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C554
24TH OCTOBER '88
URGENT
TO SECRETARIAT, BELFAST FROM HQ
FOR JOINT SECRETARY FROM A/SEC GALLAGHER

cc PSM
Hh Kelly
PSC
Hh Harkness / Hh Flanagan
DR Harte-1(3) Galloway A1
BOK

PA MacBride
Principles

CONFIDENTIAL
24/10/88 1440
S. J. Barley
TIME

MACBRIDE PRINCIPLES

WE HAVE NOTED PARA. 3 OF NIO PRESS RELEASE OF 17 OCTOBER ENTITLED
'MINISTER SPEAKS OUT ON FAIR EMPLOYMENT'. THE PRESS RELEASE
CONCERNS THE CURRENT VISIT BY MINISTER VIGGERS TO THE US.

PARA. 3 STATES THAT:

'TURNING TO FAIR EMPLOYMENT, HE (MINISTER VIGGERS) DREW
ATTENTION TO THE VIEW EXPRESSED RECENTLY IN SACRAMENTO BY
BRIAN LENIHAN, THE IRISH FOREIGN MINISTER, THAT THE MACBRIDE
PRINCIPLES 'HAVE SIMPLY BEEN MADE REDUNDANT BY ONCOMING
FAIR EMPLOYMENT LEGISLATION AT WESTMINSTER'.

THE TANAISTE'S COMMENTS ON THE MACBRIDE PRINCIPLES WERE MADE
IN SAN FRANCISCO, NOT SACRAMENTO. THEY WERE MADE NOT IN A FORMAL
SPEECH, BUT IN AN INFORMAL QUESTION AND ANSWER SESSION FOLLOWING
A LUNCH. THE FULL TEXT OF HIS ANSWER IS SET OUT BELOW. IT WILL
BE SEEN THAT THE PARTIAL AND INACCURATE QUOTATION IN THE NIO
PRESS RELEASE IS A SERIOUS DISTORTION OF THE THRUST OF THE TANAISTE'S
REMARKS.

IT IS ABSOLUTELY UNACCEPTABLE THAT ON AN ISSUE AS SENSITIVE
AS THIS, WHERE THE IRISH GOVERNMENT'S VIEWS ARE WELL KNOWN TO
THE BRITISH, THAT THE TANAISTE'S REMARKS SHOULD BE MISQUOTED,
TAKEN OUT OF CONTEXT AND USED BY MR. VIGGERS IN SUPPORT OF HIS
ATTACK ON THE MACBRIDE PRINCIPLES. THE TANAISTE PERSONALLY
HAS INSTRUCTED THAT HIS EXTREME ANNOYANCE BE CONVEYED THROUGH
THE SECRETARIAT TO THE BRITISH JOINT CHAIRMAN. WE WOULD BE
GLAD IF THIS COULD BE DONE AS SOON AS POSSIBLE.

QUESTION AND ANSWER SESSION FOLLOWING AN ADDRESS BY THE TANAISTE
(DEPUTY PRIME MINISTER) AND MINISTER FOR FOREIGN AFFAIRS, MR
BRIAN LENIHAN T.D., TO MEMBERS OF SAN FRANCISCO CHAPTER OF THE
IRISH FORUM AND THE IRISH-AMERICAN BAR ASSOCIATION, 20 SEPTEMBER
1988.

THERE IS NOTHING OBJECTIONABLE IN WHAT IS SET OUT IN THE
MACBRIDE PRINCIPLES. THEY HAVE SIMPLY TO BE, IF YOU LIKE, MADE
REDUNDANT BY THE ONCOMING NATURE OF THE FAIR EMPLOYMENT LEGISLATION.
THE ACTUAL PRINCIPLES THEMSELVES ARE UNEXCEPTIONABLE AND HAVE
BEEN ADOPTED ALREADY BY MANY STATES IN THE UNITED STATES. BUT
THE PRINCIPLES WILL BE SUBSUMED, IF YOU LIKE, OR SUPERCEDED,
BY THE FAIR EMPLOYMENT LEGISLATION.

WE HAVE BEEN AT GREAT PAINS WITHIN THE (ANGLO-IRISH INTERGOVERN-
MENTAL) CONFERENCE WITH THE BRITISH TO EMPHASISE THAT WE WANT
LEGISLATION WITH TEETH IN IT, THAT IS EFFECTIVE AND THAT REALLY
ACHIEVES THE OBJECTIVE. AND TO THAT EXTENT I FIND VARIOUS MOVEMENTS
HERE TOWARDS THE INCORPORATION OF THE MACBRIDE PRINCIPLES DID
HELP IN THAT IT HIGHLIGHTED THIS.

