
STATUTORY INSTRUMENTS

1998 No. 3162

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

PART VII

DUTIES OF EMPLOYERS IN RESPECT OF THEIR WORKFORCES

Monitoring the workforce

Monitoring returns

- 52.**—(1) For the purpose of enabling the composition of—
- (a) those employed in a registered concern in Northern Ireland; and
 - (b) those applying to fill vacancies for employment in Northern Ireland in such a concern,
- to be ascertained, the employer shall prepare for each year and serve on the Commission a return (in this Part referred to as a “monitoring return”) in a form provided by or on behalf of the Department.
- (2) A monitoring return shall contain such information about the employees of the employer and those applying for employment in the concern as may be prescribed.
- (3) For the purpose of enabling the composition of those ceasing to be employed in any concern of a person who is a public authority for the purposes of this Article to be ascertained, the employer shall include in a monitoring return such information as may be prescribed.
- (4) For the purpose of enabling the composition of those ceasing to be employed in any other registered concern in which more than 250 employees are employed to be ascertained, the employer shall include in a monitoring return such information as may be prescribed; and for the purposes of this paragraph where, at the beginning of or at any subsequent time in any prescribed period, more than 250 employees are employed in the concern, that condition is to be treated as satisfied for the whole or, as the case may be, the remainder of that period.
- (5) If no monitoring return for a year in respect of any registered concern is served on the Commission before the time for serving the return expires, the employer shall be guilty of an offence.
- (6) A person guilty of an offence under paragraph (5)—
- (a) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale; and
 - (b) if the failure to submit the monitoring return continues after conviction, shall be liable on a second or subsequent summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.
- (7) It is a defence for a person charged with an offence under paragraph (5) to show that he had a reasonable excuse for failing to serve on the Commission a monitoring return for that year before the time for serving the return expired and that he served such a return for that year on the Commission as soon as it was reasonably practicable to do so.

(8) For the purpose of this Article the time for serving a monitoring return expires in the case of each year at the end of the first 4 months of the year.

(9) In this Article “year”, in relation to a registered concern, means any period of 12 months beginning with—

(a) the date on which the description of the concern is entered, or treated by virtue of Article 51 as entered, in the register; or

(b) the anniversary of that date.

(10) In this Article and Article 53 “prescribed” means prescribed by regulations under Article 53.

(11) In this Part—

“community” means the Protestant community, or the Roman Catholic community, in Northern Ireland; and

“composition” in relation to those employed or, as the case may be, applying for employment in or ceasing to be employed in, a registered concern means the number who are to be treated for the purposes of monitoring as belonging to each community.