

07/04/2005 16:08

Hi Angela

I hope this is helpful



Claire Waterworth
Sent by: Claire
Waterworth

To: "Trimby, Angela" <Angela.Trimby@dsdni.gov.uk>
Subject: Re: Advice

24/03/2005 12:34

Angela

Thanks for getting back to me - I have passed your query onto Carolyn (x26726), who will respond in due course.

Regards

Claire

Claire Waterworth

Tel: (028) 905 26515

Dial: x26515

"Trimby, Angela" <Angela.Trimby@dsdni.gov.uk>



"Trimby, Angela"
<Angela.Trimby@dsdni.gov.uk>

To: "Waterworth, Claire (DFP)" <Claire.Waterworth@dfpni.gov.uk>
cc:
Subject: Advice

24/03/2005 12:31

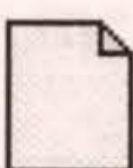
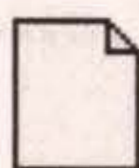
Claire,

Further to our telephone conversation this morning, I have attached the background to the complaint that was received in Coleraine Social Security Office. Due to the nature of this complaint and the sensitivity of this issue, my Grade 7 has asked that I seek advice from CPG as to how we should respond to this. Have there been queries of this nature before?

I also mentioned to you that the Unit Manager recollects correspondence being issued, (probably by DFP, he thinks about 8 or 9 years ago) stating contacts between Ministers, Departmental officials/staff and Sinn Fein representatives, which had been 'embargoed' for some time, could be put on the same footing as contacts with other political parties etc. We have been unable to turn up a copy. Are you aware of any such instructions? If not, could you possibly give me a contact in OFMDFM who may be able to shed some light on this matter?

I am happy to discuss.

Angela - 37381.



NIPSA re Xmas Card (3).c xmas card in SSO (4).d Reply re Christmas card.d Coleraine SSO.do

Andrew
Adams
MOG DV.
OFMDFM
x28637
to my
back.

BACKGROUND/SEQUENCE OF EVENTS

A Christmas card was received in Coleraine Social Security Office from a Sinn Fein office with a message to the effect "Thank you for all your help and support over the year".

The card was displayed with all other Christmas cards received in the office as is normal policy. Cards were also received from Voluntary Groups, PSNI, other government bodies etc.

The Benefit Manager was approached by a member of staff who stated some staff felt offended by the card and they requested it be removed. The Benefit Manager refused to remove the card. The Unit manager was then approached by a local Trade Union rep, who stated he had received a number of complaints from staff members about the display of this card and again asked for its removal.

After consultation with the other managers, the Unit manager advised staff that the card would remain as it was felt it was only a display of gratitude from an elected representative and offence should not be taken, as after all staff give advice to all sections of the community and this was an acknowledgement of their work.

When the Benefit manager returned to the room she noticed that the card had been removed. Following on from this, the Unit manager issued an e-mail to all staff expressing her disappointment that someone should chose to remove this card from an elected representative. She stated also in this minute that "as Civil Servants, we are expected to serve all sections of the community with total impartially." In response to this minute she received correspondence from Local Trade Union, a copy of which I have attached (dated 23/12/04). NB The District Manager also received an anonymous letter from a member of staff stating they felt this e-mail "is made to make the staff feel like bigots however this is not the case. We all work together but this memo makes it out that certain members of staff only deal with certain sections of the community which certainly is not the case. I was aware that if one person in a workplace finds something offensive then this should be dealt with in an appropriate manner which did not happen in this case." The letter goes on to say "After all we are told not to bring anything political to the workplace and yet management decide that a Christmas card from a political party is OK as a card was being displayed from the PSNI. In my opinion it is not acceptable and would appreciate if you could find out why Mrs McLarnon took the measure she did as I feel it was very unprofessional."

We sought legal advice on the matter, a copy of which I have also attached (dated 11/01/05). The legal advice was copied to the District Manager and he was advised that he should not circulate the advice to staff, but that it would be sufficient to notify his staff that legal advice had been sought and management is content that it acted correctly in this regard.

The District manager has now received further correspondence from Local Trade Union (which I have also attached) and has sought advice on how to deal with this issue.

1) Maureen McLarnon
Unit Manager Coleraine SSO

2) Tom Wilson
North District, District Manager

From: David Edgar NIPSA Branch 36 Secretary

Re Xmas card in Coleraine SSO

I refer to your most recent e-mail of 7.2.05.
Having relayed your response to the members concerned and discussed this at LTUS level, we feel there are several issues and concerns, which need to be addressed.

In your e-mail of 7.2.05 it was stated that "legal advice has been sought and management is content that it acted correctly in this regard" – could you confirm is it Agency/District or indeed Local management that are content with Local management's action?

