

2000 No. 228

FAIR EMPLOYMENT

**Fair Employment (Monitoring) (Amendment) Regulations
(Northern Ireland) 2000**

Made 10th July 2000

Coming into operation 1st August 2000

Laid before the Assembly in draft

The Office of the First Minister and deputy First Minister, in exercise of the powers conferred by Articles 52(2) to (4), 53 and 54 of the Fair Employment and Treatment (Northern Ireland) Order 1998(a) and now vested in it(b) and of every other power enabling it in that behalf, after consultation with the Equality Commission for Northern Ireland, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Fair Employment (Monitoring) (Amendment) Regulations (Northern Ireland) 2000 and shall come into operation on 1st August 2000.

(2) In these Regulations “the Monitoring Regulations” means the Fair Employment (Monitoring) Regulations (Northern Ireland) 1999(c).

Amendment of the Monitoring Regulations

2.—(1) Regulation 2(3) of the Monitoring Regulations is hereby revoked.

(2) For Regulation 15(c) of the Monitoring Regulations there shall be substituted—

“(c) any reference to a promotee in a registered concern, in relation to any monitoring return prepared in respect of that concern, shall be construed as a reference to an employee who, in the period to which the prescribed information in that return about employees must relate by virtue of regulation 6(2):

- (i) moved from one situation to another within the concern;
- (ii) in doing so did not fill a vacancy in the concern for which persons not already employed in the concern could apply; and
- (iii) remained in the situation to which he moved for a continuous period of not less than six months or was notified in writing that he would so remain,

(a) S.I. 1998/3162 (N.I. 21)
(b) By S.R. 1999 No. 481 Art 4 and Schedule 2, Part I
(c) S.R. 1999 No. 148

where, as a direct result of the move, there was an increase in remuneration (excluding expenses) to which he was entitled from the concern for the calendar year in which the move took place;”.

3. For Schedule 1 to the Monitoring Regulations, there shall be substituted the Schedule to these Regulations.

Sealed with the Official Seal of the Office of the First Minister and deputy First Minister on 10th July 2000.

(L.S.)	<i>D. Trimble</i>	<i>S. Mallon</i>
	First Minister	Deputy First Minister

“SCHEDULE 1

Prescribed Information

PART I

INFORMATION ABOUT EMPLOYEES

1. In respect of each registered concern, the following information about employees is prescribed—

- (a) whether the concern is one to which Article 52(3) or (4) has applied at any time since the start of the year;
- (b) the address of each premises on or from which, on the date of the monitoring return in question, the activities of the employees of the concern were carried on;
- (c) the number of employees who are—
 - (i) male;
 - (ii) female;
- (d) the number of male employees and the number of female employees whom the employer has treated—
 - (i) as Protestant;
 - (ii) as Roman Catholic;
 - (iii) as if the community to which they belong cannot be determined, under and in accordance with these Regulations;
- (e) the number of male employees and the number of female employees whom the employer has treated—
 - (i) as Protestant;
 - (ii) as Roman Catholic,under and in accordance with regulation 11(1);
- (f) the number of male employees and the number of female employees in the concern who are employed under a contract of apprenticeship whom the employer has treated—
 - (i) as Protestant;
 - (ii) as Roman Catholic;
 - (iii) as if the community to which they belong cannot be determined, under and in accordance with these Regulations;
- (g) the number of male employees and the number of female employees whom the employer has treated as Protestant under and in accordance with these Regulations and whose employment is classified under each of the following major groups of the Standard Occupational Classification published from time to time by the Office of Population Censuses and Surveys that is to say—

Managers and Administrators,
Professional Occupations,

Associate Professional and Technical Occupations,
Clerical and Secretarial Occupations,
Craft and Related Occupations,
Personal and Protective Service Occupations,
Sales Occupations,
Plant and Machinery Operatives,
Other Occupations;

