

2003 No. 318

RACE RELATIONS

**Race Relations Order (Seamen Recruited Abroad) Order
(Northern Ireland) 2003**

Made - - - - - *25th June 2003*

Coming into operation *19th July 2003*

*To be laid before Parliament under paragraph 7(3) of the
Schedule to the Northern Ireland Act 2000*

The Office of the First Minister and deputy First Minister, in exercise of the powers conferred by Article 69(1)(b) of the Race Relations (Northern Ireland) Order 1997(a) and now vested in it(b), and of every other power enabling it in that behalf, after consultation with the Equality Commission for Northern Ireland, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Race Relations Order (Seamen Recruited Abroad) Order (Northern Ireland) 2003 and shall come into operation on 19th July 2003.

Amendment of Article 11 of the Race Relations (Northern Ireland) Order 1997

2.—(1) Article 11 of the Race Relations (Northern Ireland) Order 1997 is amended as follows.

(2) In paragraph (1), at the end there is added –

“to the extent that the act –

- (a) relates to the pay the person receives in respect of his employment, and
- (b) amounts to discrimination against the person on the basis of his nationality.”.

(3) In paragraph (2), at the end there is added –

“to the extent that the act –

- (a) relates to the pay the person receives in respect of the work, and
- (b) amounts to discrimination against the person on the basis of his nationality.”.

(4) After paragraph (4) there is added –

“(5) In this Article –

“pay” includes retirement or death benefit;

“retirement or death benefit” means a pension, annuity, lump sum, gratuity or other similar benefit which will be paid or given to the employee or contract worker or a member of his family or household in the event of his retirement or death.”.

(a) S.I.1997/869 (N.I. 6)

(b) By S.R.1999 No. 481 Article 4 and Schedule 2, Part I

Sealed with the Official Seal of the Office of the First Minister and deputy First Minister on 25th June 2003.

(L.S.)

P. McAuley

A Senior Officer of the Office of the First Minister and deputy First Minister

EXPLANATORY NOTE

(This note is not part of the Order.)

Article 11 of the Race Relations (Northern Ireland) Order 1997 contains an exception to the prohibition on racial discrimination in the field of employment. As originally enacted the Article permits racial discrimination when an employer engages a seafarer for employment on a ship and the seafarer applied for the employment, or was engaged, outside Northern Ireland. The ships in question are ships registered at a port of registry in Northern Ireland.

This Order amends Article 11 of the 1997 Order. The amendments reduce the scope of the exception so that the only aspect of a person's employment in which there may be discrimination is pay (which includes retirement or death benefits) and the only ground on which there may be discrimination is the ground of nationality. To the extent the amendments remove from the exception discrimination on grounds of racial or ethnic origin they give effect to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (O.J. L180, 19.7.2000, p. 22).

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