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Meetings on Fair Employment, 12 August 1987

I had separate meetings with the following in Belfast on 12 August to discuss fair employment issues:

- Bob Cooper, Director of the Fair Employment Agency
- Inez McCormack, official of the Northern Union of Public Employees (NUPE) and an active campaigner for the MacBride Principles
- Brian Feeney, SDLP Councillor
- Jane O'Dempsey, solicitor, SDLP member and one of the more radical members of the board of the Fair Employment Agency.

Discussion in the various meetings focussed largely on the forthcoming Guide to Effective Practice, the report of the Standing Advisory Commission on Human Rights due for publication in late September, and the revision of fair employment legislation which is planned by the Department of Economic Development. There was also some discussion of the MacBride Principles.

Details of the points made to me in the various discussions are attached.

Anne Anderson  
Anne Anderson.

14 August, 1987.

c.c. PSS  
Mr. O Tuathail  
Counsellors, Anglo-Irish  
Secretariat, Belfast  
Ambassador London  
Ambassador Washington  
Secretary Nally

2765M

Meeting with Bob Cooper, Director of the  
Fair Employment Agency

I met with Bob Cooper in Belfast on 12 August. Among the points he made were the following:

- The Guide to Effective Practice to be published in September is good insofar as it goes and is certainly an improvement on the present Guide. He understands that the Confederation of British Industry (CBI) is still withholding its endorsement of the new Guide. Apparently a Catholic called O'Hagan from Warrenpoint, a successful manufacturer, is leading the argument within CBI against endorsement. Cooper said that the fact that a Catholic among their membership is making the case against endorsement lets the majority Protestant membership of CBI off the hook.
- The major report of the Standing Commission on Human Rights (SACHR) is targeted for publication in late September. It is unlikely however that this deadline will be met. Cooper is a member of SACHR but is "keeping his distance" from present discussions within the body. It is unclear at present what form the final SACHR report will take. Either it will contain fairly mild recommendations (because there is no consensus within SACHR for radical measures) or it will be a split report with majority and minority recommendations. A split report would carry little authority but the more radical SACHR members would obviously be unhappy at having to drastically scale back their proposals.
- With regard to the likely content of new draft legislation on fair employment, when it emerges, Cooper said that he felt the British Government would not draw back from the proposals in the Consultative Paper. However, he is

conscious of the power of employer pressure. The most important part of the Consultative Paper relates to contract compliance. Since contract compliance runs counter to Thatcher's philosophic approach, this may also prove to be the most vulnerable of the proposals. He would hope that Irish Government pressure will ensure there is no retreat from the proposals in the Consultative Paper.

- I discussed with Cooper the desirability of the new legislation imposing a statutory duty on all employers, private as well as public sector, to implement fair employment practices. The FEA strongly supports this. If a statutory duty is not imposed on the private sector, and the only requirement is that private sector firms seeking Government contracts or grants should sign a Declaration, then the entire services sector (banks, building societies, etc.) effectively escapes from any fair employment obligation. Some of the worst offenders against fair employment practices are in fact in the services sector. /
- With regard to sanctions to be imposed in the event that public sector bodies fail to meet a statutory obligation to act as fair employers, Cooper said that for example District Councils should have their personnel powers removed and those powers transferred to a body such as the Local Appointments Commission which operates in the Republic.
- In response to my comment that allowing individuals to take their complaints of employment discrimination to Industrial Tribunals would free the resources of the FEA to concentrate on investigation patterns of discrimination, Cooper said that the FEA was not enthusiastic about this suggestion. If a statutory duty of monitoring was imposed on all firms, this would be the most effective way of freeing FEA resources since enormous amounts of FEA time is currently spent in trying to establish employment profiles in firms.

- The DED is currently experiencing for itself the difficulty of trying to get any co-operation from employers in tackling fair employment problems. This has been useful in helping DED understand the problems the FEA is up against. The result has been a more sympathetic and positive approach by the DED to the Agency.

I agreed with Cooper that we would stay in touch. He said that he personally and the Agency staff would be happy to help us in providing any fair employment data that we might require and that might be available on Agency files.

Anne Anderson

A. Anderson,

13 August, 1987.

Meeting with Inez McCormack, N.U.P.E.

I met briefly with Inez McCormack in Belfast on 12 August. Among the points made by Ms. McCormack were the following:

- She is somewhat cynical about the motivation behind the proposed publication of the Guide to Effective Practice next month. Why rush to publish now if the intention genuinely is that "the goalposts change entirely" when the basic legislation is revised in eighteen months? There may well be a retreat from the proposals in the Consultative Paper and an attempt to use the Guide to establish the parameters for discussion.
- She had not seen the revised Guide in its final form and would resist attempts to get NUPE endorsement for any document "sight unseen".
- The development in the last couple of months in relation to display of flags and emblems in the workplace have been very positive. These developments must be built on in the forthcoming revision of legislation.
- Within the last ten days or so, there have been strong rumours that the DED is rushing to prepare draft legislative proposals on fair employment with the object of putting them before a Cabinet sub-committee around the end of August. The reason for this rush may be to pre-empt proposals in the SACHR report (due at the end of September) as the DED is likely to be uncomfortable with the SACHR proposals. Any such scenario would be extremely worrying because once the DED draft proposals are committed to paper, they will have a certain status and it will be difficult to secure changes.

