

File

A3306/97

CONFIDENTIAL



cc PS/PUS
PS/Mr Semple
Secretary
Mr Gibson
Mr Jeffrey
Mr Watkins
Mr T McCusker
Mr Kelly (B&L)
Mr Leach
Mr L O'Reilly
Mrs Flanagan
MC

29 October 1998

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

From: G O'Doherty (DED)

Issue: Line to take on the wearing of poppies in the workplace

Timescale: Urgent

Recommendation: To note the lines to take in Annex 'A' attached

BACKGROUND

1. This issue arose last year when twelve workers at Coates Viyella appealed the Company's decision to suspend them without pay for breaching company rules in relation to the wearing of poppies. The original decision on suspension without pay was upheld.
2. The line taken at that time was that no one should be penalised for wearing a poppy but 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 went to great lengths to consult widely to find arrangements that would



CONFIDENTIAL DEPARTMENT OF ECONOMIC DEVELOPMENT
An Equal Opportunities Organisation

NEQ5670JM



maintain good relations in the work place. Those supporting the suspended CV employees last year made much of the Prime Minister's comment that "No one should be penalised for wearing a poppy." Their objective was to demonstrate an inconsistency in the Government's lines. I have incorporated these words, in the lines to take, to pre-empt a repeat.

3. For the future Coates Viyella established a working group, including unions and employee representatives, to help overcome these difficulties if they arose in the future.
4. A copy of FEC guidance on emblems is attached at Annex B.

A handwritten signature in black ink, appearing to read 'G. O'Doherty', with a long, sweeping flourish extending to the right.

G O'DOHERTY

WEARING OF POPPIES - PRIVATE SECTOR EMPLOYEES

LINES TO TAKE

- The wearing of poppies in the workplace is a matter for individuals and their employers.
- No-one should be penalised for wearing a poppy in memory of those who fought for freedom and democracy.
- However, while at work, employees should observe their employer's rules and co-operate with management in its desire and obligation to promote a good and harmonious environment.
- Advice for employers is available in the Fair Employment Code of Practice and from the Fair Employment Commission.

BACKGROUND NOTE

The fair employment legislation does not make it unlawful to display or wear poppies or any other emblems. However the Fair Employment Code of Practice places a duty on employers to "promote a good and harmonious working environment" by prohibiting the display of materials etc which are likely to give offence to a particular group of employees.

The Fair Employment Code of Practice complements the Fair Employment Act (Northern Ireland) 1989. It provides guidance to employers and others on their duties and obligations under the legislation. The Fair Employment Commission (FEC) provides advice to employers on the interpretation of the Code of Practice. Failure to comply with the Code will not render an employer liable to proceedings, however this may be taken into account by the Fair Employment Tribunal in adjudicating on any case against a company.

CONFIDENTIAL

The Code of Practice allows employers to judge, in the light of the prevailing circumstances, and with the advice of the Fair Employment Commission, whether the wearing of an emblem is being used to make some form of political statement, and to act accordingly.

FEC GUIDANCE ON EMBLEMS

Based on the current position, the Fair Employment Commission has provided the following by way of general guidance.

- Emblems which the Fair Employment Tribunal has specifically identified as having a 'sectarian significance', whether intended or not, eg. Rangers and Celtic football shirts, should be avoided.
- Emblems or displays which are directly linked to the community conflict over the past 30 years and/or local politics clearly have the potential to cause disruption to the good and harmonious working environment, eg. 'Ulster Says No' badges, Easter Lilies, Spirit of Drumcree badges, Bloody Sunday ribbons, Saoirse ribbons, orange lilies/regalia etc., and are best avoided.
- Emblems which do tend to distinguish one community from the other in Northern Ireland but are not directly connected with the community strife are unlikely to be regarded as creating an intimidating or hostile working environment as described in the Code of Practice. In this category would fall, marks of religious observance, crosses, crucifixes, ashes, pioneer pins, Christian Union badges, fáinnes, as well as poppies and shamrock, when worn with decorum and at the appropriate period.