- (h) the number of male employees and the number of female employees whom the employer has treated as Roman Catholic under and in accordance with these Regulations and whose employment is classified under each of the major groups of the Standard Occupational Classification referred to in sub-paragraph (g);
- (i) the number of male employees and the number of female employees whom the employer has treated as if the community to which they belong cannot be determined under and in accordance with these Regulations and whose employment is classified under each of the major groups of the Standard Occupational Classification referred to in sub-paragraph (g);
- (j) the number of employees who work sixteen or more hours weekly (hereinafter referred to as “full-time employees”) who are—
 - (i) male;
 - (ii) female;
- (k) the number of male full-time employees and the number of female full-time employees whom the employer has treated—
 - (i) as Protestant;
 - (ii) as Roman Catholic;
 - (iii) as if the community to which they belong cannot be determined, under and in accordance with these Regulations;
- (l) the number of male full-time employees and the number of female full-time employees whom the employer has treated—
 - (i) as Protestant;
 - (ii) as Roman Catholic;under and in accordance with regulation 11(1);
- (m) the number of male full-time employees and the number of female full-time employees who are employed under a contract of apprenticeship whom the employer has treated—
 - (i) as Protestant;
 - (ii) as Roman Catholic;
 - (iii) as if the community to which they belong cannot be determined, under and in accordance with these Regulations;
- (n) the number of male full-time employees and the number of female full-time employees whom the employer has treated as Protestant under and in accordance with these Regulations and whose employment is classified under each of the major groups of the Standard Occupational Classification referred to in sub-paragraph (g);

- (o) the number of male full-time employees and the number of female full-time employees whom the employer has treated as Roman Catholic under and in accordance with these Regulations and whose employment is classified under each of the major groups of the Standard Occupational Classification referred to in sub-paragraph (g);
- (p) the number of male full-time employees and the number of female full-time employees whom the employer has treated as if the community to which they belong cannot be determined under and in accordance with these Regulations and whose employment is classified under each of the major groups of the Standard Occupational Classification referred to in sub-paragraph (g);
- (q) the number of employees who work less than sixteen hours weekly (hereinafter referred to as “part-time employees”) who are—
 - (i) male;
 - (ii) female;
- (r) the number of male part-time employees and the number of female part-time employees whom the employer has treated—
 - (i) as Protestant;
 - (ii) as Roman Catholic;
 - (iii) as if the community to which they belong cannot be determined, under and in accordance with these Regulations;
- (s) the number of male part-time employees and the number of female part-time employees whom the employer has treated—
 - (i) as Protestant;
 - (ii) as Roman Catholic;
 under and in accordance with regulation 11(1);
- (t) the number of male part-time employees and the number of female part-time employees in the concern who are employed under a contract of apprenticeship whom the employer has treated—
 - (i) as Protestant;
 - (ii) as Roman Catholic;
 - (iii) as if the community to which they belong cannot be determined, under and in accordance with these Regulations;
- (u) the number of male part-time employees and the number of female part-time employees whom the employer has treated as Protestant under and in accordance with these Regulations and whose employment is classified under each of the major groups of the Standard Occupational Classification referred to in sub-paragraph (g);
- (v) the number of male part-time employees and the number of female part-time employees whom the employer has treated as Roman Catholic under and in accordance with these Regulations and whose employment is classified under each of the major groups of the Standard Occupational Classification referred to in sub-paragraph (g); and
- (w) the number of male part-time employees and the number of female part-time employees whom the employer has treated as if the community to which they belong cannot be determined under and in accordance with these Regulations and whose employment is classified under each of the

major groups of the Standard Occupational Classification referred to in sub-paragraph (g);

2. In respect of each registered concern the following information about appointees is prescribed—

- (a) the number of appointees who are—
 - (i) male;
 - (ii) female;
- (b) the number of male appointees and the number of female appointees whom the employer has treated—
 - (i) as Protestant;
 - (ii) as Roman Catholic;
 - (iii) as if the community to which they belong cannot be determined, under and in accordance with these Regulations;
- (c) the number of male appointees and the number of female appointees whom the employer has treated as Protestant under and in accordance with these Regulations and whose employment is classified under each of the major groups of the Standard Occupational Classification referred to in paragraph 1(g);
- (d) the number of male appointees and the number of female appointees whom the employer has treated as Roman Catholic under and in accordance with these Regulations and whose employment is classified under each of the major groups of the Standard Occupational Classification referred to in paragraph 1(g); and
- (e) the number of male appointees and the number of female appointees whom the employer has treated as if the community to which they belong cannot be determined under and in accordance with these Regulations and whose employment is classified under each of the major groups of the Standard Occupational Classification referred to in paragraph 1(g).

3. For the purposes of paragraph 2(c) to (e) a person's employment shall be taken to be that in which he commenced employment in the concern.

