2006 No. 261

AGE DISCRIMINATION

The Employment Equality (Age) Regulations (Northern Ireland) 2006

Made - - - - 13th June 2006
Coming into operation in accordance with regulation 1

THE EMPLOYMENT EQUALITY (AGE) REGULATIONS (NORTHERN IRELAND) 2006

PART 1
GENERAL

1. Citation and commencement
2. Interpretation
3. Discrimination on grounds of age
4. Discrimination by way of victimisation
5. Instructions to discriminate
6. Harassment on grounds of age

PART 2
DISCRIMINATION IN EMPLOYMENT AND VOCATIONAL TRAINING

7. Applicants and employees
8. Discrimination by persons with statutory power to select employees for others
9. Exception for genuine occupational requirement etc.
10. Contract workers
11. Meaning of employment and contract work at establishment in Northern Ireland
12. Pension schemes
13. Office-holders etc.
14. Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve
15. Other police bodies
16. Serious Organised Crime Agency
17. Barristers
18. Partnerships
19. Trade organisations
20. Qualifications bodies
21. The provision of vocational training
22. Employment agencies, careers guidance etc.
23. Assisting persons to obtain employment etc.
24. Institutions of further and higher education
25. Relationships which have come to an end

PART 3
OTHER UNLAWFUL ACTS

26. Liability of employers and principals
27. Aiding unlawful acts

PART 4
GENERAL EXCEPTIONS FROM PARTS 2 AND 3

28. Exception for statutory authority
29. Exception for national security etc
30. Effect of certificates by Secretary of State
31. Exceptions for positive action
32. Exception for retirement
33. Exception for the national minimum wage
34. Exception for provision of certain benefits based on length of service
35. Exception for provision of enhanced redundancy payments to employees
36. Exception for provision of life assurance cover to retired workers

PART 5
FUNCTIONS OF THE EQUALITY COMMISSION

37. General duty of Commission
38. Research and education
39. Codes of practice

PART 6
ENFORCEMENT

40. Restriction of proceedings for breach of Regulations
41. Jurisdiction of industrial tribunals
42. Burden of proof: industrial tribunals
43. Remedies on complaints in industrial tribunals
44. Jurisdiction of county courts
45. Burden of proof: county courts
46. Help for persons in obtaining information etc.
47. Assistance by Commission
48. Period within which proceedings to be brought
PART 7
SUPPLEMENTAL

49. Validity of contracts, collective agreements and rules of undertakings
50. Application to the Crown etc.
51. Duty to consider working beyond retirement
52. Duty to consider working beyond retirement – transitional provisions
53. Amendments, transitionals, repeals and revocations

Signature

SCHEDULE

Pension schemes

1 PART 1 — Pension schemes - general
2. Interpretation
3. Non-discrimination rule
4. Exception for rules, practices, actions and decisions relating to occupational pension schemes
5. Exception for rules, practices, actions and decisions relating to contributions by employers to personal pension schemes
6. Procedure in industrial tribunals
7. Remedies in industrial tribunals

PART 2 — Excepted rules, practices, actions and decisions relating to occupational pension schemes

8. Admission to schemes
9. The use of age criteria in actuarial calculations
10. Contributions
11. Contributions under money purchase arrangements
12. Contributions under defined benefits arrangements
13. Age related rules, practices, actions and decisions relating to benefit
14. In relation to workers who are active or prospective members...
15. An early retirement pivot age or a late retirement pivot...
16. The enhancement of any age related benefit in the event...
17. Any rule, practice, action or decision whereby a male member...
18. The reduction of any pension payable in consequence of a...
19. In relation to pensioner members who have retired on ill...
20. Other rules, practices, actions and decisions relating to benefit
21. Any difference in the amount of any age related benefit...
22. Any limitation of the amount of any age related benefit...
23. Any rule, practice, action or decision whereby any age related...
24. Any limitation on the amount of any age related benefit...
25. Closure of schemes
26. Other rules, practices, actions and decisions
27. Any difference in the rate of increase of pensions in...
28. Any difference in the rate of increase of pensions in...
29. The application of an age limit for transfer of the...
30. Registered pension schemes

PART 3 — Excepted rules, practices, actions and decisions relating to contributions by employers to personal pension schemes
31. Contributions by employers

32. Any difference in the rate of contributions by an employer...

SCHEDULE

2 Questionnaire of person aggrieved

SCHEDULE

3 Reply by respondent

SCHEDULE

4 Validity of contracts, collective agreements and rules of undertaking

PART 1 — Validity and revision of contracts

1. (1) A term of a contract is void where—

2. (1) Paragraph 1(3) does not apply— (a) to a contract...

3. (1) On the application of a person interested in a...

PART 2 — Collective agreements and rules of undertakings

4. (1) This Part of this Schedule applies to—

5. A person to whom this paragraph applies may present a...

6. In the case of a complaint about—

7. In the case of a complaint about a rule made...

8. (1) When an industrial tribunal finds that a complaint presented...

9. The avoidance by virtue of paragraph 4(2) of any term...

10. In this Schedule “collective agreement” means any agreement relating to...

SCHEDULE

5 Duty to consider working beyond retirement

1. Interpretation

2. Duty of employer to notify employee

3. (1) This paragraph applies if the employer has notified the...

4. Continuing duty to notify employee

5. Statutory right to request not to retire

6. An employer’s duty to consider a request

7. Meeting to consider request

8. Appeals

9. Right to be accompanied

10. Dismissal before request considered

11. Complaint to industrial tribunal: failure to comply with paragraph 2

12. Complaint to industrial tribunal: denial of right to be accompanied

13. Detriment and dismissal

SCHEDULE

Duty to consider working beyond retirement – transitional

6 provisions

1. In paragraphs 2 to 6— (a) “the expiry date” means...

2. (1) This paragraph applies in a case where—

3. (1) This paragraph applies in a case where the employer...

4. (1) This paragraph applies in a case where—

5. (1) This paragraph applies in a case where—

6. In every case to which paragraph 2, 3, 4 or...

SCHEDULE

Amendments to legislation and related transitional provisions

7

Part 1 — Primary legislation

1. The Social Security Contributions and Benefits (Northern Ireland) Act 1992

2. The Statutory Sick Pay (Northern Ireland) Order 1994

3. The Employment Rights (Northern Ireland) Order 1996

4. The Industrial Tribunals (Northern Ireland) Order 1996

5. The Fair Employment and Treatment (Northern Ireland) Order 1998
6. The Employment (Northern Ireland) Order 2003

PART 2 — Subordinate legislation

7. The Riding Establishments Regulations (Northern Ireland) 1980

8. The Statutory Sick Pay (General) Regulations (Northern Ireland) 1982

9. The Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987

10. The Employment Protection (Continuity of Employment) Regulations (Northern Ireland) 1996

11. The Petshops Regulations (Northern Ireland) 2000

12. The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002

13. The Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003

14. The Employment (Northern Ireland) Order 2003 (Dispute Resolution) Regulations (Northern Ireland) 2004

15. The Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2005

SCHEDULE 8

Repeals and revocations

8

Explanatory Note