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HCS 657/92

FROM: D FELL

10 JULY 1992



cc: PS/Mr Atkins (DOE, DED & L)  
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On 20/7/92  
Felder

PS/SECRETARY OF STATE (B&L)

FAIR EMPLOYMENT: COMPOSITION OF THE SENIOR CIVIL SERVICE

PURPOSE AND INTRODUCTION

1. This paper reports on work undertaken to identify means by which the representation of women and Roman Catholics in the top posts of the Northern Ireland Civil Service (NICS) might be improved and seeks Ministerial endorsement to the adoption of a goal of 25% Roman Catholic representation at this level by the end of 1996.
2. The report is lengthy but that is necessary to provide the Secretary of State with a full analysis of what has been a significant body of work, involving the most senior people in the Service and spanning the past 18 months. In summary, the paper reports the following key conclusions:-
  - (a) On current projections we expect Roman Catholic representation at General Service Grade 5 and above, to move from a figure of 14.2% at end 1991 to some 20% by the end of 1996 and female representation in the same grades to rise from 4.6% at end December 1991 to 5.9% by end 1996;
  - (b) An examination of a wide range of measures to accelerate change has not produced, to any great degree, a route to achieve more speedy change; this work has included an early retirement scheme, a programme of secondments, a restructuring of grades and an opening up of senior grades to wider competition.
  - (c) Following lengthy consultation, both the Fair Employment Commission and the Equal Opportunities Commission have been unable to produce any new ideas, consistent with the law, which would improve the overall position; but nevertheless
  - (d) As a means of sustaining and maintaining pressure on the system we should set a goal of 25% Roman Catholic representation by 1996 as something which will stretch and challenge. (Further advice will follow on a goal for gender).

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BACKGROUND - EQUAL OPPORTUNITIES MONITORING IN THE NICS

3. Equal opportunities monitoring in the NICS commenced in 1985 following an investigation by the Fair Employment Agency (FEA), the predecessor of the Fair Employment Commission, of the religious composition of the NICS which culminated in a report in December 1983. The FEA report found that Roman Catholics were represented in the NICS in smaller numbers (around 30.7%) than their proportion in the economically active sector of the community (estimated then at about 38%). This imbalance, however, was largely attributed (through the FEA's statistical analysis) to staff recruitment patterns pre-1967. The report demonstrated that the Service's recruitment and promotion procedures were fair and that in the post-1967 Service, religion was not a statistically significant factor in recruitment or advancement.
4. The FEA Report made a number of recommendations all of which were accepted by Ministers. Briefly these were that the Service should have a monitoring system; that more Roman Catholics with good educational qualifications should be encouraged to join the NICS; sexual equality in employment should be pursued; equality of opportunity should be a consideration in accommodation policy; and, finally, an affirmative action plan to give effect to the recommendations should be introduced.
5. The FEA Report coincided with a review of equal opportunities for women in the Home Civil Service, the findings of which the NICS also accepted. It was further decided, in following through the two sets of recommendations, to develop a comprehensive equal opportunities policy embracing not only religion and gender, but also disability. The result was the publication and issue to all staff, in December 1984, of the Service's current Equal Opportunities Policy Statement (copy at Annex A). The Policy Statement formally committed the NICS to a policy of equality of opportunity, both for employment and advancement, on the basis solely of ability, qualifications and aptitude for the work - in essence, selection according to merit. The Statement re-affirmed the Service's attitude to both direct and indirect discrimination and committed the Service to regular, detailed monitoring of equality of opportunity across the full personnel dimension, including recruitment, promotion and training.
6. In conjunction with the production of the Policy Statement, an Equal Opportunities Unit was established within the Department of Finance and Personnel (DFP) with responsibility for developing, formulating, co-ordinating and monitoring the equal opportunities policy for the Service as a whole. The Unit has produced regular reports, the most recent of which was published in November last year. That report shows that in overall terms the NICS is broadly representative of the economically active population in Northern Ireland and that although there continues to be under-representation of both Roman Catholics and women at the more senior level steady progress is nevertheless being made at these levels. A comparison of the make-up of the key General Service group as between 1985 and 1991 (Tables I and II below) shows that, the higher the grade the lower the proportion of

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Roman Catholics and women, but that at each grade level above Administrative Officer, the trend over the period is for the level of representation in each grade to move towards the level at the next lower grade.

