

UNISON Case Form
Supplement for Northern Ireland

For members, representatives, branches and regions

This note should be read by anyone using a UNISON Case Form for the purposes of potential Industrial Tribunal or Fair Employment Tribunal proceedings in Northern Ireland. For the avoidance of doubt, this note does not apply in relation to England, Wales or Scotland.

1. ACAS Early Conciliation Scheme

The Case Form refers to the ACAS Early Conciliation Scheme (see sections 11; 12; and point 5 of the section entitled '*For the Branch to Fill In*'). There are three important points to note:

- a. ACAS do not operate in Northern Ireland. The equivalent body in Northern Ireland is the Labour Relations Agency (LRA).
- b. The ACAS Early Conciliation scheme does not operate in Northern Ireland. The LRA does not currently operate an equivalent scheme.
- c. The ACAS Early Conciliation Scheme does not operate in Northern Ireland and so it has no impact on the limitation periods for lodging an employment claim in this jurisdiction (see further below in relation to limitation dates).

2. Tribunal limitation periods

Most employment claims in England, Wales and Scotland have to be lodged within three months less one day (or in some cases six months less one day). The Case Form refers to these time limits in point 5 of the section entitled '*For the Branch to Fill In*' and in section 19. The limitation periods are slightly different in Northern Ireland. There are three important points to note:

- a. In Northern Ireland most employment claims have to be lodged within a straight three months (i.e. without deducting a day) or a straight six months (again without deducting a day).
- b. In Northern Ireland there are a number of employment claims where it is advisable to apply the time limit in the same way as in England, Wales and Scotland. Examples include the following:
 - We advise that for a complaint of disability discrimination it is sensible to use the time limit as it applies in England, Wales and Scotland (i.e. three months less one day). The Disability Discrimination Act 1995 still applies in Northern Ireland. It was originally a UK wide piece of legislation and so there is an argument that the time limit should be interpreted in line with the position in England, Wales and Scotland.
 - We advise that for a complaint under the Transfer of Undertaking (Protection of Employment) Regulations 2006 it is sensible to use the time limit as it applies in England, Wales and Scotland (i.e. three months less one day). Again this is because it is a UK wide piece of legislation.
 - We advise that for a complaint under the Working Time Regulations (Northern Ireland) 2016 it is sensible to calculate the time limit based on three months less one day. This is because there are different interpretation rules that apply for that piece of legislation.
- c. Obviously, it is best practice to seek to avoid the need to lodge an employment claim too close to the end of the relevant limitation period.