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To Mr. M.
11/11

- cc PS/Sec of State (B&L)
- PS/Mr Murphy (DFP & L)
- PS/Mr Worthington (DHSS, DENI & L)
- PS/Lord Dubs (DOE, DANI, L)
- PS/Mr Semple
- NI Perm Secretaries
- Mr Watkins o/r
- Mr O'Doherty o/r
- Ms O'Neill
- Mrs Campbell
- Mr Warner

12/11
Mr Campbell

1. PS/Mr Ingram
2. PS/Secretary of State (B&L)

Edward
to see a file
Identity Issues?
12/11

COATS VIYELLA: WEARING OF POPPIES

Attached, as requested, is an opening statement and question and answer material in anticipation of the Secretary of State's visit to the Forum tomorrow. The question and answer material has been seen by Bob Cooper who is content.

Coats Viyella's factory at Londonderry has 678 employees of which approximately 55% are Protestant and 45% Catholic. Following tensions at the factory during the commemoration of Bloody Sunday at the start of this year, the management together with the FEC and Counteract had been working to diffuse any likely tensions over the wearing of poppies this November. The agreed conclusion was that employees should be allowed to wear poppies from 6 November until Remembrance Day but not beforehand.

In the event, 46 workers sought to challenge this ruling and were sent home on full pay to reconsider their actions. 34 came back to work without poppies and resumed normal working. 12 persisted in wearing poppies and were suspended until 6 November when they resumed normal working. Those 12 appealed



DEPARTMENT OF ECONOMIC DEVELOPMENT
An Equal Opportunities Organisation



against their suspension without pay and three have approached the Fair Employment Commission claiming discrimination. Of the 34 who quickly resumed normal working, management suspects that some may have been taking advantage of company practice which pays employees in these circumstances (in effect, taking the opportunity to get a few hours off work on full pay). Should those suspended for a few days also be paid, this would open the floodgates to abuse of the company by employees on future occasions.

All employees are back to work today (6 November) and as an additional claming gesture, management has offered that workers will be allowed to observe a two minute silence on Remembrance Day.

Decisions taken by this company are, obviously, being watched by other companies both in the context of poppies and, also, the next anniversary of Bloody Sunday next January when some employees will be seeking to come to work wearing black ribbons in remembrance.

I am attaching a copy of Mr Ingram's press release issued yesterday and an extract from the Code of Practice.

D GIBSON

6 November 1997



DEPARTMENT OF ECONOMIC DEVELOPMENT
An Equal Opportunities Organisation

OPENING STATEMENT

We recognise the tremendous contribution made by all those who have fought to maintain freedom and democracy and feel that no-one should be penalised for wearing a poppy in their memory.

However, while at work, employees must comply with company regulations drawn up in accordance with the statutory code of practice on Fair Employment in Northern Ireland.

The Company have gone to great lengths to consult widely to find arrangements that would maintain good relations in the workplace.

It would be entirely wrong for this issue to become a political football. Both traditions in Northern Ireland and many nations and many religions made great sacrifices in the defence of the freedoms that we all enjoy.

I am pleased to note that all the employees concerned returned to work on 6 November.

COATS VIYELLA: REMEMBRANCE DAY POPPIES

Q. How many workers were affected?

A. I understand that approximately 46 employees (out of almost 700) came to work wearing poppies in contravention of company rules and were sent home on pay to reconsider their action. Of those, 22 came back to work without a poppy and 12 continued to wear a poppy and were suspended without pay until 5 November. All have resumed work from 6 November, the day from which wearing of poppies is permitted.

? 34

Q. Will those suspended have a right of appeal?

A. I understand that the employees will have normal rights of appeal under the company disciplinary procedures. [If pressed: I understand that those appeals start being heard today (7 November)].

Q. Will the workers suspended without pay receive financial compensation?

A. This is a matter for the company and its procedures. [The Prime Minister did not make any comment on this issue].

- Q. *Why are workers being penalised for wearing a poppy?*
- A. *The 12 workers are not being disciplined for wearing a poppy. They are being disciplined for disobeying company rules.*
- Q. *Could the 12 workers seek the support of the Fair Employment Commission in obtaining financial restitution?*
- A. *If the workers approach the Fair Employment Commission, the Commission will give due consideration to any case presented.*
- Q. *Did the Secretary of State approve the Coats Viyella action?*
- A. *No. There is no requirement for an employer to seek the Secretary of State's approval in these circumstances. The duties of an employer under the Fair Employment legislation are laid down in the Fair Employment Code of Practice. However, I congratulate the company on the attempts it has made to maintain good relationships in the workplace.*

Q. Does the Secretary of State agree with the advice given to the company by the Fair Employment Commission and its Chairman, Bob Cooper?

