

Restricted - Civil Unrest



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Mr N Perry  
Law and Order Division  
Northern Ireland Office  
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BT4 3ST

File Ref: A 249/95

22 June 1995

Dear Mr Perry

**SCHEME OF COMPENSATION FOR LOSS OF EMPLOYMENT THROUGH CIVIL UNREST**

This Department is responsible for administering the above extra statutory scheme which pays compensation to individuals who have had to leave their jobs due to circumstances directly attributable to civil unrest.

I have attached a short background to the Scheme (Appendix 1), an explanatory leaflet (Appendix 2) and examples of the type of cases which would fall under its provisions (Appendix 3).

The number of applications received during the last five years are as follows:

1990/91	13
1991/92	22
1992/93	13
1993/94	11
1994/95	14

While applicants must apply within a period of 6 months from the date of termination of employment, the Civil Unrest Tribunal may extend this to 12 months on full consideration of the circumstances surrounding the case. The latest application received by the Department referred to an incident in February 1995. To date, there have been no applications received during this financial year.

At the outset of the Scheme, the views of the NIO were taken into account and the continued need for the Scheme is reviewed annually. The Scheme, however, has not undergone any form of major review since 1987 when one of your predecessors considered that he did not see an end to it for as long as the "troubles" lasted.

As a result of the ongoing peace process within NI, it is considered appropriate to once again seek the views of the NIO concerning the present security situation in Northern Ireland and to ask your opinion on the continuation of the Scheme.

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DEPARTMENT OF ECONOMIC DEVELOPMENT  
An Equal Opportunities Organisation

Restricted - Civil Unrest



As I shall be on leave from this evening, I should be grateful if you would contact Roy Bell in Redundancy Branch (Ext 29482) should you require further information.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'B. Malcomson'.

**B MALCOMSON**

Industrial Relations Division

Restricted - Civil Unrest



DEPARTMENT OF ECONOMIC DEVELOPMENT  
An Equal Opportunities Organisation



## Appendix 1

### Background to the Scheme

#### SCHEME OF COMPENSATION FOR LOSS OF EMPLOYMENT THROUGH CIVIL UNREST

1. As a result of civil disturbances in 1969, individuals found themselves unemployed either:-
  - (i) as a result of their employers premises being damaged by fire, or otherwise, to the extent that the employer went out of business and had to discharge his workforce (the Contracts of Employment and Redundancy Payments Act 1965 covers this scenario); or
  - (ii) as a result of threats made directly to the worker or his co-religionists that caused the worker to fear for his safety; (the 1965 Act does not cover this scenario).
2. After pressure was brought to the NI Parliament, the initial scheme was set up under the remit of the then Ministry of Community Relations to compensate workers who had lost their employment as a result of (ii) above. The scheme was to cover the period 1 July 1969 to 30 June 1970 - individuals were required to apply to a tribunal for their consideration and, subject to the tribunal agreeing that loss of employment was "through civil disturbance", compensation was calculated on the same basis as redundancy payments.
3. Later, when internment was introduced, there was a recurrence of the violence and the scheme was reactivated. This second scheme operated on the same basis as the first but covered loss of employment during the limited period 9 to 20 August 1971. However, as the disturbances did not reduce following 20 August, it was necessary to continue it beyond that date.
4. What could be called the third scheme was left, and still is, open-ended and has operated from 21 August 1971.
5. The scheme is extra statutory.

#### REDUNDANCY BRANCH



Department of Economic Development

Appendix 2

**SCHEME OF COMPENSATION FOR LOSS OF  
EMPLOYMENT THROUGH CIVIL UNREST**



DEPARTMENT OF ECONOMIC DEVELOPMENT

## GENERAL

1. The scheme enables workers who have suffered involuntary of employment through circumstances connected with the civil disturbances in Northern Ireland, and who satisfy the conditions indicated below, to apply for a payment of compensation.

## SCOPE

2. The scheme applies to those workers who, after 2 years continuous employment with their employer from their 18th birthday onwards, were dismissed by that employer or who left that employment of their own accord, because of threats or for other reasons directly attributable to the civil disturbances. The scheme does not apply to persons suffering a temporary cessation of work.