- In response to my comment that the DED is unlikely to be so acutely concerned about the SACHR report because indications are that it will be either a split report or an anodyne one, Ms McCormack said that "the lowest common denomination<sup>or</sup> of SACHR would be better than the highest common denomination<sup>or</sup> of the DED". No matter how weak the SACHR report is, it is likely to go further than the DED wants.

I undertook to try to establish through our own channels whether there was any truth to the rumours Ms McCormack had heard regarding an accelerated timetable in DED. Ms McCormack said she would be in contact with me later in the week.

Anne Anderson.

A. Anderson,  
13 August 1987.

2757M

Meeting with Brian Feeney

I met with SDLP Councillor Brian Feeney in Belfast on 12 August. Among the points made by Mr. Feeney in our discussion on fair employment were as follows:

- The overall figures for employment in the Northern Ireland civil service are beginning to show balance. From Assistant Secretary downward, the proportions are fairly acceptable. However the picture is different when one looks at the distribution between and within departments. Catholics are heavily concentrated in areas like Health and Social Services. They are poorly represented in Finance and Economic Planning. In individual Departments, Catholics are very under-represented in key personnel and planning areas.
- In general, the situation in semi-state bodies is "a disgrace". In particular, the Northern Ireland Electricity Supply board has got away with outrageous behaviour. The electricity board headquarters has been "festooned" with Loyalist flags and emblems this summer. Feeney argues that the head of the electricity service should be sacked for his failure to take any sort of remedial action.
- The lack of any government training centre in West Belfast is a real grievance. Feeney believes that West Belfast is becoming more and more of a wasteland, with the population having lost all faith in any amelioration of the situation and with the Sinn Fein hold growing stronger rather than weaker.
- In the last few months, Feeney has changed his mind on the MacBride Principles. He said he was earlier quite attracted to the Principles and felt they were a useful way

of bringing pressure. But the issue has now become "too divisive". The only real supporters of the MacBride Principles in the North are Sinn Fein. The hypocrisy of Sinn Fein on the matter is so blatant that one could not put oneself in alliance with them. The MacBride campaign has aroused so much animosity in the North that it is difficult to see it as a vehicle for achieving progress.

- With regard to the pending change in fair employment legislation, Feeney said he would not expect much from the SACHR report, given the "wishy-washy" nature of the body. One issue on which he feels strongly is that where there is a finding of unfair employment practice, employers should have to pay very steep fines - ten years salary in the case of an individual unfairly deprived of a job. The reality is that any individual taking a case against an employer will be branded a "trouble-maker" and will probably never work again. That reality must be borne in mind in deciding on compensation.

At the end of our discussion, Feeney took me on a tour of the most economically deprived and strife-torn areas of West Belfast. What we saw bore out everything Feeney had said about the scale and intractability of the problem in that part of the city.

*Anne Anderson*

A. Anderson,

13 August 1987.

2758M

Confidential

Meeting with Jane O'Dempsey, FEA Board member

I met with Jane O'Dempsey in Belfast on 12 August. Among the points she made were

- The SDLP is inefficient and disorganised in its approach to fair employment issues. Sean Farren, the fair employment spokesman, is poorly informed and - in his Portstewart base - remote from the problems.
- The Fair Employment document adopted at the SDLP Conference in 1986 is "pathetic". There was no proper advance discussion within the Party. In particular she was angry that the document specifically ruled out the quota option.
- She is apprehensive about the likely content of the forthcoming revision of the fair employment legislation. She fears a back-tracking by the DED on the Consultative Paper in the face of pressure by employers.
- The DED reaction to the FEA submission on the Consultative Paper has been instructive. The initial FEA submission contained a section which envisaged the use of quotas in very defined circumstances and as a last resort. Ms O'Dempsey said she was in fact surprised, given the composition of the FEA, that it had been possible to achieve a consensus on the text within the agency. DED was clearly unhappy with the submission and persuaded Bob Cooper to withhold publication until after there had been an opportunity for discussion. After a DED/FEA meeting at which Fell had expressed an angry reaction to the quota proposal, the FEA Board met and decided to change its submission so as to tone down the reference to quotas. DED is much happier with the new submission but Fell has

apparently suggested some further minor changes. It is not yet clear if or when the revised FEA submission will be published.

- The SACHR report, according to Ms O'Dempsey, may well end up with a three or four way split recommendation. SACHR is very fragmented and there is a Unionist nexus which would ensure that nothing radical could emerge by consensus.
- The new legislation will almost definitely suggest a reorganisation of the FEA. Ms O'Dempsey fears that the effect will be to render the Agency less rather than more effective. She feels that individuals would have less redress than at present if they have to take their cases to Industrial Tribunals rather than the FEA.
- With regard to the MacBride Principles, Ms O'Dempsey feels they have become "a red herring" and that they are distracting attention from the real issues. She doubts the wisdom of Bob Cooper giving testimony at U.S. state legislature hearings on the Principles, and intends to suggest that the FEA elaborate some kind of policy approach on the whole issue.

Ms O'Dempsey undertook to let me have a copy of the revised FEA submission on the Consultative Paper.

*Anne Anderson*

A. Anderson,  
13 August 1987.

2759M