A. Yes. As Adam Ingram said yesterday, the best advice for the company is that expressed by the Fair Employment Commission which has specific expertise in the areas of employee/employer relationships. The comments made by Bob Cooper are most relevant and are based on a commonsense view of the issue that the respectful wearing of poppies at the relevant period is unlikely to be offensive or to cause apprehension.

Q. Does the Secretary of State agree with the FEC that there is a distinction between emblems associated with local politics and those that reflect events not perceived to be related to community conflict?

A. Yes. It is a responsibility of all people in Northern Ireland to take into account the nature of the event and ensure that no attempt is made to use the wearing of an emblem as some form of political statement.

Q. Why is the Prime Minister taking a different line to the Secretary of State and Mr Ingram?

A. There is no difference. The Government as a whole recognises the tremendous contribution made by all those who have fought to maintain freedom and democracy and believes that no-one should be penalised

for wearing a poppy in their memory. However, while at work, employees must comply with company regulations drawn up in accordance with the statutory code of practice on Fair Employment in Northern Ireland. The Company have gone to great lengths to consult widely to find arrangements that would maintain good relations in the workplace. It would be entirely wrong for this issue to become a political football. Both traditions in Northern Ireland and many nations and many religions made great sacrifices in the defence of the freedoms that we all enjoy. I am pleased to note that all the employees concerned returned to work on 6 November.

Q. Do you agree that Professor Mary McAleese should wear a poppy on November 11?

A. This is a matter for Mrs McAleese. [I can understand the argument that had she decided to wear a poppy the pressure would have been on her to wear an Easter lily to mark the 1916 uprising and, indeed, other emblems on other anniversaries.]

Q. Does the Secretary of State see any similarities between the wearing of poppies before Remembrance Day and the wearing of black ribbons before the anniversary of Bloody Sunday?

A. I agree with the FEC advice to employers which is that it is acceptable to make a distinction between emblems

associated with local politics and those that reflect events not perceived to be related to community conflict. Employers must therefore take into account the nature of the event and ensure that no attempt is made to use the wearing of an emblem as some form of political statement.

Q. What would the Secretary of State say to the Coats Viyella workers?

A. I would recommend that, as recommended by the Fair Employment Code of Practice, they should play their part by co-operating with management on its desire to promote a good and harmonious working environment.

Q. How could any employee be offended by a poppy?

A. This is a matter for individual conscience.

Q. On what grounds did Coates Viyella take the action which they did?

A. The company devised its policy following consultation with work place representatives and others. They recognised that there were sensitivities to this issue and aimed to devise a policy which would take account of these sensitivities.

Q. Will the Government review the fair employment legislation to ensure that individuals cannot be penalised for wearing poppies?

A. The fair employment legislation is currently being reviewed as a result of the report of the Standing Advisory Commission on Human Rights. I will consider these matters in the context of the current review. However, it will be essential to pursue measures which achieve harmonious relationships at the workplace.

Q. Will the Secretary of State instruct the Fair Employment Commission to act in accordance with the Prime Minister's wishes by ensuring that no one is penalised for wearing a poppy?

A. The responsibilities with which the Fair Employment Commission is charged are set out in the fair employment legislation. I fully support the work of the Commission and it is not my intention to interfere in the independent role given to it by Parliament.



NORTHERN IRELAND Information Service

5th November 1997

STATEMENT BY ADAM INGRAM, MINISTER OF STATE ON THE WEARING OF POPPIES IN THE WORKPLACE

Adam Ingram, Minister of State, has today commented on the dispute at the Coats Viyella plant over the wearing of poppies in the workplace.

The Minister said: "The best advice is that expressed by the Fair Employment Commission who have specific expertise in the areas of employee/employer relationships.

"The comments made by Bob Cooper, Chief Executive of the FEC, are most relevant and are based on a commonsense view of the issue that the respectful wearing of poppies at the relevant periods is unlikely to be offensive or to cause apprehension.

"The FEC advice to employers is that it is acceptable to make a distinction between emblems associated with local politics and those that reflect events not perceived to be related to community conflict.

"Employers must therefore take into account the nature of the event and ensure that no attempt is made to use the wearing of an emblem as some form of statement or that it should be politicised in any way.

