

**NORTHERN IRELAND AFFAIRS COMMITTEE  
SECRETARY OF STATE ATTENDANCE – 19 MAY 1999  
POSSIBLE ISSUES**

1. Change in composition of employees – result of legislation or economic growth?
2. Unemployment differential.

Fair Employment and Treatment Order

3. Use of Order in Council shortened procedure for Fair Employment and Treatment Order.
4. Religion specific training.
5. Recruitment from unemployed.
6. Goods, facilities and services – County Court or Tribunal matter.
7. Monitoring burden on employers.
8. Private land sales exemption – ECHR.
9. Application of the Order to public sector.

Fair Employment Tribunal

10. Vexatious complaints – cost to employers of cases withdrawn.
11. Fair Employment Tribunal – backlog of cases.
12. Harmonisation of equality legislation.

Single Commission

13. Single Equality Commission.
14. Roles of Equality Commission – NIHRC (overlap).

Other Issues

15. Contract compliance.
16. National Security Certificates/New mechanism to appeal certificates.
17. New Statutory obligation on the Public Sector.
18. New TSN
19. MacBride
  
20. How to improve Roman Catholic representation in the RUC and the Prison Service.
  
21. Main SACHR recommendations for change to legislation which were rejected.
  
22. Northern Ireland Civil Service.
  
23. US Peace Bonds

Table A shows that the total number of people in employment in sectors monitored by the FEC increased between 1990 and 1998 by just over 28,000 people. An analysis shows that the Catholic employment increased by 26,000 and the Protestant employment increased by 3,000. It is these figures which enabled some commentators to say that most of the jobs created in that period went to Roman Catholics.

This is a gross over simplification for the following reasons:

- The figures are net figures. Typically, over 40,000 people obtained new employment in any year and a similar number leave employment for a number of reasons. Therefore, in the eight year period covered by this table around 320,000 could have obtained new employment.



## CHANGE IN COMPOSITION OF EMPLOYEES – RESULT OF LEGISLATION OR ECONOMIC GROWTH?

### LINES TO TAKE

- Accept that economic growth has been helpful but employment monitoring information confirms that the legislation has been effective.
- Statistical evidence shows that the composition of appointees (whether Catholic or Protestant) reflects the composition of applicants.
- Substantial progress has been made towards fairer participation in all occupational groups but particularly in managerial and professional occupations.

### BACKGROUND NOTE

Table A shows that the total number of people in employment in sectors monitored by the FEC increased between 1990 and 1998 by just over 28,000 people. An analysis shows that the Catholic employment increased by 26,000 and the Protestant employment increased by 5,000. It is these figures which enabled some commentators to say that most of the jobs created in that period went to Roman Catholics.

This is a gross over simplification for the following reasons:

- The figures are net figures. Typically, over 40,000 people obtained new employment in any year and a similar number leave employment for a number of reasons. Therefore, in the eight year period covered by this table around 320,000 would have obtained new employment.

- Table B shows that applications for jobs and appointments to jobs broadly reflect the two communities' representation in the economically active population.
- Table C shows that substantial progress has been made towards fairer participation in all occupational groups particularly in managerial and professional occupations.
- There are many other influences on employment. For instance, the age structure of the Northern Ireland workforce is changing. Catholics represent a far higher proportion of the younger age groups than the older age groups which are coming up to retirement. Furthermore, Protestants have traditionally worked in the heavy engineering sector which is in decline. Finally, inward and outward migration have a significantly influence on these figures and the experience between the two communities may be different.

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PUBLIC SECTOR EMPLOYERS

TABLE A

MONITORING RETURNS - CHANGES IN EMPLOYMENT 1990-1998  
(Public sector and private sector concerns with 26 or more employees)

	1990 NUMBER	%	1998 NUMBER	%	Change	%
<b>Catholic</b>						
Men	57,979	16.6	69,351	18.4	11,372	19.6
Women	57,287	16.4	71,613	19.0	14,326	25.0
All	115,266	33.0	140,964	37.3	25,698	22.3
<b>Protestant</b>						
Men	123,202	35.3	121,339	32.1	-1,863	-1.5
Women	91,489	26.2	98,383	26.0	6,894	7.5
All	214,691	61.4	219,722	58.2	5,031	2.3
<b>Non-determined</b>	19,443	5.6	17,018	4.5	-2,425	-12.5
<b>TOTAL</b>	<b>349,400</b>		<b>377,704</b>		<b>28,304</b>	<b>8.1</b>

