

**EMPLOYMENT (MISCELLANEOUS PROVISIONS)
(NORTHERN IRELAND) ORDER 2005**

S.I. 2005 No. 3424 (N.I. 20)

EXPLANATORY MEMORANDUM

BACKGROUND AND POLICY OBJECTIVES

3. The Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 (N.I. 20) (“the 1981 Order”) and associated regulations, govern the conduct of private employment agencies and employment businesses operating from premises in Northern Ireland and are designed to protect the interests of job seekers and hirers using their services. They set minimum standards of conduct for employment agencies and businesses covering areas such as fees, safeguarding of clients’ money, advertisements and record-keeping.
4. The 1981 Order did not include powers of entry and inspection, and the absence of these enforcement powers has caused problems in Northern Ireland. Although the Department has the power to prosecute organisations who fail to comply with the regulations and, in more serious cases, to seek a prohibition notice from an industrial tribunal, in the absence of powers to enter and inspect premises operated by employment agencies and employment businesses and to obtain the necessary evidence, the Department’s enforcement role was rendered ineffective.
5. The Department implemented updated and amended Conduct of Employment Agencies and Employment Businesses Regulations on 25 September 2005. This Order introduces powers of entry and inspection to ensure effective enforcement of the regulations and to act as a deterrent to unscrupulous organisations. It was the Department’s view that this issue should be addressed through the implementation of an Employment (Miscellaneous Provisions) (Northern Ireland) Order 2005, which supplements the provisions of the 1981 Order.
6. The Order also makes amendments to the Fair Employment and Treatment (Northern Ireland) Order 1998 (N.I. 21) (“the 1998 Order”) at Articles 82(2) and 87.