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MEETINGS ON FAIR EMPLOYMENT

I met the following in Belfast on 6 November to discuss fair employment issues.

1. Bob Cooper, Chairman of the Fair Employment Agency

Cooper made the following points on the revised draft Guide to Manpower Policy and Practice. (issued on 2 October 1986).

- (i) The revised draft is an enormous improvement on the previous Guide, especially in relation to monitoring.
- (ii) The suggestion in the Guide that employers use a proxy question (primary school attended) to determine an applicant's religion might not work. The Northern Ireland Civil Service (which already uses this system) had problems with it because people tended to use the local name of the school rather than its official title. Employers (especially small employers) might not be able to deal with the resulting confusion. In certain cases there was a good argument for a direct question on religion.
- (iii) The statistical "rule of thumb" suggested for monitoring progress in fair employment could lead to serious errors. The country-wide and travel-to-work Catholic/Protestant distribution suggested was not appropriate for firms recruiting school leavers. The Catholic representation (46%) among school leavers is much higher than the representation in the population as a whole.
- (iv) The Guide would have to be revised again when the Government acts on the Consultative paper on Equality of Opportunity in Employment.

In relation to the Consultative Paper Cooper said

- (i) The paper had gone further than the FEA expected.
- (ii) The intention to change the Declaration of Principle and Intent to a Declaration of Practice was a major step. The new Declaration should, however, oblige employers to make an annual return to the FEA of the religious composition of the workforce. Failing this, the new legislation should grant the FEA (or its administrative successor) the power to demand such figures. The Declaration of Practice should also contain strong language on the Flags and Emblems issue.
- (iii) The suggestion that the FEA be merged with the Equal Opportunities Commission was not acceptable and would be opposed by the FEA. Women's groups were opposed the merger on the grounds that in such a super Quango issues of sex discrimination would play second fiddle to religious discrimination. In addition the Equal Opportunities Commission and the FEA operated under separate pieces of legislation. Unifying the legislation could take years.
- (iv) The FEA was still studying the proposals for the administrative reform of the Agency itself. From a preliminary examination of the reforms proposed, the suggestion that three Commissioners perform the quasi-judicial function of the Agency was not acceptable. Cooper understood that the Commissioners would replace the Board of the Agency. He foresaw problems such as conflict of interest obliging one or other of the Commissioners to withdraw from a case, leaving only two people to give a decision. In general he favoured the retention of a large Board.

On the more general subject of the work of the Agency, Cooper said that additional staff had recently been recruited increasing the number of officers on the investigation side from one to five. In addition to the already announced investigations into Queens University, New University of Ulster and the local Councils, the FEA would soon begin investigations into Ulsterbus, Northern Ireland Rail and a major motor distributor.

The FEA continues to keep in contact with the Building Societies (FEA Report of March 1986). One Society (Nationwide) conducted a Summer recruitment campaign with the result that the Catholic representation has jumped from 16% to 27% because 58% of those recruited were Catholic.

The Northern Ireland Electricity Service continues to be a major problem area. There has been some improvements in Catholic representation at senior management level (through the increased number of Catholics in the Personnel Department). A Catholic marketing director has also been appointed (the only Catholic director in the service). Overall however there has been little improvement and especially disappointing results in the intake of apprentices. The NIES, Shorts and Harland and Wolff are all using the same testing system for apprentices. The system is internationally approved and independent assessors are used. While this system has resulted in an increased intake of Catholic apprentices at both Shorts and Harland and Wolff, it has had a negligible effect at NIES. The FEA maintains a continuous dialogue with the NIES but is disappointed with the results.

Cooper said the situation at Shorts was much calmer. The serious economic situation at the company seems to have seeped into some (but not all) of the workers. The Tavistock House report on Shorts recruiting procedures is due at the FEA next week. Cooper said that the job turned out to be much more complex than expected and Tavistock House had not been able to

complete its study on time. The third FEA Report on Shorts Affirmative Action Programme would not be produced until after the Tavistock House report had been studied.