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(A) PUBLIC SECTOR EMPLOYERS

	APPLICANTS	APPOINTEES
<b>Males</b>		
1991	40.2	39.4
1992	39.7	39.7
1993	42.7	40.8
1994	39.6	40.6
1995	40.1	40.0
1996	42.9	43.7
1997	41.0	43.1
1998	42.7	45.5
<b>Females</b>		
1991	40.8	40.9
1992	41.9	40.4
1993	43.0	41.9
1994	43.5	41.4
1995	42.2	42.3
1996	44.3	44.4
1997	43.0	46.3
1998	45.3	47.8

(B) PRIVATE SECTOR FIRMS (CONCERNS WITH 251 OR MORE EMPLOYEES)

	APPLICANTS	APPOINTEES
<b>Males</b>		
1991	39.0	34.8
1992	41.0	37.0
1993	41.1	41.6
1994	41.3	42.2
1995	42.2	44.5
1996	46.0	45.4
1997	43.8	43.8
1998	43.6	41.9
<b>Females</b>		
1991	44.1	44.1
1992	44.9	46.4
1993	46.2	45.0
1994	44.8	45.6
1995	46.1	47.0
1996	50.1	48.1
1997	47.2	46.3
1998	48.7	49.7

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**CHANGE IN COMPOSITION OF NORTHERN IRELAND WORKFORCE BY OCCUPATION 1990-1998 (PUBLIC SECTOR AND PRIVATE SECTOR CONCERNS WITH 26 OR MORE EMPLOYEES)**

	1990		1997		1998	
	PROTESTANT	CATHOLIC	PROTESTANT	CATHOLIC	PROTESTANT	CATHOLIC
Managers and Administrators	69.5	30.5	63.5	36.5	62.8	37.2
Professional	66.6	33.4	59.4	40.6	58.2	41.8
Associate professional and technical	59.9	40.1	57.7	42.3	57.0	43.0
Clerical and secretarial	65.8	34.2	60.7	39.3	60.5	39.5
Craft and skilled manual	65.7	34.3	64.2	35.8	64.6	35.4
Personal and protective services	71.5	28.5	68.0	32.0	67.9	32.1
Sales	66.7	33.3	59.7	40.3	58.7	41.3
Plant and machine operatives	61.5	38.5	57.6	42.4	57.5	42.5
Other	61.2	38.8	59.0	41.0	59.0	41.0
<b>TOTAL</b>	<b>65.1</b>	<b>34.9</b>	<b>61.2</b>	<b>38.8</b>	<b>60.9</b>	<b>39.1</b>

**NOTE:** Percentages based on those for whom a community has been determined

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## UNEMPLOYMENT DIFFERENTIAL

### Line to Take

- Right to address the unemployment differential regardless of how it has come about.
- Government addressing unemployment and the differential through:-
  - (a) New Deal to which the Government has committed over £200m.
  - (b) Change to the legislation to facilitate employers in recruiting the unemployed without fear of complaints of indirect discrimination.
  - (c) Change to the legislation to allow employers to provide religious specific training.
  - (d) The White Paper does not establish 2011 as a target date for the reduction of the differential. It merely states that a substantial reduction should be evidenced by then ie on the basis of census information.

### Background Note

Group	Unemployment Differential
Males	2.9
Females	1.4
Overall	2.3

The unemployment differential is the Catholic unemployment rate divided by Protestant unemployment rate. Thus the 1997 Labour Force Survey indicates that the Catholic male unemployment rate at 15.9% was 2.9 times the Protestant male unemployment rate (5.5%).



## USE OF ORDER IN COUNCIL SHORTENED PROCEDURE

### Line to Take

- Order in Council route was only way to fulfil commitment in Good Friday Agreement.
- White Paper published in March 1998 set out all the proposed changes in fair employment legislation.
- Three months were allowed for comment on White Paper.
- Over 120 responses received.
- Much of the Order is consolidation of 1976 and 1989 Fair Employment Acts.

