STATUTORY INSTRUMENTS

1998 No. 3162 (N.I. 21)

NORTHERN IRELAND

The Fair Employment and Treatment (Northern Ireland) Order 1998

Made - - - - 16th December 1998 Coming into operation on days to be appointed under Article 1(2)

THE FAIR EMPLOYMENT AND TREATMENT (NORTHERN IRELAND) ORDER 1998

PART I INTRODUCTORY

Title and commencement

1. Title and commencement

Interpretation

- 2. General interpretation
- 3. "Discrimination" and "unlawful discrimination"
- 4. "Affirmative action"
- 5. "Equality of opportunity"
- 6. "Employment in Northern Ireland" and "occupation in Northern Ireland"

PART II

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Principal functions of Commission

- 7. General duty of Commission
- 8. Educational and advisory functions
- 9. Codes of practice
- 10. Identification of patterns and trends of employment, etc.
- 11. Investigation of practices

Status: This is the original version (as it was originally made).

Undertakings or directions for promoting equality of opportunity

- 12. Undertaking following investigation under Article 11
- 13. Voluntary undertakings
- 14. Directions under Articles 12 and 13

Appeals and legal proceedings in relation to undertakings and directions

- 15. Appeal to Tribunal against directions under Article 12 or 13
- 16. Order of Tribunal to enforce undertaking or directions
- 17. Failure to comply with order of Tribunal

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18. Restriction on disclosure of information

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Discrimination in the employment field

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- 20. Discrimination against contract workers
- 21. Discrimination by persons with statutory power to select employees for others
- 22. Discrimination by employment agencies
- 23. Discrimination by vocational organisations
- 24. Discrimination by persons providing training services
- 25. Discrimination by persons with power to confer qualifications

Discrimination by partnerships

26. Discrimination by partnerships

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Further and higher education

27. Discrimination by bodies in charge of further and higher educational establishments

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- 28. Discrimination in provision of goods, facilities or services
- 29. Discrimination in disposal or management of premises
- 30. Exception from Articles 28(1) and 29; small dwellings
- 31. Further exceptions from Articles 28(1) and 29

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32. Discrimination by, or in relation to, barristers

Extent

33. Extent of Part IV

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- 35. Accessories and incitement
- 36. Liability of employers and principals

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37. Restriction on proceedings for breach of this Order

Enforcement of Part III

- 38. Complaint to Tribunal
- 39. Remedies on complaint under Article 38

Enforcement of Part IV

40. Claims under Part IV

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- 41. Persistent discrimination
- 42. Enforcement of Article 34
- 43. Undertakings by persons contravening Part IV

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- 44. Help for aggrieved persons in obtaining information, etc.
- 45. Advice and assistance from Commission

Period within which proceedings must be brought

46. Period within which proceedings must be brought

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- 48. Employers to apply for registration
- 49. Rectification of the register

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- 50. Power to specify public authorities by order
- 51. Certain public authorities to be treated as employers

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- 52. Monitoring returns
- 53. Regulations as to monitoring
- 54. Monitoring applicants

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55. Periodic reviews by employers

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- 56. Enquiries by the Commission
- 57. Undertakings in connection with monitoring and reviews
- 58. Directions
- 59. Application of Articles 15 to 17

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- 60. Notices about goals and timetables
- 61. Power to secure further undertakings or issue further directions

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- 62. Employers in default: notice stating they are not qualified
- 63. Notice stating that connected and other persons are not qualified
- 64. Restriction on execution of works, etc. by unqualified persons
- 65. Enforcement at instance of Commission and actions for breach of duty
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- 83. Remuneration and allowances

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96. Acts safeguarding national security, etc.

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- 97. Selection of unemployed persons
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- 99. Power of High Court to revise contracts
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SCHEDULE 1 — CODES OF PRACTICE

PART I — ISSUE OF CODE OF PRACTICE UNDER ARTICLE 9(3)

1. (1) Where the Commission proposes to issue a code of...

PART II — CODES OF PRACTICE – GENERAL

Revision of a code of practice

2. (1) The Commission may from time to time revise the...

Publication

3. The Commission shall—(a) publish a code of practice under...

Effect of code of practice

- 4. The Commission and the Department shall each take such steps...
- 5. A failure on the part of any person to observe...

SCHEDULE 2 — CONDUCT OF INVESTIGATIONS BY THE COMMISSION

Preliminary

1. In this Schedule "the investigation" means an investigation under Article...

Notices

2. Before holding the investigation, the Commission shall—

Procedure

- 3. The Commission shall afford to every person such as is...
- 4. The investigation shall be conducted in private.
- 5. Subject to paragraphs 3 and 4, the procedure for conducting...

Information and evidence

- 6. For the purposes of the investigation, the Commission may obtain...
- 7. (1) For the purposes of the investigation the Commission may...
- 8. For the purposes of the investigation the Commission may also...

Obstruction and contempt

9. (1) If any person, without lawful authority or reasonable excuse,...

Expenses

10. Without prejudice to paragraph 7(3)(c), the Commission may, if it...

SCHEDULE 3 — AMENDMENTS

The Parliamentary Commissioner Act 1967 (c. 13)

The Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969 (c. 7 (N.I.))

The Sex Discrimination (Northern Ireland) Order 1976 (NI 15)

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992 (NI 6)

The Judicial Pensions and Retirement Act 1993 (c. 8)

The Education and Libraries (Northern Ireland) Order 1993 (NI 12)

The Ombudsman (Northern Ireland) Order 1996 (NI 8)

The Employment Rights (Northern Ireland) Order 1996 (NI 16)

The Industrial Tribunals (Northern Ireland) Order 1996 (NI 18)

The Race Relations (Northern Ireland) Order 1997 (NI 6)

The Northern Ireland Act 1998 (c. 47)

SCHEDULE 4 — TRANSITIONAL PROVISIONS AND SAVINGS

Article 26 and Part IV

1. (1) Article 26 of this Order shall not apply in...

National security certificates

- 2. In relation to any act done before the coming into...
- 3. In relation to any act done before the coming into...
- 4. In relation to any act done before the coming into...

Devolution order under section 3 of the Northern Ireland Act 1998

5. If provisions of this Order come into operation before the...

The Commission

6. (1) If provisions of this Order come into operation before...

The Police (Northern Ireland) Act 1998 (1998 c. 32)

7. If Article 94 comes into operation before the day appointed...

SCHEDULE 5 — REPEALS

Explanatory Note