

From the Minister of State

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Northern Ireland Office
Stormont Castle
Belfast BT4 3ST
Telephone Belfast 63011

The Rt Hon William Whitelaw MC MP
Secretary of State
Northern Ireland Office
Stormont Castle
BELFAST

15 February 1973

Dear Secretary of State.

On 3 August, 1972 my predecessor, Mr Paul Channon, announced in the House of Commons the formation of a Working Party with the following terms of reference:

"To consider what steps, whether in regard to law or practice, should be taken to counter religious discrimination where it may exist in the private sector of employment in Northern Ireland".

The Working Party, as you know, is composed of representatives of the Northern Ireland Regional Council of the Confederation of British Industry, the Northern Ireland Chamber of Commerce and Industry, the Northern Ireland Committee of the Irish Congress of Trade Unions, and also of the Government Departments concerned. In addition, a member of the Northern Ireland Community Relations Commission attends its meetings as an observer. I myself assumed the chairmanship of the Working Party from Mr Channon on my appointment as Minister of State in the Northern Ireland Office in November last.

The Working Party has made good progress with its remit. Its members have now authorised me, in view of the possible relevance of its deliberations to the forthcoming White Paper on the constitutional status of Northern Ireland, to report in broad outline its interim conclusions formed in the light, inter alia, of the large volume of written evidence submitted to it and of its extensive research into the various forms of anti-discrimination machinery in Great Britain, the United States of America and elsewhere.

Before turning to the Working Party's proposals, I wish to make clear -

- (1) That its views must be regarded as provisional and subject to modification or development in the later stages of its enquiry, which include the taking of further oral evidence;



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- (2) That, while the Working Party has reached complete unanimity on its interim conclusions, these must not be taken as binding upon the various bodies from which its membership is drawn, since all members are serving either in an individual or representative capacity, not as delegates with power to commit their parent organisations;
- (3) That it will accordingly be necessary in due course, when the Working Party has submitted its full Report, for the Government to consult widely upon its recommendations before deciding what action might be taken to implement them;
- (4) That the Working Party's interim conclusions emerge from a wide context of evidence, research and deliberation which, for the sake of brevity, cannot be compressed into the scope of this letter. Full exposition must await its final Report.

The Working Party has not attempted to assess the present extent of discrimination on religious grounds. It has sought rather to identify situations in which such discrimination may occur or be alleged. The Working Party is agreed that its fundamental aim is to promote full equality in all aspects of employment opportunity within the private sector. This principle underlies its particular recommendations, whose main features I describe below. In the Working Party's view equality of opportunity requires strict fairness and impartiality in all aspects of recruitment, appointment and promotion procedures including, where necessary, programmes of affirmative action designed to promote such ends. Affirmative action may, for example, include enlargement of the traditional field of recruitment or other positive steps designed to demonstrate commitment to full equality in employment practice; but it does not imply the introduction of a formal quota system.

With this central objective in mind, the Working Party proposes to recommend three inter-related and mutually re-inforcing steps. These are -



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- (a) A Declaration of principle and intent, which in the first instance would be signed jointly by representative employer and trade union organisations and then promulgated by them for adoption throughout industry and commerce. (The Working Party has reached complete agreement on the recommended text of the Declaration, which is reproduced in Appendix I to this letter.)
- (b) The preparation and issue of a Guide to Manpower Policy and Practice (whose scope and status is indicated more fully in Appendix II) based on manifestly fair principles and sound management procedures, for use by all those concerned with recruitment and employment;
- (c) The establishment by statute of an Agency with powers both to investigate individual complaints of discrimination in employment on religious or political grounds, which would be made unlawful, and itself to initiate in certain circumstances inquiries into patterns of employment in particular companies or industries or among categories of workers. The Working Party envisages that the Agency should discharge an important advisory and educational role in addition to its functions of investigation or inquiry. Where it was satisfied on inquiry that an unlawful discriminatory practice existed, the Agency would seek, through conciliation and other administrative remedies, to secure voluntary compliance with the law; but it would be able, as a last resort, to apply to the Courts for a range of civil remedies. (A fuller note on the powers and functions of the proposed Agency is given in Appendix III.)

I need hardly add that certain aspects of these recommendations, more particularly under (c), remain to be clarified or elaborated in detail. For example, the Working Party has not considered as yet the precise designation or constitution of the proposed Agency. It has, however, considered in some detail the system of information about the religious affiliation of workers which individual companies and the Agency will need in order to discharge their responsibilities adequately.



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This last point involves sensitive issues both of scope and confidentiality. But certain principles are clear - namely that no individual should be compelled to provide such information as a condition of employment or eligibility for employment, and that adequate safeguards must exist for the preservation of strict confidentiality for individual records. The Working Party is confident that solutions of these remaining matters can be found.

In conclusion, the members of the Working Party have asked me to say that they intend to complete their deliberations with all due despatch. While they would not wish to hazard a precise date for submission of their final Report, they hope that it will be possible to complete their task by Easter.

Yours sincerely
William van Straubenzee

WILLIAM VAN STRAUBENZEE