



# Fair Employment (Northern Ireland) Act 1989

## 1989 CHAPTER 32

### PART I

#### THE FAIR EMPLOYMENT COMMISSION, THE FAIR EMPLOYMENT TRIBUNAL AND THE FUNCTIONS OF THE COMMISSION AND THE TRIBUNAL

#### *Undertakings or directions for promoting equality of opportunity*

### 13 Voluntary undertakings

- (1) Any of the persons mentioned in section 11(1) of this Act may give a written undertaking to the Commission if the Commission informs him—
  - (a) that, in exercising its functions under this Act, the Commission has formed the opinion that he ought to take action for promoting equality of opportunity, or
  - (b) that it appears to the Commission from any decision of the Tribunal in proceedings under Part III of the Fair Employment (Northern Ireland) Act 1976, or from any evidence given in such proceedings, that he ought to take such action.
- (2) An undertaking under this section shall be in such terms as appear satisfactory to the Commission for the purpose of ensuring that the person giving it takes such action for promoting equality of opportunity as is, in all the circumstances, reasonable and appropriate.
- (3) If an undertaking given by a person under this section is not complied with, the Commission shall either—
  - (a) serve on him a notice containing directions (which shall supersede the undertaking) such as are mentioned in section 14(1) of this Act, or
  - (b) make an application to the Tribunal under section 16 of this Act for enforcement of the undertaking.

- (4) Subsection (3) above does not apply in a case where the Commission decides that no further action by it is appropriate.
- (5) Subsection (3) above does not apply in relation to an undertaking given by any of the authorities specified in subsection (1) of section 54 of the Fair Employment (Northern Ireland) Act 1976, but where an undertaking given under this section by such an authority is not complied with the Commission shall send a report of the circumstances of the failure to comply with it to the person to whom a report under subsection (2) of that section following an investigation relating to the authority would be sent.