Table I Percentage Roman Catholic Representation

General Service Grade	1985	1987	1989	1991
5 (and above)	5.9%	9.2%	12.3%	14.2%
7	18.2%	19.4%	21.8%	23.2%
Deputy Principal	26.2%	27.2%	27.4%	29.3%
Staff Officer	25.7%	28.2%	31.3%	33.0%
Executive Officer I	31.7%	35.1%	38.5%	42.3%
Executive Officer II	38.0%	41.4%	43.5%	45.3%
Admin Officer	45.8%	46.7%	46.9%	46.8%
Admin Assistant	43.9%	42.9%	43.8%	43.4%
OVERALL	39.9%	41.0%	42.1%	42.6%

Table II Percentage Female Representation

General Service Grade	1985	1987	1989	1991
5 (and above)	2.8%	3.2%	4.9%	4.6%
7	6.5%	7.4%	7.7%	10.8%
Deputy Principal	12.9%	14.7%	17.4%	20.3%
Staff Officer	29.5%	32.3%	34.9%	39.4%
Executive Officer I	47.8%	50.7%	54.0%	55.8%
Executive Officer II	63.4%	65.0%	67.0%	68.1%
Admin Officer	72.7%	70.7%	70.5%	71.6%
Admin Assistant	77.3%	76.7%	76.0%	76.0%
OVERALL	62.8%	62.4%	63.0%	63.6%

In summary this demonstrates (to the satisfaction of the FEC and EOC) that the NICS is an equal opportunity employer. We have been praised by the FEC and others for the work which has been done and the high number of recruits from the minority community is the most important proof that we are now perceived as good and fair employers. But we are not complacent and more remains to be done. This is particularly the case as regards the senior grades of the Service and it is on that group that the rest of the paper focuses.

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ROMAN CATHOLIC REPRESENTATION IN SENIOR GRADES

7. As Table 1 demonstrates, although there has been steady progress, Roman Catholic representation in the most senior grades in the non-industrial grades of the NICS is low. (For these purposes the senior grades are Assistant Secretary (Grade 5) and above in the General Service, ie excluding Professional and Technical staff). A significant proportion of those in the most senior grades in the Service (more than half) are, of course, a product of pre-1967 recruitment.
8. At 31 December 1991 Roman Catholic representation in these grades was 14.2%, although this has since risen to 17.1%. The level of Roman Catholic representation in the grade from which Grade 5 promotions are drawn (ie Grade 7), and the integrity of our equal opportunity practices would suggest that, statistically, we can expect about 1 in 4 promotees to Grade 5 over the next few years to be Roman Catholic. Thus with normal age retirements, and relying simply on existing procedures, Roman Catholic representation at Grade 5 and above could be expected to rise to around 20% by the end of 1996.

REPRESENTATION OF WOMEN IN THE SENIOR GRADES

9. The position of women is worse. By 31 December 1991 the proportion of females at Grade 5 and above had risen to 4.7% and now stands at 5.9%. Expected age retirements (among which there will be only one woman) and an assumed replacement rate at Grade 5 of 1 woman in every 10 appointments, based on present female representation at Grade 7, would suggest almost no change from the current 5.9% figure by December 1996.

POSSIBLE REMEDIAL ACTION

10. Following a submission from the then Head of the NICS, Sir Kenneth Bloomfield, on 27 March 1991, the previous Secretary of State endorsed a programme of work to examine how, consistent with the Fair Employment and Sex Discrimination legislation, Roman Catholic and female representation in the senior General Service grades might be more rapidly increased. Among potential avenues identified were the more proactive use of early retirement to create vacancies at senior level, greater use of secondments, a flattening of the NICS grading structure or grade-skipping to allow quicker progress to Grade 5, opening up senior posts to public competition, and the introduction of goals and timetables as a discipline and encouragement to make maximum progress.
11. Since Sir Kenneth's submission, a group of Permanent Secretaries and other senior officials meeting under my chairmanship, has been examining the various options, and consulting with the Civil Service Trade Unions, other public sector Chief Executives and the Fair Employment Commission and Equal Opportunities Commission.