### Background Note

Bill would have allowed greater debate but impossible to get Parliamentary time.

Shortened, as opposed to normal, procedure not unreasonable as amendments to legislation were set out in White Paper "Partnership for Equality".

White Paper published in March 1998 and 3 months allowed for comment.

Over 120 responses received (though not all on fair employment).

Only NI political parties which responded were the SDLP and Sinn Fein.

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## RELIGION SPECIFIC TRAINING

### Line to Take

- Religion specific training will, over time help to eliminate the under-representation of particular communities by raising their skill levels and equipping them to compete on more equal terms with other applicants
- The Commission must give its prior approval to such training.
- Training will only take place in response to needs which have been clearly identified by employers
- Such training will not be available to a firm's own employees – such a development could be divisive in a workforce.
- Employers may not be compelled to undertake such training.

### Background Note

Article 76 of the Order introduces a new provision that was not included in the 1976 or 1989 Acts. It protects against charges of unlawful discrimination an employer, or someone acting on an employer's behalf, who provides training for non-employees of a particular religious belief. The Commission must give its approval to such action and be satisfied that persons of that religion belief are under-represented in that employment.

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### RECRUITMENT FROM THE UNEMPLOYED

#### Line to Take

- Such a provision necessary in view of the over-representation of Roman Catholics among the long term unemployed. Without such provision an employer wishing to recruit from the long term unemployed could be accused of discriminating against Protestants.
- "Unemployed" does not mean "registered unemployed" –therefore women who have not been working and are not registered as unemployed are included.
- The Commission will be able to provide advice to any employer seeking to recruit only from the unemployed.

- Employers cannot be compelled to recruit solely from the unemployed.

#### Background Note

Article 75 of the Order introduces a new provision which protects from allegations of unlawful indirect discrimination an employer who chooses to recruit solely from the unemployed.



# GOODS, FACILITIES AND SERVICES – COUNTY COURT OR TRIBUNAL MATTER

## Line to Take

- Government's position is set out in the White Paper – paragraph 5.46.
- Government is not persuaded that discrimination in the provision of goods, facilities and services on the basis of religion or political opinion is sufficiently distinct from that on grounds of sex or race to justify special arrangements for the hearing of cases.
- Such cases should be heard as civil actions in the Courts rather than the Fair Employment Tribunal.

## Background Note

In its Report "Employment Equality : Building for the Future" SACHR recommended at paragraph 6.17 that issues relating to goods, facilities and services should be brought within the jurisdiction of the Fair Employment Tribunal rather than the County Court.



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## MONITORING BURDEN ON EMPLOYERS

### Line to Take

- The Government is very conscious that the monitoring burden on employers should not be increased, unless there is a demonstrable need for it.
- The extension to the monitoring arrangements has been limited to the collection of new information which is essential to the proper assessment of progress being made towards fair participation by both communities in an employer's workforce.
- To alleviate the burden on small employers data on promotions, redundancies and other leavers will be sought only from registered concerns with over 250 employees.

### Background Note

Monitoring will be extended to include part-time employees. Information on applicants is to be provided by all registered employers rather than just those in the public sector and large private sector employers with more than 250 employees. For the first time information on promotions and leavers is to be included in monitoring returns from public sector and large private sector employers.

The new Monitoring Regulations have been made giving effect to the new requirements from 1 January 2001. This will allow employers time to familiarise themselves with the new requirements, to adjust their systems accordingly and to start collecting information on the new basis in the year 2000 for the monitoring return due in 2001. The Fair Employment Commission (Equality Commission when it becomes operational) will be working closely with employers to help them prepare.