2. Terry Carlin (ICTU)

The ICTU's equality sub-committee has yet to study the revised draft Guide to Manpower Policy and Practice and the Consultative paper on Employment Equality. In general Carlin thought that the Guide was a major improvement on its predecessor. He said, however, that the Guide should contain much stronger language on the flags and emblems issue. On the Consultative Paper, he said ICTU would oppose the merging of the FEA and the Equal Opportunities Commission. ICTU has already come under pressure from the women's movement to oppose the merger. In submitting views on the Consultative paper, ICTU would have to be careful not to antagonise women and the disabled. Carlin felt that any special legislative measures adopted in the fair employment area would be demanded by the Equal Opportunities Commission for the legislation on sexual equality.

Carlin said he had heard that the Consultative Paper had been substantially revised before its publication. Boyson, through industrial promotion visits in the US, had come to the conclusion that opposition to the McBride Principles was severely hampering the effort to attract inward investment. According to Carlin, Boyson argued that acceptance of the McBride Principles would not unduly affect the IDB's campaign in US and might even have a beneficial effect. Boyson tried to have his views incorporated in the Consultative Paper. Boyson's arguments were overturned by King who, Carlin feels, has a pathological dislike of "interfering with market forces" and is reluctant to impose any sort of government regulations on employment practices, let alone the McBride Principles.

Carlin was very depressed about the state of Northern Ireland's economy. He said new records for unemployment would be set every month between November and March. Several major firms were in severe difficulties. He was particularly anxious over the position of GEC in Larne whose future was dependent on orders from the ^eSigwell B nuclear power plant in Britain.

The subject of a major public inquiry into the situation on 6/10/74 is awaited

Carlin said that ICTU had deliberately adopted a much higher profile on the intimidation problem in recent months. The situation was the most depressing since 1974 and showed no sign of easing off. The construction industry (which employs a large number of Catholics) had been particularly badly affected. There was still severe disruption to working patterns in several areas. In several cases ICTU has negotiated special arrangements for workers whose jobs were under threat because of the intimidation campaign. Some employers received union agreement to adopt work practices which would not normally be countenanced. The only alternative was redundancies.

Carlin said that the situation in the NIES was particularly bad. Because Kilroot power station was out of commission for three years, Ballylumford has assumed a central importance. In effect there was a power struggle between management and workers at the station for control of its operation. The situation at Ballylumford was very intense and it was difficult to foresee its outcome. He thought, however, that power cuts were very unpopular among the loyalist working class and that this provided a tenuous hold on the powerworkers.

On the Anniversary of the Agreement Carlin thought that there would be no widespread political stoppage in industry. He expected a rash of disorganised spontaneous "walk outs".

3. Mr. John Fisher - Standing Advisory Commission on Human Rights (SACHR)

I spoke to Fisher about the SACHR's study of "the law and machinery for preventing discrimination and promoting equality of opportunity in Northern Ireland".

Fisher said that Sir Robert Andrew was expected at the SACHR the following day. While no agenda had been set, Fisher expected that Andrew would raise the progress of the SAHCR study in the light of the time-table established by the Consultative paper on Employment Equality (observations on which have to be furnished by 31 March 1987). Speaking personally, Fisher thought it very unlikely that the SACHR study would be ready by September 1987. The SACHR had raised £500,000 for its study (some of the money had come from the Ireland Fund). He said it was improbable that the Government would introduce legislative changes on fair employment in advance of receiving the SACHR's study. He thought tht the earliest possible date for legislation amending the Fair Employment Act (NI 1976) was Spring 1988. In an aside, Fisher speculated that the Consultative Paper was a "rush job" because of "developments in the US".

On the progress of the SACHR study, Fisher said they had received an enormous response to the Commission's request for submissions. The SACHR had also commissioned the Policy Studies Institute, London to conduct an in-depth statistical analysis of the economic and social situation of the two communities in the North (The Policy Studies Institute provided the basic research for Britain's Race Relations's Act in 1976). The Institute would base its research on a detailed analysis of the Continuous Household Surveys. In addition researchers would visit 20 private and public enterprises in Northern Ireland and talk to management, trade unions and the workforce. The Institue's study was completely independent and

under the terms of its contract with the SACHR, the study would be made public (with a disclaimer from the SACHR, if necessary). The earliest date for the completion of the study was June 1987. The SACHR would not begin to formulate its own proposals until the study from the Policy Studies Institute was available.

In general, Fisher seemed irritated by the publication of the Consultative Paper (which "cut across" the SACHR's work). He was adamant that the Government would not move in advance of receiving the SACHR study and he thought that Andrew would press the SACHR to speed up its study.

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