following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy. This is paid at the statutory rate if the employee has 26 weeks' continuous service.</p> <p>A new right for parents who lose an unborn child before 24 weeks of pregnancy is set to be introduced as part of the Employment Rights Bill.</p>
Carer's leave	Rights in relation to being a carer are governed by existing legislation including flexible working, time off for dependants, time off in an emergency and disability discrimination legislation.	From 6 April 2024, employees gained a statutory right to a week's unpaid leave to care for a dependant with long-term care needs.
Paternity leave	New fathers and partners are entitled to two weeks' statutory paternity leave on the birth or adoption of their child.	From 6 April 2024, new parents gained more flexibility to choose when to take statutory paternity leave.

	<p>Leave must be taken in the first eight weeks and has to be taken as a single chunk of either one or two weeks. To be eligible for leave and pay, employees need six months' continuous service.</p> <p>The April 2024 GB reforms don't apply in NI.</p>	
Protection from redundancy	Does not apply	From 6 April 2024, employees who are pregnant or returning from maternity, adoption or shared parental leave gained priority status for redeployment opportunities in a redundancy situation.
Neonatal care	No entitlements	From April 2025, parents will have a right to 12 weeks' leave and pay when their baby requires neonatal care in addition to existing parental leave entitlements.
Domestic abuse leave	<p>Legislation is in place that will entitle victims of domestic abuse to 10 days' paid leave each leave year. It introduces a right for victims of domestic abuse to have 10 days' paid leave per year off from work to make any necessary arrangements and provides for protection of their employment rights while absent.</p> <p>The commencement date of the new right remains to be confirmed.</p>	<p>In January 2025, a new private members bill was introduced to Parliament to entitle victims of domestic abuse up to 10 days' paid leave each year to support in dealing with the many challenges experienced when trying to leave the relationship.</p> <p>The Bill has not yet passed and if successful, any introduction of new legislation would not be expected to take place in the near future.</p>
Agency workers	Employment agencies and workers face criminal implications in providing cover for workers on	The government has consulted on whether the criminal implications should be repealed in GB. These were previously repealed in GB but that

	strike. There are currently no plans to change this in NI.	repeal was ruled unlawful by the High Court in July 2023.
The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)	TUPE applies with the exception of the part dealing with Service Provision Changes. In NI separate regulations, the Service Provision Change (Protection of Employment) Regulations (NI) 2006 deal with such matters. The 2014 and 2024 amendments that were made to TUPE do not extend to NI.	In January 2014, various changes to TUPE came into effect including narrowing the application of TUPE in the context of dismissals and changing terms and conditions of employment; permitting a change of location post-transfer to be an economic, technical or organisational reason entailing changes in the workforce; extending the period for providing employee liability information from 14 to 28 days; and providing for the transferee to be able to start collective redundancy consultation pre-transfer in certain circumstances. From 1 January 2024 changes extend the circumstances when employers can consult with employees directly (provided there are no existing employee representatives in place).