## TIME-LIMITS FOR CLAIMING

3. Applications relating to loss of employment must be lodged with the Department within 6 months from the date of termination of employment. The right to apply may, in certain circumstances as explained in Paragraph 7(v), be extended to a period of 12 months following the effective date of termination.

## ADMINISTRATION

4. The scheme is administered by the Department which will make payment of compensation on the recommendation of a Compensation Tribunal established by the Department.

## PROCEDURE FOR CLAIMING

5. Application for payment of compensation should be made on the appropriate form obtainable from the address shown on this leaflet. Applicants are advised to furnish such additional information concerning the relevant circumstances as appears necessary for dealing with the application. Upon completion of Part 1 by the applicant, the form should be returned to the Department in the business reply envelope provided. Part 2 of the application form must be completed by the relevant employer covering the circumstances known to him in which the applicant suffered the loss of employment.



## ADJUDICATION

6. All applications are decided by the Tribunal, the members of which are an independent legal person who acts as Chairman, together with two other persons representing respectively employers and workers. The Tribunal orders its own procedure and decides whether or not an oral hearing in a particular case is necessary. The proceedings at such hearings are as informal as possible. While it is open to an applicant to bring a friend or legal adviser to assist him in putting his case, he will not be entitled to the costs of representation.

## COMPENSATION

7. (i) Entitlement to, and the amount of, compensation is determined on the same basis as would have applied in the case of any redundancy payment which would have been payable under the provisions of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965, if the cause of dismissal or loss of employment had been redundancy within the meaning of that Act.
- (ii) Any payments received or receivable by the applicant from any source, public or private, by way of compensation for the loss of his employment, shall be offset against any payment calculated under this scheme.
- (iii) Compensation under this scheme shall not be payable in any case in which there is an entitlement to a redundancy payment under the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965.
- (iv) The Compensation Tribunal will have power to reduce the amount of compensation calculated under this scheme or reject the application altogether if, having regard to the conduct of the applicant, including his conduct before, during and after the event giving rise to the application, the Tribunal considers it inappropriate that he should be granted the full amount of compensation or any compensation at all.
- (v) The Tribunal may award a payment if it appears to it to be just and equitable having regard to the reason shown by the applicant for his/her failure to act within the initial period of 6 months and of all the other relevant circumstances.
- (vi) The Compensation Tribunal's decision will be final.

**Contact Address for Application Form**

**Telephone or write to:**

**Department of Economic Development  
Redundancy Branch  
83 Ladas Drive  
Belfast  
BT6 9FJ**

**Tel No Belfast (0232) 401520**

**CU 1**

**CPU 52196 7/93 EXP 10/95**



**SCHEME OF COMPENSATION FOR LOSS OF EMPLOYMENT THROUGH CIVIL UNREST**

The following examples are the type of cases resulting in loss of employment which fall under the provisions of the scheme:-

**Scenario 1**

A person of one religion employed in a firm where the workers are mainly of another religion and where threats have been made to the worker, either by his/her workmates or by persons, known or unknown, outside the work place that causes the worker to feel unsafe whilst in that particular employment.

**Scenario 2**

A person employed with a mixed workforce who, although feeling secure in the workplace, is required at some stage to work in an area in which he/she feels unsafe and the employer does not have alternative work available (the most common example being the building trade).

**Scenario 3**

A person who to get to his/her place of work is required to travel through an area in which, because of his/her religion or connection with the security forces or for some reason, feels unsafe.

**Scenario 4**

A person whose work frequently takes him/her into RUC Stations or Army bases and who because of the area in which he/she lives feels unsafe in that paramilitary groups in his/her home area may put their own interpretation on his activities.

These examples by no means exhaust the list of circumstances in which an employee may feel it is not safe to continue working in a particular job. In their own view of the situation, an employee may fear for personal safety, whether or not he/she has been directly or indirectly threatened and, in these circumstances, may cause him/her to leave their job.

In some cases threats may be made to the employer to the effect that if a certain employee is not dismissed, the employer or the premises may be at risk. In these circumstances it is for the tribunal to decide whether or not the worker's dismissal is attributable to civil disturbance.

**REDUNDANCY BRANCH**