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## PRIVATE LAND SALES EXEMPTIONS – ECHR

### Line to Take

- The exemption in the Fair Employment and Treatment Order is no different from that in the Sex Discrimination or Race Relations Orders.
- Exactly the same provision is contained in the GB Sex and Race legislation
- No argument has been advanced as to why the Fair Employment and Treatment legislation should differ
- Government has no desire to become involved in what are essentially matters of a private nature
- The exemption does not contravene any provision of the European Convention on Human Rights

### Background Note

Article 29 of the Fair Employment and Treatment (NI) Order 1998 introduces a new provision that was not included in either the 1976 or 1989 Acts. The Article makes it unlawful to discriminate in relation to the sale or letting of premises and land generally and applies to both the public and private sector. However, there is an exemption where the person disposing of the premises does not advertise that fact or use the services of an estate agent. The exemption therefore is limited to purely private transactions on a one to one basis between individuals. The Committee questioned Mr Ingram as to whether this exemption conformed to human rights obligations.

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### APPLICATION OF THE ORDER TO PUBLIC SECTOR

#### Line to Take

- The issue was not raised either by SACHR or in responses to the White Paper.
- Section 76 of the Northern Ireland Act makes any direct discrimination on religious or political belief grounds unlawful.
- The Commission for Racial Equality has raised the question of this 'gap' in relation to the public sector in its third review of the Race Relations Act and the Home Secretary is currently considering the matter.
- When the outcome of the Home Secretary's deliberations is known, consideration will be given to the implications for the Fair Employment and Treatment Order.

#### Background Note

The Fair Employment and Treatment Order extends the legislation to cover goods, facilities and services. Article 91 of the Order provides that except for the employment provisions which apply fully to the public sector, the Order applies to an act done by the public sector "as it applies to an Act done by a private person". This is a standard provision in both GB and Northern Ireland anti-discrimination legislation.

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The House of Lords ruled in a Sex and Race case "regarding Amin" that the effect of this provision was to restrict application of the legislation to acts by the public sector which are similar to those which can be done by a private person. Thus in any particular case it is for the courts to decide if a particular good or service is covered. There is a gap in provision which is not well defined but which Lord Lester is keen to have closed.

The gap in the Fair Employment area is less because of Section 76 of the Northern Ireland Act which makes unlawful direct discrimination by the public sector in Northern Ireland on religion or political belief grounds.

The Home Secretary is currently considering recommendations from CRE(GB) for changes to the Race Relations Act. These include a recommendation that the race legislation be applied fully to the public sector. He is also considering a recommendation from the Lawrence Enquiry that the legislation applies to policing activity (police employment is already covered).

If the Home Secretary concludes appropriate changes should be made to the Race Relations Act that will set a precedent for changes to other anti-discrimination legislation including the Fair Employment and Treatment Order.



## VEXATIOUS COMPLAINTS – COST TO EMPLOYERS OF CASES

### WITHDRAWN

#### Line to Take

- There is no evidence from employers of a problem in relation to vexatious or frivolous complaints.
- Not all withdrawn cases are due to vexatious applicants.
- There will always be some cost to employers or respondents where cases are withdrawn in any area of litigation.
- If the Fair Employment Tribunal finds that a complaint is vexatious or frivolous it can order a party to the proceedings to pay the costs or expenses incurred by the other party.
- In its evidence to the Committee the FEC confirmed that it only supported cases which had a reasonable chance of success and that its processes weeded out vexatious or frivolous complaints at an early stage.
- Tribunal procedures allow for pre-hearing assessments which should reduce the incidence of such complaints but where the complainant insists on continuing with the complaint he is made aware that costs may be awarded against him.

#### Background Note

The Committee has during its sessions with Mr Ingram, the CBI and the FEC raised the question of vexatious or frivolous complaints and the resultant costs to employers in terms of time and legal expenses.

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## FAIR EMPLOYMENT TRIBUNAL – BACKLOG OF CASES

### LINE TO TAKE

- Department fully conscious of the backlog.
- It has increased resources to the Tribunals Office over the last 15 months for example more staff, more panel members, more tribunal rooms.
- Will take time for an impact on the backlog.
- Easy to over-resource as only a small proportion of cases go to a full hearing.
- Important to resolve complaints early so the Order (Article 89) allows the Labour Relations Agency to operate an arbitration scheme.

### BACKGROUND NOTE

The Office of the Industrial and Fair Employment Tribunal (OITFET) receives a substantial number of complaints each year, eg from 1 January 1998 to 31 December 1998 there were 559 FET complaints registered. There are currently approximately 1,000 live FET cases.

A number of steps have been taken to reduce the backlog and others are under consideration.

