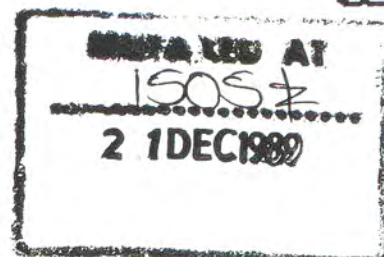


12/6

R E S T R I C T E D

FROM: D C KIRK, CPL
20 DECEMBER 1989



Box

F

cc PS/Secretary of State (B) -B
PS/Minister of State (L&B) -B
PS/Junior Ministers (L&B) -B
PS/PUS (L&B) -B
1. PS/Sir K Bloomfield -B
Mr Burns -B
Mr Stephens -B
NI Permanent Secretaries -M
Mr Chesterton -B
Mr Gowdy, DED -M
Mr Thomas -B
Mr Blackwell -B
Mr F G McConnell -B
Mr Minnis, DED -M

16/1

RW 29/1.

2. Mrs Spence
Mr Watson
Mr Walker
[initials]

PS/SECRETARY OF STATE (L)

FAIR EMPLOYMENT (NI) ACT 1989 - LETTER TO COLLEAGUES

The Secretary of State is aware that the provisions of the Fair Employment Act will come fully into effect on 1 January 1990.

2. Effective implementation of the new Act will require significant additional effort by the public as well as the private sector. The main burden of responsibility at Ministerial level for implementation falls to the Secretary of State and other NIO Ministers. Other Government Departments have, however, not insignificant responsibilities for UK civil service staff (about 5,000 in total) and the letting of contracts in Northern Ireland. Monitoring returns for the UK Civil Service as a whole (ie. including the UKCS in the NIO) will be submitted to the Fair Employment Commission by the Office of the Minister for the Civil Service (as has been agreed by No. 10), but individual departments will of course be responsible for themselves ensuring that fair employment practices are followed and that they are complying with the law. (DFP will similarly be submitting the returns for the whole Northern Ireland Civil Service.) A number of GB departments also have responsibilities for the letting of contracts, which may not now be let to 'disqualified' employers.

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3. The necessary administrative arrangements to ensure compliance with the new legislation and to achieve a coordinated approach where necessary have been or are being made by officials in the departments concerned. It would, however, be helpful for the Secretary of State now to write to his colleagues, to remind them of the political importance in Northern Ireland of successful implementation. They have of course been kept in touch through the relevant Cabinet committees with the development of the legislation, but a reminder of what is now required and its significance could be useful.

4. The Secretary of State for Defence is the major employer of UKCS and Northern Ireland. It seems not inappropriate that the attached draft letter should be addressed to him. It should also be helpful to send to colleagues - most members of 'H' Committee have UKCS staff in Northern Ireland and/or let contracts to firms there - the new Code of Practice. (One copy is currently attached; we shall supply the others separately.)

(SIGNED)

D C KIRK
Constitutional Political Division
OAB 6591
20 December 1989

R E S T R I C T E D

KIRK/MS/140

R E S T R I C T E D**DRAFT LETTER FOR SIGNATURE BY SECRETARY OF STATE**

Rt Hon Tom King PC, MP
Secretary of State for Defence
Main Building
Ministry of Defence
Whitehall
London

EQUALITY OF OPPORTUNITY IN NORTHERN IRELAND

I thought it might be helpful to remind you and other colleagues with relevant responsibilities in Northern Ireland that the Fair Employment (Northern Ireland) Act 1989 comes fully into force on 1 January. As you know, the successful implementation of this tough and radical piece of legislation may be crucial to the success of all our Northern Ireland policies, both within the Province itself and in relation to perceptions abroad, especially in the United States.

The Act requires all employers to register with the new Fair Employment Commission (FEC), monitor the religious composition of their workforces, and regulate their recruitment, training and promotion practices, in order to ensure that there is equality of opportunity for all, regardless of religious or political belief. Employers must take affirmative action measures and set goals and timetables where necessary, and, in the case of private sector employers, there are both criminal penalties and economic sanctions to enforce the new statutory requirements.

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All Government Departments with UK Civil Service staff in Northern Ireland will be deemed to be automatically registered with the FEC. It has been agreed, as is now reflected in subordinate legislation, that Departments' annual monitoring returns will be submitted by the Office of the Minister for the Civil Service who will, for the purposes of the Act, be treated as the employer of all UKCS working in Northern Ireland. The FEC is empowered to investigate the employment practices of any public, as well as private, sector employer.

In addition, as part of the enforcement regime, Government Departments will be prohibited (with certain limited exceptions) from entering into contracts with any employer who has been issued by the FEC with a notice stating that he is "unqualified" for the purposes of the legislation. Departments will also be required to take all reasonable steps to ensure that no contract or subcontract work or services are executed by a disqualified employer, and the FEC will be able to audit compliance.

The main burden of responsibility for ensuring that there are fair employment practices within the Government service will of course fall on NIO Ministers and Northern Ireland Departments, and I and my colleagues will be taking a close personal interest in the action that needs to be taken. However, other departments also have substantial UKCS staff and let contracts in Northern Ireland. I appreciate of course that some departments, such as your own (which has responsibility for Service personnel as well as being the major

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employer of civil servants), face obvious difficulties in some areas of fair employment practice, and I believe that the FEC will show understanding of those difficulties, including security problems, where they do exist.

I am sure that you and other colleagues will agree that the Government as a whole should be seen to be setting an example in implementing the new provisions positively and sensitively. It will be important that there should be in place in each department systems to ensure that we are meeting not only the letter of the law, but also its spirit, as best we can.

We have rightly given a very high political priority to the enactment of this legislation. As Douglas Hurd and you have said in the past, it is unacceptable in a civilised society that Catholic males should be more than twice as likely to be unemployed as Protestants in Northern Ireland, and it is understandable that that should be a source of grievance to the minority community. Even if we are not able in the event to improve the statistics very quickly, we can demonstrate our commitment to equality of opportunity for all by determined implementation of the new Act.

A new Code of Practice for Fair Employment, with a Foreword by the Prime Minister, is now being distributed. I am enclosing a copy with this letter. We shall be giving further publicity to the new arrangements at the start of the New Year.

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I am copying this letter to the Prime Minister, the Lord President, the Foreign and Commonwealth Secretary, all members of "H" Committee, the Minister for Agriculture, the Minister for the Civil Service, the Financial Secretary to the Treasury and Sir Robin Butler.

PETER BROOKE

[cc: As indicated in final paragraph and in covering minute.]

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