

# Fair Employment (Northern Ireland) Act 1989

# **CHAPTER 32**

# FAIR EMPLOYMENT (NORTHERN IRELAND) ACT 1989

# PART I

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

The Fair Employment Commission for Northern Ireland

1 The Fair Employment Commission

The Fair Employment Tribunal for Northern Ireland

- 2 Constitution of the Tribunal
- 3 The President and Vice-President
- 4 Remuneration and allowances
- 5 Tribunal procedure
- 6 Complaints involving matters within the jurisdiction of industrial tribunal

# Code of practice

- 7 Code of practice for the promotion of equality of opportunity
- 8 Contents of the code
- 9 Approval of code

Identification of patterns and trends of employment, etc.

10 Survey of employment, etc., patterns

## *Investigation of practices*

11 Investigation of employment etc., practices

Undertakings or directions for promoting equality of opportunity

- 12 Undertaking following investigation under section 11
- 13 Voluntary undertakings
- 14 Directions under sections 12 and 13

Appeals and legal proceedings in relation to undertakings and directions

- 15 Appeal to Tribunal against directions under section 12 or 13
- 16 Order of Tribunal to enforce undertaking or directions
- 17 Failure to comply with order of Tribunal
- 18 Appeal to Court of Appeal from certain decisions of Tribunal

# Confidentiality of information

19 Confidentiality of information

#### General

- 20 Meaning of "equality of opportunity"
- 21 Interpretation of Part I

## PART II

## NEW DUTIES OF EMPLOYERS IN RESPECT OF THEIR WORKFORCES

# The register

- 22 The register of concerns in which people are employed
- 23 Employers to apply for registration
- 24 Rectification of the register

# Public authorities

- 25 Power to specify public authorities by order
- 26 Certain public authorities to be treated as employers

# Monitoring the workforce

- 27 Monitoring returns
- 28 Regulations as to monitoring
- 29 Monitoring applicants
- 30 Confidentiality of monitoring information

# Review of recruitment, training and promotion practices

31 Periodic reviews by employers

# Enquiries, undertakings and directions

- 32 Enquiries by the Commission
- 33 Undertakings in connection with monitoring and reviews
- 34 Directions
- 35 Application of sections 15 to 18

#### Goals and timetables

- 36 Notices about goals and timetables
- 37 Power to secure further undertakings or issue further directions

Employers in default and connected persons: restrictions on dealing with them or giving them financial assistance

- 38 Employers in default: notice stating they are not qualified
- 39 Notice stating that connected and other persons are not qualified
- 40 Appeals against decisions of Tribunal under sections 38 and 39
- 41 Restriction on execution of works, etc. by unqualified persons
- 42 Enforcement at instance of Commission and actions for breach of duty
- 43 Denial of financial assistance to unqualified persons

#### General

- 44 Offences by bodies corporate and partnerships
- 45 Additional powers of Commission to obtain information
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#### DISCRIMINATION

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- 50 Complaints of unlawful discrimination
- 51 Power of High Court to revise contracts
- 52 Discriminatory advertisements
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- 54 Redundancy
- 55 Measures to encourage applications etc. from under-represented community

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- Restriction on proceedings for contravention of legislation
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- 58 Meaning of "affirmative action"
- 59 Minor and consequential amendments and repeals
- 60 Citation, commencement and extent

## **SCHEDULES**

SCHEDULE 1 — Conduct of investigations by the Commission

# Preliminary

In this Schedule "the investigation" means an investigation under section...

#### 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 above, the procedure for...

# 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) above, the Commission may, if...

SCHEDULE 2 — Minor and consequential amendments

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

In section 2(1) of the Superannuation (Miscellaneous Provisions) Act (Northern...

The Northern Ireland Constitution Act 1973 (c. 36)

2 In section 20(2)(dd) of the Northern Ireland Constitution Act 1973...

The House of Commons Disqualification Act 1975 (c. 24)

3 In Part II of Schedule 1 to the House of...

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

4 In Part II of Schedule 1 to the Northern Ireland...

The Fair Employment (Northern Ireland) Act 1976 (c. 25)

- 5 In section 1 of the Fair Employment (Northern Ireland) Act...
- 6 In section 2 of that Act—(a) for "Agency", wherever...
- 7 In section 16(3) of that Act—(a) in paragraph (b)...
- 8 In section 37 of that Act—(a) in subsection (1)...
- 9 In section 38 of that Act—(a) for "Agency", wherever...
- 10 In sections 39(1)(b) and 40(1) of that Act for "this...
- 11 In section 41(1) of that Act for "this Act", where...
- 12 In section 42(1) of that Act for "This Act" there...
- 13 (1) Section 49 of that Act is amended as follows....
- 14 In section 50 of that Act, in subsections (1) and...
- 15 In section 51 of that Act—(a) for "section 30",...
- 16 (1) Section 52 of that Act is amended as follows....
- 17 (1) Section 53 of that Act is amended as follows....

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

- 18 (1) Section 54 of that Act is amended as follows....
- 19 In section 55(1) of that Act for "this Act" there...
- 20 In section 56 of that Act—(a) in subsection (2),...
- 21 In section 57(1) of that Act—(a) after the definition...
- 22 In Schedule 1 to that Act for paragraph 1 there...
- 23 In Schedule 1 to that Act for "Agency" wherever it...
- 24 In paragraph 6(1) of Schedule 1 to that Act for...
- 25 In paragraph 10(1) of Schedule 1 to that Act for...
- 26 In paragraph 11 of Schedule 1 to that Act the...
- 27 In paragraph 13 of Schedule 1 to that Act—
- 28 In paragraph 14 of Schedule 1 to that Act—

The Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I.15))

- 29 At end of Article 49 of the Sex Discrimination (Northern...
- 30 At the end of Article 63 of that Order there...

The Industrial Relations (Northern Ireland) Order 1976 (S.I.1976/1043 (N.I.16))

- 31 In Article 29(2)(a) of the Industrial Relations (Northern Ireland) Order...
- 32 In Article 32(3) of that Order at the end there...
- 33 In Article 38(2) of that Order for "court" there is...

SCHEDULE 3 — Repeals