The Department has:-

- increased the administrative support for the Tribunals;
- increased the number of lay members to hear FE cases;
- increased the number of Tribunal rooms; and

- increased the number of Tribunal rooms; and
- the number of part-time FE Chairmen is being increased.

In addition the Order provides for the settlement of disputes by an arbitration scheme to be prepared by the Labour Relations Agency rather than by proceedings before the Tribunal.

Accept there is a case for some greater harmonisation of the legislation to enable the Commission to provide a unified service to employers and complainants. This was an issue identified by the Equality Commission Working Group.

Would wish to have the views of the new Commission on this at an early stage.

#### Background Note

With the establishment of a single Equality Commission with responsibility for Fair Employment, Sex Discrimination, Race Relations and Disability Discrimination there is likely to be pressure for the harmonisation of equality legislation.

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## HARMONISATION OF EQUALITY LEGISLATION

### Line to Take

- This is a matter which will be for the New Assembly.
- Accept there is a case for some greater harmonisation of the legislation to enable the Commission to provide a unified service to employers and complainants. This was an issue identified by the Equality Commission Working Group.
- Would wish to have the views of the new Commission on this at an early stage.

### Background Note

With the establishment of a single Equality Commission with responsibility for Fair Employment, Sex Discrimination, Race Relations and Disability Discrimination there is likely to be pressure for the harmonisation of equality legislation.

## SINGLE EQUALITY COMMISSION

### LINE TO TAKE

### WHEN WILL IT BE ESTABLISHED

- We will specify the date of establishment once the appointment process is complete. That will be some weeks yet.

### WILL IT HAVE DIRECTORATES OR FULLY UNIFIED

- The Working Group recommended that there be directorates initially but that the new Commission review that as soon as practicable in view of the need for a single ethos.

### BACKGROUND NOTE

The Commission will replace the CRE, FEC, EOC and Disability Council and also be responsible for policing a statutory duty being placed on the public sector to promote equality of opportunity and good relations.

The recommendations of the Working Group chaired by Dr Joan Stringer and comprising representatives of the equality bodies and a representative of staff were published on 7 May 1999 and will be presented to the new Commission to inform their work.

Initially the Commission will have 16 Commissioners, including the Chief Commissioner and one Deputy. The appointment process is underway and is in line with Peach guidance. All appointments will be made on merit.

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## ROLES OF EQUALITY COMMISSION – NIHRC (OVERLAP)

### LINES TO TAKE

- Human rights and equality issues are intimately connected. Just as SACHR made an invaluable contribution, through its recommendations, to the development of fair employment and other anti-discrimination law, NIHRC may express views on equality issues.
- At the operational level, both NIHRC and the Equality Commission will have the power to assist individuals in bringing proceedings. We expect the two bodies to draw up a memorandum of understanding in consultation with the NIO to deal with such overlap.

### BACKGROUND

The Committee has raised discussion of the potential for overlap between the respective functions of the NIHRC and the new Equality Commission. Among the NIHRC functions will be keeping under review the adequacy and effectiveness of law and practice relating to the protection of human rights and advising on measures which ought to be taken for the protection of human rights. However, it is quite likely that NIHRC will comment in the future on the adequacy of equality and anti-discrimination provisions. The Equality Commission also has a statutory function of keeping under review the fair employment, sex discrimination and race relations legislation and submitting to Government proposals for amendment. Decisions on changes to anti-discrimination legislation will be a matter for the Government (devolved administration after devolution), whether the recommendations come from NIHRC or the Equality Commission.

At the more detailed operational level, there may be scope for overlap when an individual seeks support from a statutory body, believing that both his human rights have been infringed and he has been discriminated against

under the legislation. In some circumstances, both NIHRC and the Equality Commission can assist individuals in pursuing the case.

#### LINES TO TAKE

It is anticipated that the roles of the two statutory bodies in such cases of overlap will be demarcated by a memorandum of understanding, drafted in consultation with the NIO.

Government policy is that all public procurement of goods and services is to be based on value for money, having due regard to propriety and regularity. Open competition for contracts promotes economy, efficiency and effectiveness in public expenditure. It would not be consistent with value for money policy for purchasing power to be used to pursue other aims, such as achieving social policy objectives.

