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STATUTORY INSTRUMENTS

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**1998 No. 3162**

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

**PART XII**

**SUPPLEMENTARY**

**Complaints relating to collective agreements and rules of undertaking**

**100B.**—(1) A person to whom this paragraph applies may present a complaint to the Tribunal that a term or rule is void by virtue of Article 100A if he has reason to believe—

- (a) that the term or rule may at some future time have effect in relation to him; and
- (b) where he alleges that it is void by virtue of Article 100A(2)(c), that—
  - (i) an act for the doing of which it provides may at some such time be done in relation to him, and
  - (ii) the act would be rendered unlawful by a provision referred to in Article 3(2B) if done in relation to him in present circumstances.

(2) In the case of a complaint about—

- (a) a term of a collective agreement made by or on behalf of—
  - (i) an employer;
  - (ii) an organisation of employers of which an employer is a member; or
  - (iii) an association of such organisations of one of which an employer is a member; or
- (b) a rule made by an employer referred to in Article 100A(1)(b);

paragraph (1) applies to any person who is, or is genuinely and actively seeking to become, one of his employees.

(3) In the case of a complaint about a rule made by an organisation to which Article 100A(1)(c) applies, paragraph (1) applies to any person who is, or is genuinely and actively seeking to become, a member of the organisation.

(4) In the case of a complaint about a rule made by a person to whom Article 100A(1)(d) applies, paragraph (1) applies to anyone—

- (a) on whom the person has conferred a qualification, or
- (b) who is genuinely and actively seeking a qualification which the person has power to confer.

(5) When the Tribunal finds that a complaint presented to it under paragraph (1) is well-founded the Tribunal shall make an order declaring that the term or rule is void.

(6) An order under paragraph (5) may include provision as respects any period before the making of the order (but after 10th December 2003).

(7) The avoidance by virtue of Article 100A(2) of any term or rule which provides for any person to be discriminated against shall be without prejudice to the following rights (except in so far as they enable any person to require another person to be treated less favourably than himself) namely—

- (a) such of the rights of the person to be discriminated against, and
- (b) such of the rights of any person who will be treated more favourably in direct or indirect consequence of the discrimination,

as are conferred by or in respect of a contract made or modified wholly or partly in pursuance of, or by reference to, that term or rule.

**Changes to legislation:**

There are currently no known outstanding effects for the The Fair Employment and Treatment (Northern Ireland) Order 1998, Section 100B.