
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

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.