



Fair Employment (Northern Ireland) Act 1989

1989 CHAPTER 32

PART I

THE FAIR EMPLOYMENT COMMISSION, THE FAIR EMPLOYMENT TRIBUNAL AND THE FUNCTIONS OF THE COMMISSION AND THE TRIBUNAL

Code of practice

7 Code of practice for the promotion of equality of opportunity

- (1) The Commission shall maintain a code of practice for the promotion of equality of opportunity and publish the code as for the time being in force.
- (2) The Commission shall take such steps as it considers necessary to publicise the code.
- (3) The Commission and the Department shall each take such steps as they consider necessary to encourage employers and vocational organisations in Northern Ireland to adopt the policies and practices recommended in the code.
- (4) Where the Commission, in carrying out its functions under this Act, is considering whether or not action is required for promoting equality of opportunity, it shall have such regard to the recommendations contained in the code as it considers proper in all the circumstances.
- (5) A failure on the part of any person to observe any provision of the code shall not of itself render him liable to any proceedings; but if, in any proceedings under the Fair Employment (Northern Ireland) Acts before the Tribunal, any provision of the code appears to the Tribunal to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.

8 Contents of the code

- (1) The guide to good manpower policy and practice having effect under section 5 of the Fair Employment (Northern Ireland) Act 1976 at the commencement of section 7 of this Act shall be the first code of practice under that section.
- (2) Subject to section 9 of this Act, the Commission may from time to time revise the whole or any part of the code.
- (3) The Commission shall exercise its powers under this section so that the code contains such practical guidance as the Commission thinks fit for the promotion of equality of opportunity, including the elimination of discrimination.
- (4) If the Commission proposes to revise the code, it shall publish a draft of the revised code or of the amendments to the existing code.
- (5) The Commission shall consider any representations made to it about the draft and may modify the draft accordingly.
- (6) In the course of preparing any draft for publication under subsection (4) above the Commission shall consult—
 - (a) with the Standing Advisory Commission on Human Rights,
 - (b) with such organisations appearing to it to be representative of employers, of organisations of workers and of persons engaged in occupations in Northern Ireland as it thinks fit, and
 - (c) with such other persons as it thinks fit.

9 Approval of code

- (1) This section applies where the Commission determines to proceed with the revision of the code of practice after publishing a draft under section 8(4) of this Act.
- (2) The Commission shall send a draft of the revised code to the head of the Department or, if no head of the Department stands appointed for the time being, to the Secretary of State.
- (3) Where the draft of the revised code is sent to the head of the Department, he shall—
 - (a) if he approves of it, lay it before the Northern Ireland Assembly, and
 - (b) if he does not approve of it, publish details of his reasons.
- (4) If, within the period of forty days beginning with the day on which the draft of the revised code is laid before the Assembly, the Assembly so resolves, no further proceedings shall be taken on it, but without prejudice to the laying before the Assembly of a new draft.
- (5) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 (laying of statutory documents) shall have effect as if the draft of the revised code required to be so laid were a statutory document (within the meaning of that Act) required under a Measure of the Assembly to be laid before the Assembly.
- (6) In reckoning the period of forty days referred to in subsection (4) above, no account shall be taken of any period during which the Assembly is dissolved by virtue of section 27(2) of the Northern Ireland Constitution Act 1973 or is prorogued or adjourned for more than four days.
- (7) Where the draft of the revised code is sent to the Secretary of State he shall—

- (a) if he approves of it, lay it before Parliament, and
 - (b) if he does not approve of it, publish details of his reasons.
- (8) If, within the period of forty days beginning with the day on which the draft of the revised code is laid before each House of Parliament or, if the draft is laid on different days, with the later of the two days, either House so resolves, no further proceedings shall be taken on it, but without prejudice to the laying before Parliament of a new draft.
- (9) In reckoning the period of forty days referred to in subsection (8) above, no account shall be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (10) If no such resolution is passed as is referred to in subsection (4) or (8) above, the Commission shall issue the code in the form of the draft and the code shall come into effect on such day as the Department may by order appoint.