PART II

INFORMATION ABOUT PROMOTEES

4. In respect of each registered concern to which Article 52(3) or (4) applies, the following information about promotees is prescribed—

- (a) the total number of promotees;
- (b) the number of promotees who are—
 - (i) male;
 - (ii) female;
- (c) the number of male promotees and the number of female promotees whom the employer has treated—
 - (i) as Protestant;
 - (ii) as Roman Catholic;

- (iii) as if the community to which they belong cannot be determined, under and in accordance with these Regulations;
- (d) the number of male promotees and the number of female promotees whom the employer has treated as Protestant under and in accordance with these Regulations and whose employment immediately following promotion is classified under each of the major groups of the Standard Occupational Classification referred to in paragraph 1(g);
- (e) the number of male promotees and the number of female promotees whom the employer has treated as Roman Catholic under and in accordance with these Regulations and whose employment immediately following promotion is classified under each of the major groups of the Standard Occupational Classification referred to in paragraph 1(g); and
- (f) the number of male promotees and the number of female promotees whom the employer has treated as if the community to which they belong cannot be determined under and in accordance with these Regulations and whose employment immediately following promotion is classified under each of the major groups of the Standard Occupational Classification referred to in paragraph 1(g).

PART III

INFORMATION ABOUT APPLICANTS FOR EMPLOYMENT

5. In respect of each registered concern the following information about applicants for employment is prescribed—

- (a) the total number of applicants for employment in the concern;
- (b) the number of applicants for employment who are—
 - (i) male;
 - (ii) female;
- (c) the number of male applicants for employment and the number of female applicants for employment whom the employer has treated—
 - (i) as Protestant;
 - (ii) as Roman Catholic;
 - (iii) as if the community to which they belong cannot be determined, under and in accordance with these Regulations;
- (d) the number of male applicants for employment and the number of female applicants for employment whom the employer has treated—
 - (i) as Protestant;
 - (ii) as Roman Catholic;
 under and in accordance with regulation 11(2);
- (e) the number of male applicants for employment and the number of female applicants for employment whom the employer has treated as Protestant under and in accordance with these Regulations and who have applied for vacancies classified under each of the major groups of the Standard Occupational Classification referred to in paragraph 1(g);
- (f) the number of male applicants for employment and the number of female applicants for employment whom the employer has treated as Roman Catholic under and in accordance with these Regulations and who have

applied for vacancies classified under each of the major groups of the Standard Occupational Classification referred to in paragraph 1(g); and

- (g) the number of male applicants for employment and the number of female applicants for employment whom the employer has treated as if the community to which they belong cannot be determined under and in accordance with these Regulations and who have applied for vacancies classified under each of the major groups of the Standard Occupational Classification referred to in paragraph 1(g).

6. For the purposes of paragraph 5(e) to (g), where an applicant for employment applies for more than one vacancy in a registered concern, the vacancy for which he applied shall be taken to be the first vacancy for which he applied in the period to which information about such an applicant must relate by virtue of regulation 6(3).

PART IV

INFORMATION ABOUT FORMER EMPLOYEES

7. In respect of each registered concern to which Article 52(3) or (4) applies, the following information about former employees is prescribed—

- (a) the total number of former employees of the concern;
- (b) the number of former employees who are—
 - (i) male;
 - (ii) female;
- (c) the number of male former employees and the number of female former employees whom the employer has treated—
 - (i) as Protestant;
 - (ii) as Roman Catholic;
 - (iii) as if the community to which they belong cannot be determined, under and in accordance with these Regulations;
- (d) the number of male former employees and the number of female former employees whom the employer has treated as Protestant under and in accordance with these Regulations and whose employment is classified under each of the major groups of the Standard Occupational Classification referred to in paragraph 1(g);
- (e) the number of male former employees and the number of female former employees whom the employer has treated as Roman Catholic under and in accordance with these Regulations and whose employment is classified under each of the major groups of the Standard Occupational Classification referred to in paragraph 1(g); and
- (f) the number of male former employees and the number of female former employees whom the employer has treated as if the community to which they belong cannot be determined under and in accordance with these Regulations and whose employment is classified under each of the major groups of the Standard Occupational Classification referred to in paragraph 1(g).

8. For the purposes of paragraph 7(d) to (f) a person's employment shall be taken to be that on his last day of employment in the concern.”

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the provisions of the Fair Employment (Monitoring) Regulations (Northern Ireland) 1999 (“the principal Regulations”) which inter alia require employers to provide certain information about the composition of their workforce in monitoring returns.

Regulation 2 amends the interpretation of “promotee” in regulation 15(c) of the principal Regulations so that this monitoring information need only be provided in relation to promotions which have lasted or are intended to last for a continuous period of not less than six months.

Regulation 3 substitutes a new Schedule 1 for the existing one to the principal Regulations. The effect is to remove from the principal Regulations the obligation on employers to provide monitoring information:—

- (a) about apprentices as a separate class of appointee (as defined);
- (b) about the number of promotees (as defined) whom the employer has classified under regulation 11(1) of the principal Regulations (residuary method of classification); and
- (c) about apprentices as a separate class of former employee (as defined).

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