
STATUTORY INSTRUMENTS

1998 No. 3162

**The Fair Employment and Treatment
(Northern Ireland) Order 1998**

PART VII

DUTIES OF EMPLOYERS IN RESPECT OF THEIR WORKFORCES

Enquiries, undertakings and directions

Undertakings in connection with monitoring and reviews

57.—(1) The following provisions of this Article apply where the Commission is of the opinion, in the light of information received in respect of any registered concern in pursuance of a requirement under Article 56—

- (a) that the manner in which the employer prepares his monitoring returns is in any respect unsatisfactory or that the information sought by him for the purposes of monitoring is in any respect inadequate; or
- (b) that the employer has no proposals for carrying out a review or that the manner in which he proposes to carry out the review, or the timing of the review, is in any respect unsatisfactory or that the information sought by him for the purposes of the review is in any respect inadequate.

(2) The Commission shall use its best endeavours for the following purposes (as the case may be)—

- (a) to ensure that the manner in which the employer prepares his monitoring returns is satisfactory;
- (b) to ensure that the information sought by the employer for the purposes of monitoring is adequate;
- (c) to ensure that the information sought by the employer for the purposes of a review is adequate; or
- (d) to ensure that a review is carried out at a time and in a manner that is satisfactory,

and shall where appropriate use its best endeavours to secure a satisfactory written undertaking by the employer for the purpose in question.

(3) Where the Commission asks the employer for an undertaking, on such terms as appear satisfactory to the Commission, for the purpose in question, then—

- (a) if the undertaking is not given, the Commission shall serve on the employer a notice containing directions such as are mentioned in Article 58; and
- (b) if the undertaking, although given, is not complied with, the Commission shall either—
 - (i) serve on him a notice containing such directions (which shall supersede the undertaking); or

(ii) make an application to the Tribunal under Article 16 for enforcement of the undertaking.

(4) Paragraph (3) does not apply in any case where the Commission decides that no further action by it is appropriate.