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STATUTORY INSTRUMENTS

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**1997 No. 869**

**The Race Relations (Northern Ireland) Order 1997**

**PART II**

**DISCRIMINATION IN THE EMPLOYMENT FIELD**

*Discrimination by other bodies*

**Partnerships**

**12.**—(1) It is unlawful for a firm consisting of 6 or more partners, in relation to a position as partner in the firm, to discriminate against a person—

- (a) in the arrangements they make for the purpose of determining who should be offered that position; or
- (b) in the terms on which they offer him that position; or
- (c) by refusing or deliberately omitting to offer him that position; or
- (d) in a case where the person already holds that position—
  - (i) in the way they afford him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or
  - (ii) by expelling him from that position, or subjecting him to any other detriment.

(2) Paragraph (1) shall apply in relation to persons proposing to form themselves into a partnership as it applies in relation to a firm.

(3) Paragraph (1)(a) and (c) do not apply to a position as partner where, if it were employment, being of a particular racial group would be a genuine occupational qualification for the job.

(4) In this Article—

- (a) “firm” has the meaning given by section 4 of the Partnership Act 1890; and
- (b) references to a partner shall, in the case of a limited partnership, be construed as references to a general partner as defined in section 3 of the Limited Partnerships Act 1907.

**Trade unions etc.**

**13.**—(1) This Article applies to an organisation of workers, an organisation of employers, or any other organisation whose members carry on a particular profession or trade for the purposes of which the organisation exists.

(2) It is unlawful for an organisation to which this Article applies, in the case of a person who is not a member of the organisation, to discriminate against him—

- (a) in the terms on which it is prepared to admit him to membership; or
- (b) by refusing, or deliberately omitting to accept, his application for membership.

(3) It is unlawful for an organisation to which this Article applies, in the case of a person who is a member of the organisation, to discriminate against him—

- (a) in the way it affords him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or
- (b) by depriving him of membership, or varying the terms on which he is a member; or
- (c) by subjecting him to any other detriment.

### **Qualifying bodies**

**14.**—(1) It is unlawful for an authority or body which can confer an authorisation or qualification which is needed for, or facilitates, engagement in a particular profession or trade to discriminate against a person—

- (a) in the terms on which it is prepared to confer on him that authorisation or qualification; or
- (b) by refusing, or deliberately omitting to grant, his application for it; or
- (c) by withdrawing it from him or varying the terms on which he holds it.

(2) In this Article—

- (a) “authorisation or qualification” includes recognition, registration, enrolment, approval and certification;
- (b) “confer” includes renew or extend.

(3) Paragraph (1) does not apply to discrimination which is rendered unlawful by Article 18 or 19.

### **Persons concerned with provision of vocational training**

**15.**—(1) It is unlawful, in the case of an individual seeking or undergoing training which would help fit him for any employment, for any person who provides, or makes arrangements for the provision of, facilities for such training to discriminate against him —

- (a) in the terms on which that person affords him access to any training course or other facilities concerned with such training; or
- (b) by refusing or deliberately omitting to afford him such access; or
- (c) by terminating his training; or
- (d) by subjecting him to any detriment during the course of his training.

(2) Paragraph (1) does not apply to—

- (a) discrimination which is rendered unlawful by Article 6(1) or (2) or Article 18 or 19; or
- (b) discrimination which would be rendered unlawful by any of those provisions but for the operation of any other provision of this Order.

### **Employment agencies**

**16.**—(1) It is unlawful for an employment agency to discriminate against a person—

- (a) in the terms on which the agency offers to provide any of its services; or
- (b) by refusing or deliberately omitting to provide any of its services; or
- (c) in the way it provides any of its services.

(2) References in paragraph (1) to the services of an employment agency include guidance on careers and any other services related to employment.

(3) This Article does not apply if the discrimination only concerns employment which the employer could lawfully refuse to offer the person in question.

- (4) An employment agency shall not be subject to any liability under this Article if it proves—
  - (a) that it acted in reliance on a statement made to it by the employer to the effect that, by reason of the operation of paragraph (3), its action would not be unlawful; and
  - (b) that it was reasonable for it to rely on the statement.
- (5) A person who knowingly or recklessly makes a statement such as is referred to in paragraph (4)
  - (a) which in a material respect is false or misleading shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.