Does EU law prevent the introduction of contract compliance?

EU law is also relevant to the award of public contracts, but current EU guidance is still ambiguous. There could be a risk of contravening EU law, should policy be changed to a significant extent. This would open up the possibility of legal challenge by an unsuccessful bidder for a contract.

So Government is neutral about contractors who contravene FE law?

No – any employer found by the FE Tribunal to have broken the law is liable to heavy financial penalties (no ceiling). An employer who blatantly refuses to follow certain procedures set out in the Order can be designated an unqualified person and denied Government contracts.

How about encouraging recruitment of the long-term unemployed through contract compliance?

The same considerations in relation to Government policy on contract compliance still apply. The New Deal remains the main Government incentive to encourage employers to recruit from the long-term unemployed.

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## CONTRACT COMPLIANCE

### LINES TO TAKE

#### Why not contract compliance to encourage fair employment policies by the private sector?

Government policy is that all public procurement of goods and services is to be based on value for money, having due regard to propriety and regularity. Open competition for contracts promotes economy, efficiency and effectiveness in public expenditure. It would not be consistent with value for money policy for purchasing power to be used to pursue other aims, such as achieving social policy objectives.

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operate with FE installers (unqualified persons), though this is very

## Does the new equality of opportunity obligation imply contract compliance?

downplay any expectations that the new equality of opportunity

The new obligation will require public authorities to have due regard to the need to promote equality of opportunity in carrying out their functions. This will involve impact assessments of their policies. The current Government policy of value for money in public procurement has many advantages, such as generating savings which can be used for priority social expenditure. In any impact assessment of this policy, this would have to be taken into account, along with the importance which Government attaches to value for money in public procurement. Nothing to suggest that our current policies on contract compliance are incompatible with equality of opportunity.

### - BACKGROUND

Northern Ireland equality interests have long supported the use of contract compliance, ie using public sector purchasing power to pursue social objectives by imposing requirements on contractors (eg recruitment of long-term unemployed, women, people of particular religion etc). However, EU law has been generally opposed to such practice, though the latest Commission guidance of March 1998 is more ambiguous than its predecessors, concluding that the Commission will clarify the principles which can be applied to allow social factors to be taken into account (no further guidance has yet issued).

The Treasury remains strongly opposed to contract compliance and has underlined this in its latest guidance of November 1998.

Mr Ingram was questioned about contract compliance by Mr McWalter of the Committee. If the point is returned to with the Secretary of State, it will be important to:-

- indicate that FE law in Northern Ireland already makes provision for barring from public contracts employers who blatantly refuse to co-

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operate with FE institutions ('unqualified persons'), though this is very rarely used; and

- downplay any expectations that the new equality of opportunity obligation might open the way to greater use of contract compliance.

(INPUT AWAITED FROM NIO)

## BACKGROUND

The Good Friday Agreement committed Government to a review of national security aspects of the Fair Employment legislation.

This review has taken place and the Northern Ireland Act 1998 provides for the establishment of a Tribunal to hear appeals against national security certificates.

The Fair Employment and Treatment (Northern Ireland) Order 1998 provides certification provisions which the FEI, employment, race and gender legislation are within the scope of the Tribunal.

[Include update on Tribunal]

[Include update on Civil Council's response to the proposed procedure]

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## NATIONAL SECURITY CERTIFICATES/NEW MECHANISM TO APPEAL CERTIFICATES

### LINE TO TAKE

(INPUT AWAITED FROM NIO)

### BACKGROUND

The Good Friday Agreement committed Government to a review of national security aspects of the Fair Employment legislation.

This review has taken place and the Northern Ireland Act 1998 allows for the establishment of a Tribunal to hear appeals against national security certificates.

The Fair Employment and Treatment (Northern Ireland) Order 1998 ensures certification provisions within the fair employment, race and gender legislation are within the scope of the Tribunal.

[Include update on Tribunal]

[Include update on Bar Council's opposition to the proposed procedure]

## **NEW STATUTORY OBLIGATION ON THE PUBLIC SECTOR**

### **LINES TO TAKE**

#### **Why a statutory equality obligation?**

There had been pressure over many years to mainstream equality considerations into the work of Government in Northern Ireland. We supported this in opposition and responded positively to SACHR's proposal. Believe that this will contribute to the new administrative structures set out in the Good Friday Agreement.

