



Fair Employment (Northern Ireland) Act 1989

1989 CHAPTER 32

PART II

NEW DUTIES OF EMPLOYERS IN RESPECT OF THEIR WORKFORCES

Monitoring the workforce

27 Monitoring returns

- (1) For the purpose of enabling the composition of those employed in a registered concern in Northern Ireland to be ascertained, the employer shall prepare for each year and serve on the Commission a return (in this Part of this Act referred to as a “monitoring return”) in a form provided by or on behalf of the Department.
- (2) A monitoring return shall contain such information about the employees of the employer as may be prescribed.
- (3) For the purpose of enabling the composition of those applying to fill vacancies for employment in Northern Ireland in any concern of a person who is a public authority for the purposes of this section to be ascertained, the employer shall include in a monitoring return such information as may be prescribed.
- (4) For the purpose of enabling the composition of those applying to fill vacancies for employment in Northern Ireland in any other registered concern in which more than 250 employees are employed there to be ascertained, the employer shall include in a monitoring return such information as may be prescribed; and for the purposes of this subsection where, at the beginning of or at any subsequent time in any prescribed period, more than 250 employees are employed there in the concern, that condition is to be treated as satisfied for the whole or, as the case may be, the remainder of that period.

Status: This is the original version (as it was originally enacted).

- (5) If no monitoring return for a year in respect of any registered concern is served on the Commission before the time for serving the return expires, the employer is guilty of an offence.
- (6) A person guilty of an offence under subsection (5) above—
- (a) is liable on summary conviction to a fine not exceeding level 5 on the standard scale, and
 - (b) if the failure to submit the monitoring return continues after conviction, is liable on a second or subsequent summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.
- (7) It is a defence for a person charged with an offence under subsection (5) above to show that he had a reasonable excuse for failing to serve on the Commission a monitoring return for that year before the time for serving the return expired and that he served such a return for that year on the Commission as soon as it was reasonably practicable to do so.
- (8) For the purposes of this section the time for serving a monitoring return expires in the case of each year at the end of the first four months of the year.
- (9) In this section “year”, in relation to a registered concern, means any period of twelve months beginning with—
- (a) the date on which the description of the concern is entered, or treated by virtue of section 26 of this Act as entered, in the register, or
 - (b) the anniversary of that date.
- (10) In this section and section 28 of this Act “prescribed” means prescribed by regulations under section 28 of this Act.
- (11) In this Part of this Act—
- “community” means the Protestant community, or the Roman Catholic community, in Northern Ireland, and
 - “composition” in relation to those employed or, as the case may be, applying for employment in a registered concern means the number who are to be treated for the purposes of monitoring as belonging to each community.