BUT AT THIS STAGE, NOW, WE HAVE GOT THE BRITISH TO THE DRAWING
BOARD TO PREPARE LEGISLATION, WITH WHICH WE ARE IN SUBSTANTIAL
AGREEMENT, THAT WILL BE INTRODUCED IN THE HOUSE OF COMMONS BETWEEN
NOW AND CHRISTMAS AND, HOPEFULLY, WILL BE LAW IN MARCH.
IT IS MY JOB AS THE IRISH GOVERNMENT REPRESENTATIVE OF THE CONFERENCE
TO ENSURE THAT THAT LEGISLATION IS AS EFFECTIVE AS POSSIBLE.
WE HAVE INCORPORATED WHAT WOULD BE ACCEPTED BY YOU PEOPLE HERE
IN THE UNITED STATES AS A CODE OF FAIR PRACTICE AS REGARDS ALLOCATION
OF JOBS AND EMPLOYMENT.



NORTHERN IRELAND Information Service

17 October 1988

MINISTER SPEAKS ON FAIR EMPLOYMENT

Industry Minister Mr Peter Viggers MP, is in the United States to put the record straight on Northern Ireland and in particular to bring people in the USA up to date on progress on fair employment.

Speaking in Boston today he said, "People have a view of Northern Ireland as a Province prone to a high level of violence, and that personal risk attaches to investment there. The reality is different. The violence, which is the focus of media attention, impacts very little on the industrial community in the Province. The biggest problem American companies face is when they try to relocate key executives away from Northern Ireland: the quality of life in NI - its schools, leisure facilities and unspoiled countryside - is so high, people don't want to leave".

Turning to fair employment, he drew attention to the view expressed recently in Sacramento by Brian Lenihan, the Irish Foreign Minister, that the MacBride Principles "have simply been made redundant by oncoming fair employment legislation at Westminster".

"That is absolutely right. When the new legislation is on the statute books, I expect in 1989, those in the US who are concerned about fair employment will have all the reassurance they could ask for that Northern Ireland is a place where equality of opportunity is actively promoted. The MacBride Principles are not just redundant; they are irrelevant. We are committed to fair employment simply because it is right and because we find it totally unacceptable that anyone should be put at a disadvantage on account of their religion".

He went on to outline the key features of the new legislation. He said that the legislation will put in place a new institutional framework comprising a Fair Employment Commission and a Fair Employment Tribunal. The Commission will be charged primarily with securing the widespread adoption of good employment practice by employers. It will have the power to impose directions on employers requiring the implementation of affirmative action programmes. The Tribunal will adjudicate on cases of individual discrimination, and will also enforce the directions of the Commission.

Employers and the Commission must be able to judge the extent to which they are affording employment equality and identify specific problem areas in respect of which they can take specific remedial action. The legislation will therefore impose compulsory monitoring of the religious composition of the workforces. Employers will also be required to submit annual returns to the Commission, so that employers' own evaluation of their performance is linked to external audit by the Commission. Failure to comply with these requirements will be a criminal offence.

The Commission will have a broad educational, advisory and ~~discretionary~~ role. It will publish a Code of Practice which will be approved by Parliament, and which will be a source of advice to all employers and will define affirmative action measures on which employers and the Commission can draw. The Code will be the standard by which employers' practice will be judged.

The Commission will operate by agreement wherever possible, but it is accepted that there will be circumstances in which the Commission has to direct an employer to introduce an affirmative action programme. So the legislation provides for strong enforcement, involving ultimately the High Court which is able to impose unlimited fines and commit employers to jail for failure to comply. Directions will be able to include any affirmative action measure, including the adoption of goals and timetables, and outreach training. The legislation will also afford specific protection for employers who introduce outreach training, open to all but intended to attract applicants from an under-represented section of the community.

X | Mr Viggers continued, "The new legislation will be substantive, practical and effective. It will be accepted by both sides of the community because it guarantees equality of opportunity to all sections of the community. There is no question of quotas or reverse discrimination which would transfer disadvantage from one section of the community to another, and would be divisive. It ensures a neutral workplace, and puts in place clear statutory procedures for employers to follow, instead of the obscure, subjective and mischievous principles advocated by the MacBride campaign. The way to a better future for all the people of Northern Ireland is through more investment and more jobs - a sentiment that is noticeably absent from the MacBride campaign - which will speed up the pace at which the new fair employment legislation will impact on the level of Catholic unemployment in the Province".