#### **When will obligation come into force?**

- Equality Commission will play an important role in oversight of the obligation. After the Commission takes up its duties, we anticipate they will publish guidelines on the obligation.

It would not be fair to public authorities to bring the obligation into force before such guidelines were published.

As soon as possible thereafter, Schedule 9 of the Northern Ireland Act would be commenced and public authorities would have to produce equality schemes within 6 months.

#### **When will UK Departments, etc be designated for purposes of the Section 75 Act?**

This will be done before Schedule 9 is commenced.

#### **Will RUC/MOD/any other named UK Department or public body be designated under the Secretary of State's powers?**

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No final decision has been made on which UK Departments or additional bodies should be designated.

## BACKGROUND

1998 White Paper on Employment Equality proposed a statutory obligation on the public sector to have due regard to the need to promote equality of opportunity in carrying out their functions. Equality of opportunity was defined in terms of religion, political opinion, gender, race, disability and another 4 categories. This was enacted in the Northern Ireland Act, where the statutory obligation remains an excepted matter.

The Equality Commission will have an important oversight role for the obligation and will publish guidelines shortly after it commences its duties.

- Relevant public authorities will have to produce equality schemes within 6 months of Schedule 9 being activated to show how they will fulfil the statutory obligation.

Most of the public authorities to which the obligation relates are set out in the Act (eg Northern Ireland Departments, District Councils, NDPBs etc). UK Departments and UK-wide NDPBs and any other Northern Ireland public authorities (eg the Police) would have to be designated by Secretary of State Order.

**NB: Timetable for the equality of opportunity obligation is not dependent on devolution.**

## **NEW TSN**

## **LINES TO TAKE**

### **Is there sufficient political direction for New TSN?**

The Secretary of State currently has political direction and oversight of the initiative. After devolution responsibility for New TSN will fall to the FM/DFM supported by an Equality Unit in their Office.

The cross-departmental Social Steering Group (SSG) promotes and co-ordinates implementation of the initiative with sub-groups on statistics, Action Plans and Promoting Social Inclusion to drive forward aspects of New TSN in a co-ordinated way.

### **Is New TSN being operationalised with sufficient vigour?**

We endorsed the basic rationale of TSN, which was initiated by our predecessors, but we seek to implement it with greater vigour and transparency.

All Departmental activities have been reviewed and each Northern Ireland Department and the NIO have identified their functions which are relevant to New TSN and are now developing 3 year Action Plans. These will be consulted on. This planned and open approach will ensure New TSN is vigorously pursued.

### **Is targeting of resources and efforts effective?**

New TSN is not a separate spending programme – it is a theme which runs through spending programmes and involves skewing resources towards people, groups and areas objectively defined as being in greatest need.

Not just about money – also about targeting efforts. This means Departments changing the way they do things so that policies, programmes and services respond better to those who are most in need.

### **Criteria for targeting people, groups and areas in greatest need**

Criteria must be appropriate to the policy or programme and to the way it is delivered.

The Robson Indicators of multiple deprivation can be used to identify the most deprived wards and are based on a range of objective measures of social need. They also take account of pockets of deprivation in areas of relative affluence.

- Not all deprived people live in disadvantaged areas and other criteria may also be used, for example, number of pupils entitled to free school meals.

### **BACKGROUND**

New TSN was raised by the Committee with representatives of SACHR and the Northern Ireland Economic Council. It is important to stress the added emphasis which this administration has given to the initiative, originally launched by the previous Government. This is evidenced in reviews of departmental activity led by external consultants; consultation on priority work under the Promoting Social Inclusion strand of New TSN; current preparation of Action Plans by all Departments; publication of draft Action Plans as part of the consultation process in the first published Annual Report on New TSN (September 1999).

Unionist members may query geographic targeting for New TSN purposes, particularly IDB's differential grant rates for industrial development. This is done on objective criteria. Locating industrial investment in disadvantaged areas helps tackle long-term unemployment and boosts the local economy.