



# An Chartlann Náisiúnta National Archives

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## NEW LEGISLATION ON FAIR EMPLOYMENT IN NORTHERN IRELAND

The following is a summary of the White Paper.

1. The major aims of the new legislation are to ensure that indirect and unintentional as well as overt religious discrimination are eliminated, and that all employers take active steps to provide equality of opportunity. Indirect discrimination will be made illegal. Direct forms of discrimination are of course already illegal.

2. The main features are as follows:

i) All public sector employees and those in the private sector with 10 or more employees (25 during a short introductory period) will be required to monitor the religious composition of their workforce and to submit annual returns to a new Fair Employment Commission. Failure to do so will be a criminal offence, leading to heavy fines.

ii) This monitoring will let both employers and the Commission see the actual outcome of current employment practices, becoming a starting point for considering what changes may be necessary.

iii) A code of practice will guide employers as to how their employment practices could be improved.

3. The new Commission will inherit the investigatory powers of the Fair Employment Agency, and its educational, promotional and advisory roles. It will carry out investigations of employment patterns and practices and will be empowered to issue legally enforceable directions designed to improve employment practices and to promote fairness in employment.

4. If employers do not implement these directions the Commission may apply to a new Fair Employment Tribunal, to be established as a distinct body within the industrial tribunal structure, for an order of compliance. Failure to obey such an order will render the employer liable to action in the High Court for contempt, with heavy fines or imprisonment, if found guilty.

5. Employers who are found to be in breach of their statutory obligations (including their requirement to monitor) will be ineligible for Government contracts and a range of Government grants.

6. The Tribunal will adjudicate on individual cases of alleged discrimination. The Commission will have the power to support individual complainants before the Tribunal and assist them financially. Individual cases of religious discrimination will in future be handled in a similar way to cases of sex discrimination.

7. Where the monitoring returns suggest that the composition of the workforce is not broadly representative of the area from which it is drawn, employers will be encouraged, and if necessary may be directed, to undertake affirmative action programmes. These will be designed to help and encourage under-represented groups to have access to jobs by broadening the social and geographical catchment area from which the employer draws his employees, and by removing any unnecessary obstacles which are preventing a wider range of applicants from coming forward. In addition, special measures aimed specifically (but not exclusively) at under-represented groups will be encouraged.

8. The Government continues to believe very firmly that the only acceptable basis for the selection and promotion of job applicants must be their ability and suitability for the post. Appointment on merit is central to the Government's fair employment policy. Any form of quotas or of reverse discrimination is ruled out and will continue to be illegal.

9. A bill to enact the measures set out in the White Paper will be introduced to Parliament at the earliest opportunity and it is hoped that legislation will take effect from the middle of 1989.

10. The effectiveness of the new legislation will be reviewed after five years. In the meantime there will be a continuous evaluation based on consideration of flows of under-represented groups into and through the workforce.

BRITISH EMBASSY, DUBLIN  
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