



An Chartlann Náisiúnta National Archives

Reference Code:	2016/22/2032
Creation Dates:	15 September 1986
Extent and medium:	4 pages
Creator(s):	Department of Foreign Affairs
Accession Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

BRITISH CONSULTATIVE PAPER ON EQUALITY OF OPPORTUNITY
IN EMPLOYMENT

1. Paper deals with problem taking into account religious dimension as well as how women and disabled are affected. King, accompanied by other Ministers (to demonstrate Governments concern) will present paper on 16 September at 11 a.m.

2. Paper shows there has been insufficient progress to date. Although paper is now for discussion it sets out certain principles to which the British Government is committed and which are non-negotiable.

3. Essential thread running through paper is that employers must take an active role in providing equality of opportunity. A passive attitude will not do.

4. Paper concludes that while existing legislation is soundly based, it needs to be improved. Quotas were considered but are rejected. There is a firm need for greater education and this is backed up by a "carrot and stick" approach. New measures include:
 - (i) Present Guide to be updated and strengthened by a document which would seek to have the employer take positive action; Draft for consultation will be published a week after the present paper is issued.

 - (ii) The present voluntary approach in the public sector is considered insufficient. A statutory duty would be imposed on the public sector to achieve equality of opportunity and the Government would see that it is enforced (public sector includes Central Government, local authorities and semi-state bodies). The report rejected the idea of imposing a statutory duty on the private sector.

- (iii) Present FEA Declaration of Principle and Intent will be changed to one of Practice which will set out what firms will have to do as regards monitoring, training education etc. This will impose burden on private sector (more firms, personnel officers etc). Grants will be provided to help firms.
 - (iv) To win tenders firms must have equal opportunity certificate.
 - (v) Grants will be withheld from firms which do not have this certificate. (This would apply in case of religious discrimination only). Inward investment would not receive a grant if it did not first sign the Declaration.
5. Institutional change has been considered and there are two options open:
- (a) A new FEA to deal with the religious dimension only.
 - (b) A new Equal Employment Opportunities Commission to deal with all three i.e. religion, sex and disability.
6. Irrespective of which option is chosen paper believes present system whereby FEA acts as both judge and jury should be abolished. New body would have different structures as follows:
- (i) Directorate to advise and to investigate. It would set out its finding and gave its opinion on particular situations it has investigated.
 - (ii) 3 Commissioners would receive these findings and pass judgement. At least one of these would be full-time. All three would be selected for their professional competence. This is in contrast to the

FEA whose members are appointed in a representative capacity.

- (iii) An independent Appeals Tribunal would hear appeals against the verdict of the Commissioners. The Tribunal's decision would be final - there could be no further appeal to the County Courts except on a point of law.
7. Pending the passing of the necessary legislation (which may take up to two years) the British Government intends to establish a temporary advisory unit which would be concerned with promoting the new approach.
8. Other points worth noting are:
- (a) The paper does not say that flags and emblems should be outlawed in the work place.
 - (b) Quotas are rejected.
 - (c) Penalties are not spelled out.
 - (d) Shorts, Harland and Wolff etc would be affected under the grant system (no compliance with new system - no grant).
 - (e) All British Ministers are committed to the proposed new system.
 - (f) Although no final decisions have been made about the new institutional structure, a separate body to deal with the religious dimension may be the easiest way. Uniform legislation to deal with all three aspects would be very complex.

9. The legislation process will be roughly as follows:

- (i) Comments on the paper will be received up until 31 March 1987.
- (ii) Westminster legislation will then be required (a NI Order in Council would not do). On past experience the legislative draughtsmen will require one year. The draughting should begin about June, 1987 when comments submitted by the public etc have been absorbed. The legislation would be considered in the context of the November, 1987 legislative programme. Therefore it will be about 2 years before the legislation is in place.

10. The new draft guide to Manpower Policy and Practice will be published about a week after the present paper.

Bernard Davenport.
15 September 1986.

cc'd Taisceach
Tánaiste
Minister
Minister for Justice
Attorney General

Secretary
Mr Nally
Mr Ward
Mr Russell
A - I Section
Amb. London

1850M