"The statutory Code of Practice on Fair Employment contains detailed recommendations which employers and others should follow. Included in the Code is a recommendation on promoting

a good and harmonious working environment by prohibiting the display of flags and emblems which are likely to give offence."

5. The Role of Employers

This Code will be read and used by others besides employers. This chapter and chapter 6 relate specifically to employers and the word "you" is used for convenience to direct advice at employers.

5.1 RESPONSIBILITIES AND DUTIES

5.1.1 The responsibility for providing equality of opportunity for all job applicants and employees rests primarily with you, the employer. You should have a written policy on equality of opportunity in employment and put it into effective and visible practice. Your policy and practice must be firmly based on the principle of selection according to merit and will be considerably strengthened if they are agreed between you and your trade unions, your employee representatives or your workforce. They should be clearly stated within the organisation, noted on relevant publications (e.g. company reports), and, particularly, in job advertisements. No one should be in any doubt about your policy and practice.

5.1.2 Under section 35 of the 1976 Act you will be treated for the purposes of that Act as though you yourself had done any unlawful acts committed by your employees (whether with or without your approval) in the course of their employment, except where you took such steps as were reasonably practicable to prevent those acts being done.

5.1.3 All private sector employers with more than 25 employees (more than 10 from 1 January 1992), have six key duties placed upon them by the Act. These duties are:

- (a) registering with the Commission;
- (b) monitoring the religious composition of your workforce, and (for certain employers) your applicants, and submitting annual monitoring returns to the Commission;
- (c) reviewing your recruitment, training and promotion practices at least once every three years;
- (d) having regard to this Code of Practice in carrying out your review;
- (e) determining on affirmative action where your review indicates that fair participation is not being enjoyed by a particular community or is not likely to continue to be enjoyed; and

(f) considering the setting of goals and timetables where you determine on affirmative action.

Public authority employers are treated as registered from the outset and are subject to all the other duties set out above.

5.1.4 Detailed advice on these key duties is set out in chapter 6. The rest of this chapter sets out a general description of the approach which you should take to ensure good practice.

5.2 GOOD PRACTICE FOR ALL EMPLOYERS – GENERAL GUIDANCE

5.2.1 Equality of opportunity in employment makes good business sense. It broadens the recruitment base and widens the choice of personnel; it also enhances the probity of a company's personnel practices and improves corporate image. Even if you regard your concern as an entirely fair employer it is necessary to check that you are carrying out the steps mentioned in this Code – discrimination and inequality of opportunity can occur in the absence of regular scrutiny and the adoption of sound practices.

5.2.2 To promote equality of opportunity you should:

- draw up a clear policy to promote equality of opportunity in your recruitment, training and promotion practices – you are encouraged to consult the Fair Employment Commission in doing so;
- allocate overall responsibility for policy and practice to a senior manager – in small undertakings this is likely to devolve on the owner or chief executive/plant manager;
- consult with the appropriate recognised trade unions, employee representatives or the workforce on the implementation of your policy and any amendments to practice;
- show that your policy and practice have the backing of management at all levels – the clear backing of the chairman, Board and top management is of particular significance;
- make it clear that breaches of policy and practice will be regarded as misconduct and could lead to disciplinary proceedings;
- provide training and guidance for persons in key decision making areas (e.g. senior executives), and for personnel, reception and supervisory staff (e.g. foremen), to ensure that they understand their position in law, and company policy and practice –

the whole environment within the firm should reflect good practice and these staff should be made aware of the positive influence they can exert in promoting equality of opportunity;

- highlight your policy and practice in a statement, works handbook or similar document, and issue it to all employees and job applicants;
- take all available opportunities, especially when recruiting new staff, to ensure that your policy and practice are widely known;
- promote a good and harmonious working environment and atmosphere in which no worker feels under threat or intimidated because of his or her religious belief or political opinion e.g. prohibit the display of flags, emblems, posters, graffiti, or the circulation of materials, or the deliberate articulation of slogans or songs, which are likely to give offence or cause apprehension among particular groups of employees.

5.2.3 It is accepted that small to medium sized employers in particular will wish to interpret the detailed advice in this Code in the light of their own individual circumstances. That is fully appreciated by the Fair Employment Commission. Such employers should consult the Commission to ensure that their practices are in full conformity with the provisions of the Acts.

5.3 GOOD PRACTICE FOR ALL EMPLOYERS – CORE COMPONENTS

5.3.1 Work situations differ so procedures will vary but there are two core components which, taken together with the six key duties outlined in chapter 6, form the basis of good practice:

- (a) systematic and objective recruitment (see paras 5.3.2–5.3.5); and
- (b) sound selection and promotion arrangements (see paras 5.3.6–5.3.7).

