



Matthew Rycroft  
No 10 Downing Street  
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Dear Matthew

cc Sec of State  
Des Browne  
Joe Pilling  
Nigel Hamilton  
Will Haine  
Mary Bunting  
Rosalie Flanagan  
Stephen Grimason  
Robert Hannigan  
Denis Mc Cartney  
Linda Derlin  
Paul McGinn

P-7 FEB 2003/4  
NORTHERN IRELAND OFFICE  
11 MILLBANK  
LONDON  
SW1P 4QE

PML 5/2003  
~~Mr Mullen~~  
The next stage!  
PML 5/2003  
7/12/03

4 February 2003

John McKerrill  
Alan Whysall  
Patricia McAuley  
Kirsten McFarlane  
Ivan Mullen Floats

The Prime Minister met with the Leaders of the four main Churches in Ireland on 14 January to discuss a wide range of matters relating to sectarian problems. Following the meeting, a letter was sent to the Prime Minister in which the Leaders' express their serious concerns about aspects of the impending Northern Ireland anti-discrimination legislation which will implement EU Directives and in the longer term about a single Equality Bill which will extend equality legislation and may include new grounds for protection.

The primary issue of concern to the Churches is that the introduction of new legislation protecting persons from discrimination on the grounds of sexual orientation will impact on their ability to employ in certain posts only those who adhere to the teachings of the church. They are also concerned that because of existing NI legislation protecting persons from discrimination on the grounds of religious belief, it will not be possible to include a "religious ethos" exemption in forthcoming NI legislation to implement the EU Employment (Framework) Directive.

It may not be possible to include a "religious ethos" exemption because the Directive only authorises legislation creating or maintaining such an exemption where that legislation (1) was already in force at the date of adoption of the Directive; or (2) where it reflected an existing national



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practice. Neither (1) nor (2) appear to apply to the position in Northern Ireland. To introduce an exemption could be regarded as regression from the protection currently afforded against religious discrimination and regression is prohibited by the Directive.

Other related issues raised in the letter relate to the different implementation of the Directives in the island of Ireland, given that the Churches are organised on an all Ireland basis. This is likely to be unavoidable given the existing legislation in NI and ROI. The Churches are also concerned that there may be a conflict with Article 9 of the European Convention on Human Rights (freedom of thought, conscience and religion) in the implementation of the Directive.

Officials in the Equality Directorate of the Office of the First Minister Deputy First Minister are currently seeking Senior Counsel opinion on what scope there may be to include legislative provision which would go some way facilitating the request from the Church Leaders. They are also in touch with officials in the Department of Trade and Industry who are dealing with the same issue in Great Britain.

At the meetings which have taken place with officials and the Secretary of State it has been made clear to the Leaders that we are concerned to ensure that the Directive is properly implemented and that we were exploring all possible options with Senior Counsel. The linkage between current provisions in Northern Ireland law and the new requirements of the EU Directives, which included a non-regression requirement, was the key to resolving the issue.



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I attach a draft response to the Church Leaders for the Prime Minister's consideration.

Regards

Kate Udy

**KATE UDY**  
**PS/SECRETARY OF STATE**



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Very Rev. Dr. Samuel Hutchinson  
The Presbyterian Church in Ireland  
Church House  
Fisherwick Place  
BELFAST BT1 6DW

January 2003

**ANTI -DISCRIMINATION LEGISLATION FOR NORTHERN IRELAND**

Thank you for your letter of 17 January on behalf of the four Church Leaders, which followed our meeting on 14 January. You outline the Churches' concerns about forthcoming anti -discrimination legislation for Northern Ireland.

I can fully appreciate the points you make relating to the "religious ethos" exemption and how it might impinge on your employment practices. You also touch on other wider issues which may be contained in a single Equality Bill for Northern Ireland at a later stage.

I can assure you that Paul Murphy and Des Browne will consider carefully the options which may be available when legal advice from Counsel is received to see what can be done by way of the Regulations and within the framework of the EU Employment Directive to address your concerns. In the longer term, you will also have the opportunity to comment informally before, and also formally during, the consultation process for a single Equality Bill.

You will of course understand that Des Browne will take into consideration any other comments received from interested groups on the legislative proposals. A balanced view on the Bill's content will be the aim.



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I know that you speak for a sizeable proportion of the public in Northern Ireland and I trust this goes some way to reassuring you that we are actively addressing the issues you have brought before me. I understand that officials will be in contact with you soon to discuss the latest position.

I found our meeting on 14 January both informative and useful and I wish you well as we take forward these issues in the future.



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