

MACBRIDE PRINCIPLES

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LINE TO TAKE

- Fair employment for all is an essential element of Government policy in Northern Ireland.
- The Fair Employment legislation is far stronger than MacBride.
- MacBride legislation is unnecessary.
- ~~Our~~ energies should be channelled into obtaining new job creating investment which is what is needed in Northern Ireland.

BACKGROUND NOTE

The MacBride Principles were developed in America in 1984 as a set of 9 equal opportunity/affirmative action principles designed to increase employment opportunities for members of under-represented religious groups in Northern Ireland.

The MacBride Principles look and sound reasonable and, in their amplified form are largely unobjectionable. However they do not make good law and this creates problems when proponents seek to include them in legislation. They contain no detailed guidance on how employers should actually go about improving their employment practices and, as formulated, some of the Principles are impractical and could be of doubtful legality.

All the major political parties in the UK and Northern Ireland (apart from Sinn Fein) and trade unions oppose the Campaign. The SDLP/John Hume are critical of its effect in terms of discouraging investment and jobs.

When giving evidence to the Committee, Mr Ingram was asked by Mr Livingstone whether the Department had ever considered a direct appeal to the states with existing MacBride legislation to repeal those measures.

HOW TO IMPROVE ROMAN CATHOLIC REPRESENTATION IN THE RUC AND PRISON SERVICE

A. RUC

LINE TO TAKE

- Northern Ireland Affairs Committee recently looked (Report July 1998) at "Composition, Recruitment and Training of the RUC".
- 8% of RUC Officers RC – this is far too low.
- Chief Constable has said he is determined to increase representation of RC and females within RUC.
- A number of measures have been taken – new ways of distributing careers information – review of application material and procedures, speeding up of recruitment and appeals process for unsuccessful candidates.
- Encouraging that the most recent recruitment campaign resulted in an increase of RC applications to 23% of total (from previous figure of 15%). Or, put another way, applications from the RC community have risen from an average of about 400 to 750.
- Also marked increase in number of female applicants.
- Good Friday Agreement asks the Patten Commission, as part of its terms of reference, to consider composition.
- Too early to talk about downsizing – matter for Patten Commission.
- Police are subject to fair employment legislation and other equality provision.

BACKGROUND NOTE

Circumstances in Northern Ireland in recent years have deterred many Roman Catholics from coming forward to join the RUC. However the Force has made, and continues to make, strenuous efforts to ensure equality of opportunity for all applicants to, and serving members of the Force.

The RUC is subject to fair employment legislation and works in close conjunction with the Fair Employment Commission.

The Chief Constable has publicly stated his determination to increase the representation of Roman Catholics and females within the RUC.

BACKGROUND NOTE

There is under representation of Roman Catholics in the Prison Service. Staff in post at 1 January 1999 is:

Roman Catholic	6.7%
Protestant	78.2%
Not Determined	15.1%

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B. PRISON SERVICE

LINE TO TAKE

- The Prison Service has a policy of equality of opportunity for all staff and seeks to have a workforce which is more representative of the community it serves.
- Affirmative action advertising (specifically welcoming applications from Roman Catholics) was used in the last two major recruitment competitions in 1993 and 1996. The appointment rate rose from 7.5% to 13.6%.
- The contentiousness of prison issues and the intimidation and murder of prison staff has had an effect on recruitment from the Roman Catholic community. A peaceful society will be a significantly factor in achieving a more balanced workforce.
- The reduction in staffing levels by some 40% by the year 2001 to take account of the early release of prisoners has commenced. This makes reducing the imbalance in the short term more difficult.

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**MAIN SACHR RECOMMENDATIONS FOR CHANGE TO LEGISLATION
WHICH WERE REJECTED**

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Recommendation Act should broaden scope for contract compliance

Line to Take It is Government policy that public sector procurement should not be used as a means of achieving social policy objectives

Recommendation Legal aid should be available for proceedings under the Act

Line to Take There is no evidence that complainants are deterred by the present arrangements

Recommendation Definition of indirect discrimination should be broadened

Line to Take To have accepted the broader definition would have set precedents for other legislation but Government will continue to monitor developments including obligations arising from the Amsterdam Treaty

Recommendation Area specific recruitment should be permitted

Line to Take This would amount to indirect discrimination in recruitment

Recommendation There should be judicial scrutiny of a Crown decision to withhold information under Section 52 of the 1976 Act

Line to Take Section 52 not in breach of ECHR. Therefore no plans to introduce an appeals mechanism.