Systematic and objective recruitment

5.3.2 Your aim should be to ensure that members of both communities are aware of and encouraged to apply for job opportunities in your company or undertaking. Subject to any specific advice from the Commission, you are recommended to:

- set out the basic facts about the job to be filled. This is best done by preparing a job description including job title, duties and responsibilities, conditions of work, pay, prospects, etc;
- set out the requirements to be met by the person selected to fill the job. This is best done by preparing a personnel specification including educational standards/qualifications (essential and

preferred); previous experience/training (essential and preferred); physical requirements; special aptitudes etc.

5.3.3 You should ensure that you:

- so far as practicable make all eligible and suitably qualified persons aware of vacancies and encourage them to put themselves forward for consideration – for example, you might hold information seminars in schools representative of both the Protestant and the Roman Catholic communities in the area, liaise with local careers teachers and invite school leavers from both communities to visit your premises;
- make use of Jobmarkets particularly when it would not be cost-effective to advertise, e.g. when recruiting sporadically for “one-off” posts or for a small number of lower paid jobs;
- always request the staff in the Jobmarket to canvass the vacancies through the other Jobmarkets in the catchment area for the job in question – they will be pleased to do so;
- make sure that recruitment is not confined to those agencies, schools or geographical areas which provide only, or mainly, applicants from a particular community and do not limit advertisements to a publication or other announcement which is likely to be read only, or mainly, by a particular community (but note if you are taking affirmative action to promote fair participation you may encourage applications from an under-represented community (see paras 6.5.13-6.5.22));
- use application forms. These assist in the objective assessment of candidates. Where used they must be available to anyone interested in any available job or jobs, but the practice of providing application forms in response to casual requests when no job vacancies exist can create problems and should be avoided;
- include in all advertisements a statement to the effect that you are an equal opportunity employer or, preferably, that applications are welcomed regardless of religious belief or political opinion.

5.3.4 It is unlawful to give instructions to, or bring pressure on, employment agencies or Jobmarkets to discriminate against members of a particular religious or political group.

5.3.5 You should avoid:

- procedures by which applicants are mainly, or wholly, identified through existing employees, trade unions or any other restricted group if this means that only members of a particular community, or a disproportionately high number of them, come forward;
- use of standing lists as a source of applicants for

vacancies. If such lists have to be used, and where practicable, they should be valid only for a limited period (six months maximum is suggested) and must include all eligible persons;

- use of applications for one job for the purpose of filling a different job.

Selection and promotion

5.3.6 Employers' selection and promotion procedures should operate so as to ensure the appointment of the best person for the job. The actual procedures and their degree of sophistication will vary from firm to firm but should involve:

- deciding on the qualifications, ability and potential ability needed for a particular job and on their relative importance;
- ensuring that the nature and level of these requirements can be shown to be essential;
- advertising the requirements clearly and, in the case of internal promotions, ensuring that all eligible candidates are notified and have an equal opportunity to compete;
- applying the requirements fairly and consistently when shortlisting, at interview, and throughout the selection process;
- making certain that all candidates are given the same chance to demonstrate their abilities or potential abilities and that differential standards are not applied;
- remembering that e.g. with younger people or those without experience, potential ability which can be developed through training may be just as relevant an attribute as experience;
- ensuring that no extraneous or irrelevant requirements are included in the selection process.

5.3.7 In selecting personnel, either initially or for promotion purposes, you are strongly recommended to:

- record the various factors considered relevant in a particular job before the shortlisting, interviewing and selection of candidates. These factors might include experience, qualifications, personal attributes as demonstrated by performance in jobs having similar requirements, and interview performance;
- decide on the relative importance to be given to each factor at all stages of recruitment (initial consideration, shortlisting, interview and final choice);
- satisfy yourself that these factors and their relative importance are justifiable, appropriate to the job, and clearly objective;
- ensure that those making the selection:
 - are clearly informed of the relevant selection criteria and the need for their fair and consistent application; and

– have been given guidance and training on sound selection procedure;

- ensure, if at all possible, that all shortlisting, interviewing and selection panels comprise two or more people;
- record the assessments and decisions of shortlisting, interviewing and selection panels in relation to the relevant factors and their importance (a simple marking chart can be helpful);
- retain all application forms and related documents for 12 months in order to be in position to deal with any subsequent complaints about the implementation of your selection procedures (but note also the obligation to retain certain specific information about applicants for monitoring purposes for three years (see para 6.2.42)).