
STATUTORY INSTRUMENTS

1997 No. 869

The Race Relations (Northern Ireland) Order 1997

PART II

[^{F1}DISCRIMINATION AND HARASSMENT IN THE EMPLOYMENT FIELD]

[^{F1}Discrimination and harassment by employers]

Meaning of employment at establishment in Northern Ireland

10.—(1) For the purposes of this Part, employment is to be regarded as being at an establishment in Northern Ireland^{F1} if the employee—

- (a) does his work wholly or partly in Northern Ireland; or
- (b) does his work wholly outside Northern Ireland and paragraph (1A) applies.]

^{F1}(1A) This paragraph applies if, in a case involving discrimination on grounds of race or ethnic or national origins, or harassment—

- (a) the employer has a place of business at an establishment in Northern Ireland;
- (b) the work is for the purposes of the business carried on at that establishment; and
- (c) the employee is ordinarily resident in Northern Ireland—
 - (i) at the time when he applies for or is offered the employment, or
 - (ii) at any time during the course of the employment.]

^{F2}(2) The reference to “employment” in paragraph (1) includes—

- ^{F3}(a)
- (b) employment on aircraft ^{F4}... registered in the United Kingdom and operated by a person who has his principal place of business, or is ordinarily resident, in Northern Ireland.]

^{F5}(2A) Except as provided by Article 11, paragraph (1) does not apply to employment as a seafarer (within the meaning of that Article).]

Para.3 rep. by SR 2000/8

(4) Where work is not done at an establishment it shall be treated for the purposes of this Part as done at the establishment from which it is done or (where it is not done from any establishment) at the establishment with which it has the closest connection.

(5) In relation to employment concerned with exploration of the sea bed or subsoil or the exploitation of their natural resources, the Department may by order provide that^{F2} paragraphs (1) and (2) shall each have effect as if the last reference to Northern Ireland in paragraph (1)] included any area for the time being designated under section 1(7) of the Continental Shelf Act 1964 in which the law of Northern Ireland applies.

(6) An order under paragraph (5) may provide that, in relation to employment to which the order applies, this Part is to have effect with such modifications as are specified in the order.

Changes to legislation: *The Race Relations (Northern Ireland) Order 1997, Section 10 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) The Department shall not make an order under paragraph (5) unless a draft of the order has been laid before and approved by resolution of the Assembly.

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| F1 | SR 2003/341 |
| F2 | SR 2000/8 |
| F3 | Art. 10(2)(a) omitted (9.7.2012) by virtue of The Race Relations Order 1997 (Amendment) Order (Northern Ireland) 2012 (S.R. 2012/263) , arts. 1(3), 4(a) |
| F4 | Words in art. 10(2)(b) omitted (9.7.2012) by virtue of The Race Relations Order 1997 (Amendment) Order (Northern Ireland) 2012 (S.R. 2012/263) , arts. 1(3), 4(a) |
| F5 | Art. 10(2A) inserted (9.7.2012) by The Race Relations Order 1997 (Amendment) Order (Northern Ireland) 2012 (S.R. 2012/263) , arts. 1(3), 4(b) |

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- Instrument am. (prosp.) by [1998 c. 17 s.50 Sch.4 para.41](#)
- Instrument am. (prosp.) by [1998 c. 32 s.74\(1\)Sch.4 para.24](#)