Why are you not at liberty to disclose the advice given? Presumably if the advice from the Department's Solicitors is based on Departmental policy, it would be beneficial for all concerned to have sight of such?

Were the Equal Opportunities Unit, Department's Solicitors and Personnel aware that your staff were offended by this card and when Local Management was asked to remove the card, that you refused to do so?

Without sight of the response you received, which we are now formally requesting sight of, are we therefore to surmise, that the Equal Opportunities Unit, Department's Solicitors and Personnel are "content" for Local/District Management to display cards from political parties who have sectarian undertones, and will offend members of their staff?

The Equal Opportunities Complaints Procedures (guidance on good practice for Departments) quotes the Fair Employment Code of Practice which recommends - "you should promote a good and harmonious working environment and atmosphere in which no member feels under threat or intimidated" - "e.g. prohibit the display of flags, emblems, posters" etc "which are likely to give offence"

Para 1.3.4 of the NICS handbook states - "any behaviour, intentional or otherwise, on the part of any individual or group of staff which may cause offence to another employee or group of employees because of their religion, political opinion is not acceptable"

EOC 3/96 Addendum draws on advice from the Equality Commission and relates to - policies on creating a neutral and harmonious working environment.

The Equality Commission's guidance on emblems states

- 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 - and are best avoided.

Yours

D Edgar, on behalf of the members concerned, Branch 36
Coleraine SSO

SELFAST
817 2JA

11 January 2005

Dear Ms Trimby

COLERAINE SOCIAL SECURITY OFFICE

I refer to your letter of the 5 January 2005.

This is an extremely sensitive area obviously but in my view the Manager acted correctly. The need to promote a neutral working environment in which both sides of the community feel comfortable necessitates the current rules against Celtic/Rangers jerseys and other sectarian paraphernalia. However that policy can only go so far. This was not a Sinn Fein poster or a Sinn Fein calendar. It was simply a Christmas card which happen to come from a Sinn Fein branch on behalf of an elected representative and was no doubt one of many Christmas cards received by the Social Security Office from community groups and organisations.

It would in my mind be a step too far to require Office Managers to censor Christmas cards to ensure that none of their donors was an individual who might possibly offend one or more members of staff. That is an entirely different issue from ensuring that members of staff themselves do not engage in any conduct within the work place which makes or could make their colleagues uncomfortable.

If a response has to be made to NIPSA in this case, it should simply be restricted to an indication that Management is content that it acted correctly in this regard.

Yours sincerely

[Signed]

N Kelly

N KELLY

NK.2343

Angela Trimby
Equal Opportunities Unit
Social Security Agency
3rd Floor
James House
2 Cromac Avenue
BELFAST
BT7 2JA

11 January 2005

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Yours sincerely

[Signed]

N Kelly

N KELLY

NK.2946

To : Maureen McLarnon
Unit Manager , Coleraine SSO

Cc . Colin McGregor
North District Deputy District Manager

Jennifer Stevenson
JSA Section Benefit Manager

From : Dermot MacLennan
NIPSA Branch 36 , Coleraine SSO , Vice-Chairperson

Date : 23rd December , 2004

Dear Maureen ,

I am writing to you to articulate the views of this Branch Committee and Membership with regard to a request to remove a Christmas card from a branch of Sinn Fein based in Kilrea .

Many Branch members have indicated how offended that they are that this item has been on display in room G1 .

A point that needs to be emphasised is that staff are been constantly reminded and told by Management , at an Agency , District and Local level that staff are not permitted to display any items of a political , sectarian , religious , racial or sexual nature in all their various guises .

The display of this card goes against at least three of these criteria .

Staff are also dismayed at Local Managements' apparent view that this card is not inoffensive and should remain on display .

In an age where staff have been advised , in no uncertain terms , that sports tops and sporting paraphernalia are not permitted in the workplace , staff are incredulous of the insensitivity and lack of understanding displayed by management in this matter .

We have just read your letter to 'All Staff' , dated today .

The word impartiality has been used .

It is an insult to this Branch Committee and its' Members to suggest that any member is not impartial . NIPSA are committed to the ideals of equality and impartiality that our membership have been told that they are lacking .

It has been pointed out by many members during the course of this morning that if the card had come from the political wing of a Loyalist terrorist organisation , the same staff who have asked for removal of this card would be asking for the removal of any other .

This management decision does not constitute the fostering of a harmonious working enviroment .

The Branch would be interested in knowing your views on the points that have been made .

Yours sincerely ,

DDE MacLennan

Branch 36 Vice-Chairperson
On behalf of Branch 36 Committee / Membership