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NORTHERN IRELAND CIVIL SERVICE

A. REPRESENTATION OF ROMAN CATHOLICS IN NORTHERN IRELAND CIVIL SERVICE

LINE TO TAKE

- The Northern Ireland Civil Service is fully committed to equality of opportunity.
- The most recent available figures are at 1 January 1999 and show Protestant representation as 55.2%, Roman Catholics 39% and non-determined 5.8%.
- Under-representation of Roman Catholics amongst the Senior grades has been openly acknowledged.
- Progress has been made. Roman Catholic representation amongst the group at Assistant Secretary and above has increased from 5.9% in January 1985 to 23.9% in January 1999.
- Affirmative action measures in place include wider use of open recruitment to senior positions with advertisements particularly welcoming applications from the under-represented group.
- The rate of change is governed by movement into and out of the Service. Monitoring consistently shows that appointments broadly reflect the proportions amongst the candidate fields. There are no quick fixes.

9. RECENT PERMANENT SECRETARY COMPETITION

BACKGROUND NOTE

LINE TO TAKE

The Northern Ireland Civil Service (NICS) has had a formal and proactive policy on equality of opportunity since 1984.

The levels of representation of Roman Catholics amongst the Senior grades of the NICS has been and remains a focus of attention. While progress has been made, continued progress needs to be maintained.

BACKGROUND NOTE

This is an open competition to recruit 4 Permanent Secretaries, required as a consequence of the decision to re-organise the NICS into 11 Departments. No appointments will be made until all the Departments are established.

The posts were publicly advertised in the Local and National Press in March and the open competition was run by the NICS Recruitment Service subject to the regulations of the Civil Service Commissioners, an independent body which is responsible, inter alia, for approving all appointments to the Senior Civil Service.

The selection procedures were developed in line with legislation and best practice. The draft advertisement and job specification were sent to the First and Deputy First Ministers, the Departmental Solicitor and Trade Union Side. The Departmental Solicitor has been consulted throughout the process.

B. RECENT PERMANENT SECRETARY COMPETITION

LINE TO TAKE

- The procedures adopted in this competition have been carefully developed and applied to ensure strict compliance with the law and with best practice in the selection.
- Equality legislation in Northern Ireland makes it unlawful to select for employment on the basis of religion or political opinion, sex, marital status or ethnic origin. In the context of the legislative framework and the civil service's full commitment to providing equality of opportunity and fair participation, civil service selection procedures are designed to be free from bias, systematic and objective.

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The selection operated on a 2 stage basis. Stage 1 comprised a generic structured interview against many Senior Civil Service competences, which had been made known to all candidates in advance. Stage 2 constituted a job specification interview for the top 20% of candidates who had applied for the post at stage 1, plus a presentation by the candidates of their vision for the Department and proposed initial steps towards achieving it.

The composition of the selection panel was considered in terms of gender, community balance and relevance to the posts. Training in structured interviewing and equality legislation was given to all panel members who had not previously been involved in such competitions.

BACKGROUND NOTE

In October 1998, Mr Michael Collins, then the Minister and Ireland's Finance Minister, wrote to Mr Brown, then the Prime Minister, proposing the creation of a new bank to fund the development of Northern Ireland and the Republic of Ireland, particularly the six border counties, which was considered at the time but had a number of disadvantages, notably:

- a complicated ownership structure of the bank which would issue the bonds;
- the intention by the US or EU to put up new money;
- bonds would be issued by the UK and ROI Governments at lower rates than institutional investors in the US would require on bonds issued by the bank;
- limited scope for such a scheme to complement existing funding arrangements.

US PEACE BONDS

LINE TO TAKE

- Any proposal for investment in Northern Ireland is particularly welcome. We have kept this matter under review but would require the agreement of four Governments to take this forward.
- Although we have been unable to advance the proposal successfully to date I am pleased to say that it has prompted two other initiatives for funding community economic development.

BACKGROUND NOTE

- In October 1998, Mr Michael Collins from the Britain and Ireland Human Rights Centre wrote to Mr Ingram commending the Alan Hevesi proposal, made originally in 1995, for an Ireland Peace Bond issue.

Mr Hevesi's proposal which would help promote economic development in Northern Ireland and the Republic of Ireland (especially the six "border counties") was considered at the time but had a number of disadvantages, notably:-

- a complicated ownership structure of the bank which would issue the bonds;
- no inclination by the US or EU to put up new money;
- funds would be raised by the UK and ROI Governments at lower rates than institutional investors in the US would require on bonds issued by the bank;
- limited scope for such a scheme to complement existing funding sources; and

- any net loss by the Bank would dilute the contributions of UK, ROI, USA and EU. If the USA and EU are not putting up new money such losses, directly or indirectly would fall on the UK and ROI as no other participants would be worse off.

While the principle and spirit of Mr Hevesi's proposal had merit it was not possible to overcome these disadvantages.

The Minister responded to Mr Collins saying that although Government had been unable to advance the proposal it had prompted two other initiatives for funding community economic development. The Enterprise Growth Trust initiative to assist the development of micro-businesses in Northern Ireland will be pilot-launched in June. The Ulster Community Investment Trust initiative which is intended to encourage sustainable community development is at business planning stage.