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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 81 (C. 10)**

**FAIR EMPLOYMENT**

Fair Employment and Treatment (1998 Order)  
(Commencement No. 1) Order (Northern Ireland) 1999

Made - - - - 22nd February 1999

In exercise of the powers conferred on me by Article 1(2) of the Fair Employment and Treatment (Northern Ireland) Order 1998(1), I hereby make the following Order:

**Citation**

1. This Order may be cited as the Fair Employment and Treatment (1998 Order) (Commencement No. 1) Order (Northern Ireland) 1999.

**Interpretation**

2.—(1) In this Order “the Order” means the Fair Employment and Treatment (Northern Ireland) Order 1998.

(2) For the purposes of Article 4(1), this paragraph applies to any registered concern which is—

- (a) a public authority for the purposes of Article 52 of the Order; or
- (b) a concern in which more than 250 employees were employed,

and for the purposes of sub-paragraph (b) where, at the beginning or at any subsequent time in the period prescribed by regulation 6(2) of the Fair Employment (Monitoring) Regulations (Northern Ireland) 1989(2), more than 250 employees are employed in the concern, that condition is to be treated as satisfied for the whole, or as the case may be, the remainder of that period.

(3) For the purposes of this Order, “part-time employment” means employment under a contract of service, or of apprenticeship, which normally involves employment for less than 16 hours weekly and “part-time employee” shall be construed accordingly.

(4) In this Order—

- (a) “applicant for employment” in relation to any registered concern means a person who applied to fill a vacancy for employment in that concern;

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(1) S.I.1998/3162 (N.I. 21)

(2) S.R. 1989 No. 436 as amended by S.R. 1991 No. 324

- (b) “former employee” in relation to any registered concern means a person who has ceased to be employed in that concern and “former part-time employee” shall be construed accordingly,

and any other expression which is also used in Part VII of the Order shall have the same meaning as in that Order.

#### **Appointed day**

**3.**—(1) Subject to Article 4, the provisions of the Order, except Article 105(3) and those specified in paragraph (2), shall come into operation on 1st March 1999.

(2) The provisions of the Order referred to in paragraph (1) are—

- (a) Articles 80, 96, 98;
- (b) Schedule 3 insofar as it amends Article 53A of the Sex Discrimination (Northern Ireland) Order 1976; and
- (c) paragraphs 2(b), 3(b) and 4(b) of Schedule 4.

(3) Article 105(3) of the Order shall come into operation forthwith.

#### **Monitoring of applicants for employment and part-time and former employees**

**4.**—(1) The following provisions of the Order, that is to say—

- (a) Articles 52(1)(b) and 54; and
- (b) insofar as they relate to applicants for employment, Articles 52(2) and 53,

shall not have effect in relation to any monitoring return prepared for a registered concern to which Article 2(2) does not apply, for any year beginning before 1st January 2001.

(2) The following provisions of the Order, that is to say—

- (a) Article 52(3) and Article 52(4); and
- (b) insofar as it relates to former employees, Article 53,

shall not have effect in relation to any monitoring return prepared for any registered concern, for any year beginning before 1st January 2001.

(3) Articles 52 to 54 of the Order insofar as they relate to part-time employees, former part-time employees and applicants for part-time employment, shall not have effect in relation to any monitoring return prepared for any registered concern, for any year beginning before 1st January 2001.

(4) Nothing in paragraphs (1) to (3) shall prejudice the power of the Department, at any time before 1st January 2001, to make Regulations for any purpose under the provisions specified in those paragraphs in relation to any monitoring return prepared for any year beginning on or after that date.

Northern Ireland Office  
22nd February 1999

*Marjorie Mowlam*  
One of Her Majesty’s Principal Secretaries of  
State

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## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order brings into operation all the provisions of the Fair Employment and Treatment (Northern Ireland) Order 1998 (“the Order”) with the exception of Articles 80 (Effects of certificates by Secretary of State), 96 and 98. Articles 96 and 98 insert provisions similar to Article 80 in the Sex Discrimination (Northern Ireland) Order 1976 and the Race Relations (Northern Ireland) Order 1997 respectively.

Article 105(3), which confers power on the Department of Economic Development to make transitional provisions, is brought into operation immediately. All the other provisions of the Order are brought into operation on 1st March 1999.

The provisions of the Order which require—

- (a) employers in registered private sector concerns with 250 employees or fewer to include details of applicants in monitoring returns;
- (b) employers in registered private sector concerns with more than 250 employees, and employers in all public authorities, to include details of those ceasing to be employed in monitoring returns; and
- (c) employers in any registered concern to monitor those who are in, who apply for or who have ceased to be in part-time employment,

will not apply to monitoring returns to be prepared in respect of any year beginning before 1st January 2001.