

SCHEDULES.

SCHEDULE 2

Section 16.

COMPLAINTS RELATING TO EMPLOYMENT, TRADE UNIONS AND ORGANISATIONS OF EMPLOYERS.

- 1 It shall be the duty of any authority mentioned in section 16 of this Act to receive any complaint to which that section applies and which is made to them within two months of the act complained of and also, if the Race Relations Board think that special circumstances warrant its reception, any complaint made to the authority after the expiration of that period, if in either case the complaint is accompanied by the name and address of the person by whom it is made and, in the case of an act of discrimination against any person, it is made by him or with his written authorisation, and, subject to paragraphs 13 and 16 below, the authority shall, if not the Secretary of State for Employment and Productivity, refer any complaint received by them under this paragraph to him.
- 2 Where any such complaint is referred or made to the Secretary of State for Employment and Productivity then, subject to those paragraphs, the Secretary of State shall—
- (a) if satisfied that there is a body of persons suitable to consider that complaint, refer it to that body for investigation by them ;
 - (b) if not, refer it to the Board for investigation by them or a conciliation committee.
- 3 A body of persons investigating a complaint referred to them under this Schedule—
- (a) shall make such inquiries as they think necessary with respect to the facts alleged in the complaint and form an opinion whether any person has done any act which is unlawful by virtue of any provision of Part I of this Act; and
 - (b) in the case of a complaint that the act was one of discrimination against a particular person, shall use their best endeavours by communication with the parties concerned or otherwise to secure a settlement of any difference between them and, where appropriate, a satisfactory assurance against any repetition of the act considered to be unlawful or the doing of further acts of a similar kind by the party against whom the complaint was made; and
 - (c) in the case of any other complaint, shall, where appropriate, use their best endeavours to secure such an assurance as aforesaid.
- 4 A body of persons to whom a complaint is referred under this Schedule shall, on the expiration of the period of four weeks from the reference of the complaint to them or on completion of their investigation, whichever occurs first, report to the Secretary of State for Employment and Productivity whether in their opinion an act has been done which is unlawful by virtue of any provision of Part I of this Act and, if so, whether they have been able to secure such a settlement and assurance or, as the case may be, such an assurance as are mentioned in paragraph 3 above.
- 5 Where the Secretary of State—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (a) receives a report from a body of persons under paragraph 4 above that they have failed within the said period of four weeks to secure such a settlement and assurance, or, as the case may be, such an assurance ; or
- (b) receives no report under that paragraph from such a body;
- he may after consultation with the Race Relations Board request that body to continue to investigate the matter for a specified period or to cease investigating it.
- 6 Where the Secretary of State requests a body of persons to continue as aforesaid, paragraphs 3 to 5 above shall apply to the complaint as they apply to a complaint on its original reference under this Schedule with the substitution of references to the specified period for references to the said period of four weeks.
- 7 A body of persons to whom a complaint is referred under this Schedule shall, on completion of their investigation, give a written notification to the parties stating—
- (a) whether or not they have been able to form an opinion with respect to the complaint and, if they have, what opinion ;
- (b) whether or not they have secured such a settlement and assurance or, as the case may be, such an assurance as are mentioned in paragraph 3 above ; and
- (c) that they will report to the Secretary of State for Employment and Productivity on their investigation ;
- and stating the rights of any party aggrieved by the conclusion or any other decision of that body.
- 8 Where in pursuance of paragraph 5 above the Secretary of State requests a body of persons to whom a complaint has been referred under this Schedule to cease investigating the complaint, he shall refer the complaint to the Race Relations Board and it shall be the duty of the Board to investigate it.
- 9 Where the Race Relations Board are notified by any of the parties that he is aggrieved by a decision of any body of persons to whom a complaint has been referred under this Schedule, then, subject to the following provisions of this Schedule, the Board may determine that the complaint be not further entertained or may refer the complaint back to that body for further investigation or may investigate it themselves, and where the Board refer the complaint back to that body, paragraphs 3, 4, 7 and 8 above shall apply to the complaint as they apply to a complaint referred to such a body by the Secretary of State for Employment and Productivity-
- (a) with the substitution for references to the Secretary of State of references to the Board ; and
- (b) with the omission in paragraphs 4 and 8 of any reference to any period or to dealing with a complaint within or after the end of a period.
- 10 Where the Race Relations Board are notified by any of the parties that he is aggrieved by any such decision and it appears to the Board that that decision was not disputed by him within a week of his being given a written notification of the decision in accordance with paragraph 7 above, or within such further period as the Board may in special circumstances allow, the Board shall disregard the notification under paragraph 9 above.
- 11 Where a complaint originally referred to a body of persons by the Secretary of State for Employment and Productivity under this Schedule is again referred to them by the Race Relations Board for further consideration and that body reports to the Board that they have been unable to secure such a settlement and assurance or, as the case may be, such an assurance as are mentioned in paragraph 3 above or where

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

it appears to the Board that that body have been unable to secure such a settlement and assurance, or, as the case may be, such an assurance, the Board may investigate the complaint themselves or determine that it be not further entertained.

- 12 Subject to paragraphs 13 to 15 below, where a complaint is referred to the Board under this Schedule, section 15(2) to (6) of this Act shall apply to the complaint as those subsections apply to a complaint to which the said section 15 applies and which is received by the Board, except that section 15(2)(a) and (5) of this Act shall not apply to a complaint referred to the Board under paragraph 8 above.
- 13 Where it appears to the Secretary of State for Employment and Productivity or the Race Relations Board on receiving a complaint to which section 16 of this Act applies or on the reference to the Secretary of State of such a complaint by a conciliation committee, that the complaint may relate to an act done in breach of a relevant assurance, then, notwithstanding anything in the foregoing provisions of this Schedule, the Secretary of State shall refer the complaint to the Board, or, as the case may be, the Board shall retain the complaint, for investigation in accordance with paragraph 14 below.
- 14 Where a complaint falls to be investigated in accordance with this paragraph, the Race Relations Board shall either investigate it themselves or—
- (a) if there is a body of persons notified to them by the Secretary of State for Employment and Productivity as being a body suitable to consider the complaint, refer it to them for investigation ;
 - (b) if there is not, refer it to a conciliation committee for investigation.
- 15 Where on investigating a complaint under this Schedule the Board or any such body or committee form the opinion that an act has been done which is unlawful by virtue of any provision of Part I of this Act, they shall also form an opinion whether it was done in breach of a relevant assurance ; and—
- (a) where any such committee form the opinion that it was done in breach of such an assurance, they may, without more, report that fact to the Board ;
 - (b) where any such body of persons form that opinion, they may, without more, report that fact to the Secretary of State for Employment and Productivity and the Board ; and
 - (c) where the Board form that opinion or where they receive a report made by any such committee or body under this paragraph, they may, without more, determine to bring proceedings under section 19 or 20 of this Act.
- 16 Where it appears to the authority to whom a complaint to which section 16 of this Act applies is made that an act which is the subject of the complaint relates to employment and that it was done by a person acting as agent for another person but without the authorisation of that other person, the authority shall—
- (a) if the Secretary of State for Employment and Productivity, refer it to the Race Relations Board ; and
 - (b) if not, deal with it as if it were a complaint to which section 15 of this Act applies ;

and in either event the provisions of the said section 15 shall, notwithstanding anything in section 16(1) of this Act, apply to the complaint accordingly and if the complaint was originally made to the Secretary of State or a conciliation committee shall so apply as if it had been made to the Board.