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NOTE OF A MEETING TO DISCUSS DISCRIMINATION IN EMPLOYMENT  
HELD ON 22 MAY

Present: Secretary of State  
Dr Boyson  
Mr Patten  
Lord Lyell  
PUS  
Mr Bloomfield

Mr Brennan  
Mr Merifield  
Mr Fell  
Dr Quigley  
Mr Bickham  
Mr Daniell

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1. Mr Bloomfield noted that a number of issues were current, which pointed to a need for an examination of HMG's policies in this area. On the commercial front there was continuing controversy over the McBride principles and we were having to cope with the activities of Goldin in New York; there was also the attitude of the New York pension funds to contend with. There was the ongoing monitoring exercise in the Northern Ireland Civil Service which had aroused controversy and there had been strident criticism of the Fair Employment Agency (FEA). Also, there was a need for a government input into the broad review of the human rights area being undertaken by the Standing Advisory Commission on Human Rights (SACHR). Importantly, objective statistical data from the PPRU showed a serious imbalance in the employment field. In the circumstances it was not realistic to continue unquestioningly with the existing policy at a time when it was going to come under increasing scrutiny.

2. The basis of current policy was the concept of affirmative action. This did not involve the imposition of quotas or positive discrimination which in themselves would be incompatible with the Constitution Act. The thrust of our current approach should be to remove every possible obstacle to affirmative action. Even some public bodies (and particularly district councils) had not carried out the first stage in the process - ie the making of a Fair Employment declaration. While the FEA might investigate particular companies in the private sector and deal with specific complaints, it did not look at the problem in the round. All of this pointed to a need for a new piece of official machinery that would examine the case for further steps in support of affirmative action; for example a more positive use of the sanctions open to Government in the placing of contracts.

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3. Dr Boyson agreed with the overall analysis and noted that in addition to taking account of international pressure HMG had a moral and political responsibility to ensure fair employment. However there was a need to take account of the likely reaction of the unionists who would interpret moves in this direction as an attempt to grant Catholics a privileged position. Also it was natural that employers would wish to decide who to hire and fire without outside interference, and it was important not to create machinery which might act as a disincentive to invest. Equal opportunities legislation was unpopular in employers' circles in Great Britain for this reason. The Fair Employment Agency was not projecting itself well and it was clear that signing a declaration of fair employment meant little in itself; there needed to be a second stage to establish whether firms were living up to their declaration. In all the circumstances, the initial emphasis should be on tackling the issue in the public sector, while mounting an effective PR effort aimed at private employers. Mr Fell said that there was a wide spectrum of views on this in the private sector. Some US investors positively welcomed an effective fair employment policy in that it helped them to avoid controversy at home. Also, as a result of being investigated, some companies had discovered that they were unconsciously carrying out discriminatory practices and were only too pleased to take the necessary action to correct the situation.

4. All at the meeting agreed that there was no case for introducing positive discrimination in Northern Ireland. Mr Bloomfield pointed out that it was possible to set long term targets that could as an objective view be achieved by affirmative action; that was compatible with not having quotas. Dr Quigley pointed out that the chairman of SACHR was one of the very few people in Northern Ireland who had publicly endorsed positive discrimination; this made it all the more important that HMG should quickly get into a position to influence SACHR's report.

5. In a discussion on the wider aspects of the factors affecting sectarian imbalance in employment, Mr Bloomfield noted that education and industrial training needed to be examined. Dr Quigley said that

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Catholic education was oriented towards the secondary/intermediate approach rather than the grammar school system. Also in Catholic schools there was more concentration on traditional arts subjects. Factors such as these did have a bearing on employment opportunities and pointed to the need for a major study of the education system.

6. On the question of mobility of the labour force the Secretary of State noted that there was anecdotal evidence that Catholics suffered from a reluctance to travel outside their immediate environs in order to find work. This appeared to stem partly from psychological factors and partly from outdated fears over security. Mr Bloomfield said that this view could be substantiated in that the Housing Executive had carried out a study of the relationship between housing and travel to work areas in Belfast. The clear conclusion had been that while, in employment terms, the City Centre was common ground for both communities, there was very little movement from Catholic areas in West Belfast to the Protestant area of the east. Mr Patten pointed out that this was why the issue of zoning land for industrial use in West Belfast was so important.

7. Mr Patten said that nineteen District Councils had refused to sign a declaration of fair employment; ten of them had been vehemently opposed to the whole concept. At a time of difficult relations with councils, the question arose of whether to exert mild pressure on them or whether to consider more drastic forms of pressure such as threatening to withhold Government funds. It was also notable that the North East Education and Library Board should have so far refused to sign. Mr Brennan said that consideration would have to be given to the legal implications of withholding Government grants to Councils on these grounds and to the consequences if Councils responded by refusing to provide services. Mr Bickham suggested that District Councils, which were the most politically difficult, might not be the ideal starting point in an exercise of this sort. There were plenty of other public sector bodies that could be scrutinised. Mr Bloomfield said that in the public sector the first step could be to draw up a definitive list of all public sector bodies and establish which had signed the

declaration. Those which had not might then be subjected initially to gentle pressure. Dr Quigley stressed the need to examine the position in UK Government departments.

8. Dr Quigley felt that it would be a mistake to focus unduly on the declaration, which in itself did not carry us very far forward. Ideally, sponsoring departments should ensure that all public bodies monitored their workforces and that there should be audits of their performance in fair employment terms. The Fair Employment Agency had a role to play in this, particularly where district councils were concerned and part of a revised declaration might be a commitment to co-operate with the FEA.

9. Mr Merifield warned that there had been a loss of confidence in the FEA on the part of politicians and a loss of credibility on the part of employers. The Secretary of State felt that there was a case for reviewing the whole position of the FEA and considering whether having two bodies, one dealing with religious and political discrimination in employment and the other dealing with sex discrimination, was sensible. A single enforcement agency might reduce the profile of religious discrimination as an issue. Consideration could also be given to the relationship between the enforcement bodies in this field and SACHR.

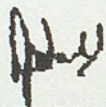
10. The Secretary of State confirmed that he was content with the proposals, set out in Mr Bloomfield's submission of 25 April, to establish machinery to take a grip on these issues and oversee the work to be done by the various departments. He decided that the formulation set out in paragraph 8 of the submission should constitute a framework for the work of the Employment Equality Steering Group (EESG) but that the terms of reference should be more widely drawn to reflect the discussion at the meeting. The Group should aim to produce a discussion document in time for October 1985. In the meantime the PPRU data would be published, accompanied by a statement to the effect that the Government was examining the ramifications of the figures. This statement would have to be carefully drafted in a form which would be used to show that the Government was taking action but which did not stimulate too much

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argument in advance of the publication of the discussion document. As for the sensitivities of SACHR, some of whose members might feel that this exercise cut across their remit, the Secretary of State did not feel that this should in any way inhibit the EESG. However he asked that Mr Brennan be kept in close touch with developments so that he could consider how to keep SACHR members on side.

11. I should be grateful if Mr Bloomfield would arrange for the submission to Ministers of the revised terms of reference and, at the appropriate time, a draft statement to accompany the publication of the PPRU data.



J A DANIELL

Private Secretary

23 May 1985

cc PS/S of S (L&B) - M  
PS/Ministers (L&B) - M  
PS/PUS (L&B) - M  
PS/Mr Bloomfield - M  
NI Perm Secs - M  
Mr Brennan  
Mr A Stephens - M  
Mr Chesterton  
Mr Merifield - M  
Mr Carvill - M  
Miss Elliott  
Mr Reeve - M  
Mr K Carlisle MP  
Mr Bickham