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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 148**

**Fair Employment (Monitoring)  
Regulations (Northern Ireland) 1999**

**PART II**

**MONITORING RETURNS**

**Determinations in respect of former employees**

**10.**—(1) For the purposes of preparing a monitoring return in respect of a registered concern to which Article 52(3) or (4) applies, an employer shall treat—

- (a) each former employee of the concern to whom paragraph (2) or (3) applies as belonging to a community in accordance with the paragraph which applies to him; and
- (b) any other former employee in the concern as if the community to which he belongs cannot be determined.

(2) Where—

- (a) for the purpose of preparing a monitoring return the employer in a registered concern treated an employee in that concern as belonging to a particular community (“the relevant community”);
- (b) that information is contained in the return when it was served under Article 52(1); and
- (c) the employer is required to include in the next monitoring return information about the same person as a former employee,

then the employer shall, for that purpose, treat the former employee as belonging to the relevant community.

(3) Where—

- (a) for the purpose of preparing a monitoring return the employer in a registered concern treated an applicant for employment in that concern as belonging to a particular community (“the relevant community”);
- (b) the employer is required to include in a subsequent return information about the same person as a former employee; and
- (c) paragraph (2) does not apply in the case of that former employee,

then the employer shall, for that purpose, treat the former employee as belonging to the relevant community.