
STATUTORY INSTRUMENTS

1998 No. 3162

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

PART II

FUNCTIONS OF THE EQUALITY COMMISSION

Principal functions of Commission

General duty of Commission

7. It shall be the duty of the Commission—
- (a) to promote equality of opportunity in Northern Ireland;
 - (b) to promote affirmative action;
 - (c) to work for the elimination of unlawful discrimination; and
 - (d) to keep under review the working of this Order and, when it is so required by the Department or otherwise thinks it necessary, draw up and submit to the Department proposals for amending this Order,

and for the purposes of discharging that duty the Commission shall have the functions conferred on it by this Order.

Educational and advisory functions

8.—(1) In order to assist the Commission in discharging its duty under Article 7 the Commission may—

- (a) establish services for giving advice on matters connected with equality of opportunity;
- (b) provide training courses;
- (c) hold conferences;
- (d) undertake research which appears to the Commission to be necessary or expedient for the purposes of its functions; and
- (e) disseminate (subject to the safeguard in Article 18(1)) information about the Commission's activities or anything to which those activities relate;

or it may arrange for, or assist (financially or otherwise), any of those things to be done.

(2) The Commission may advise the Department on—

- (a) any matter relating to the duty of the Commission under Article 7; or
- (b) any other matter specified by the Department.

(3) The Commission may make charges for training or other facilities or services made available by it under paragraph (1).

Codes of practice

9.—(1) The Commission shall continue to maintain a code of practice containing such practical guidance as the Commission thinks fit for the promotion of equality of opportunity, including the elimination of discrimination which is unlawful by virtue of any provision of Part III.

(2) Where the Commission in carrying out its functions under this Order 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 of practice under paragraph (1) as it considers proper in all the circumstances.

(3) The Commission may issue a code of practice containing such practical guidance as the Commission thinks fit for the elimination of discrimination which is unlawful by virtue of any provision of Part IV.

(4) Part I of Schedule 1 shall apply in relation to the issue of a code of practice under paragraph (3) and Part II of that Schedule shall apply in relation to all codes of practice under this Article.

Identification of patterns and trends of employment, etc.

10.—(1) It shall be the duty of the Commission to identify and keep under review patterns and trends of employment in Northern Ireland and of occupations in Northern Ireland for the purposes of—

- (a) considering whether they reveal the existence or absence of equality of opportunity; and
- (b) assisting the Commission in forming an opinion about—
 - (i) the manner in which equality of opportunity can best be achieved; or
 - (ii) where such equality is absent, the reasons for its absence.

(2) It shall also be the duty of the Commission to keep itself informed about proceedings on complaints under Article 38.

Investigation of practices

11.—(1) The Commission may conduct the investigations mentioned in paragraph (2) for the purpose of assisting it in considering what, if any, action for promoting equality of opportunity ought to be taken by any of the following persons, that is to say—

- (a) any employer;
 - (b) any person who is empowered by virtue of any statutory provision to select or nominate another person for employment by a third person;
 - (c) any employment agency;
 - (d) any vocational organisation;
 - (e) any person who provides services in connection with training for employment in any capacity or for a particular employment (not being services provided by the employer of a person who is seeking to obtain or is receiving those services) or in connection with training for a particular occupation; and
 - (f) any person who has power to confer a qualification that is needed for, or facilitates, engagement in employment in any capacity, or in a particular employment or occupation.
- (2) The investigations referred to in paragraph (1) are investigations—
- (a) into the composition, by reference to religious beliefs, of any of the following classes of person (or any class of person within such a class), that is to say—
 - (i) the employees of, or other persons who have applied for employment by, any employer or employers of any class;

- (ii) the persons who have applied for or obtained the services of any employment agency;
 - (iii) the members of, or other persons who have applied for membership of, any vocational organisation or such an organisation of any class;
 - (iv) the persons who have sought (or on whose behalf there have been sought) or who have obtained the services of a person such as is mentioned in paragraph (1)(e); or
 - (v) the persons who have applied to have, or have had, conferred on them any qualification such as is mentioned in paragraph (1)(f); and
- (b) into practices—
- (i) affecting the recruitment, admission to membership or access to benefits of persons belonging to any class referred to in sub-paragraph (a) or the terms of employment or membership or provision of benefits applicable to such persons;
 - (ii) involving any detriment to such persons; or
 - (iii) affecting the conferring or holding of any qualification such as is mentioned in paragraph (1)(f),
- including practices discontinued before the time of the investigation so far as relevant for explaining the composition of the class of persons in question at that time.
- (3) Schedule 2 has effect with respect to the conduct of investigations under this Article.