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CURRENT POSITION

12. The following sections summarise the current position on the programme of work approved by Mr Brooke.

13. EARLY RETIREMENT

- 13.1 With the continuing pressure to contain the size of the Civil Service, and the consequential limitations on the creation of new posts, it was considered that the most promising way of securing additional vacancies which might increase the flow of Roman Catholics and women into the senior grades, was likely to be by the more proactive use of early retirement. Given the present young age structure of the senior General Service grades it was also recognised that the opportunities for movement and promotion arising from an early retirement scheme could be beneficial in broader management terms.
- 13.2 Considerable time and effort were therefore invested in exploring the viability of an affordable early retirement scheme which would have an equal opportunities pay-off but would neither contravene Fair Employment or Sex Discrimination legislation, nor prejudice unduly the effective and efficient conduct of Departmental business at the senior level. A canvass of staff at Grade 5 and above who by 31 December 1991 would have been aged above 45 but less than 60 (ie 117 out of a total complement of 148) was undertaken. A total of 56 staff indicated a desire to retire early but within an arbitrary cost limit of £3m set for the exercise only about 20 retirees could be afforded. A number of scenarios, based on the returns from individuals were examined as a means of reducing the 56 applicants to 20. The one option not open to us in law was the one which would have guaranteed what was arguably the most desirable outcome - ie to ensure that all 20 retirees were male Protestants.
- 13.3 Taking account of the community background (religion) of retirees and the likely Roman Catholic representation among promotees, none of the legitimate scenarios within the £3m ceiling yielded better than a neutral effect in terms of projected Roman Catholic representation. On some scenarios indeed the effect was adverse. On the other hand releasing all 56 senior staff who had expressed an interest in early retirement in the survey (ie 39% of the senior General Service cadre) would have increased Roman Catholic representation by just 3 by 1996 but at a sharply increased cost of £13.5m. Examination of the likely impact of the various arrangements on female representation in the senior grades ranged from a gain of 3 under the most costly (£13.5m) option to a gain of 1 under the other options within the limits of the £3m ceiling.
- 13.4 This was clearly a disappointing outcome to what initially appeared a potentially promising means of accelerating the rate of change in the composition of the senior General Service group. The differences between the initial projections which fuelled this expectation and the better informed estimates which were possible after staff were

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consulted, were due to the higher than forecast level of interest in early retirement and the fact that of the 56 expressing an interest, 7 were Roman Catholics (out of a total of 21 in the grades) and 2 were female (out of a total of 7 in the grades).

- 13.5 Against this background, and having considered the matter very carefully, Mr Brooke decided that the introduction of such an early retirement scheme was not a cost-effective option and this decision was conveyed to staff and their representatives, and to the Fair Employment Commission and the Equal Opportunities Commission, on 31 March 1992.

14. SECONDMENT

There is a good deal of Grade 5 interest in secondment outside the Service, but there are two major difficulties in using this tool to effect changes which could be beneficial to NICS in equal opportunity terms. Firstly selection for secondment on the basis of religion or gender is prohibited by law; and secondly, to the extent that one relies on two-way exchanges with the wider public sector there are relatively small numbers of such posts, and even less post-holders interested in a secondment to the Civil Service. While we will of course press ahead with secondment for staff development purposes we have concluded that secondments are not likely to have more than a marginal impact on the community/gender balance of the senior service.

15. GRADING RESTRUCTURING

- 15.1 The extent to which the present grading structure of the Service reflects the modern needs of the organisation, given the increasing emergence of Executive Agencies and the greater focus on efficiency, effectiveness, quality of service and better value for money, is being examined as part of the follow-up work on the Chancellor of the Exchequer's statement in July 1991 on Civil Service pay. This is a complicated issue however, and further work is necessary before I am in a position to report definitively to Ministers. This further work will examine among other things whether reducing the number of grades below the senior service will in practice result in more speedy elevation into the senior service group. I would hope to be in a position to provide an interim report later this year.

- 15.2 On the related issue of grade-skipping (ie opening promotion opportunities at a particular level to staff in a grade below the normal feeder grade from which promotees are drawn) we have reached a view that it may be more profitable to tackle the rigidity of existing seniority rules for promotion (which generally require a specified period of time in a grade before promotion to the next grade is possible). We have concluded that we should abolish seniority as a criterion for promotion. There are sound management arguments for this, not least, that it would allow people to progress essentially on merit rather than on "time served". Experience would of course continue as one of the criteria for selection.

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15.3 A consequential problem in going down this road, however, is that the seniority criterion helps control the number of candidates coming forward for promotion boards, which is particularly important given the administrative burden of dealing with large numbers of junior staff in the bigger Departments. Accordingly, we propose to further develop the practice of self-nomination for Promotion Boards rather than affording every officer in the appropriate grade an automatic invitation to such Boards. This has had limited use to date, but works well. We also consider that abolition of the seniority criterion should be phased in, starting with the higher grades (ie promotion from Staff Officer to Deputy Principal and above) and extending progressively to the more junior grades over a 2/3 year period. Our lawyers advise that the seniority criteria may be indirectly discriminating to women and recognise that phasing could carry some risk of a legal challenge from within the more junior grades to which the new arrangements would not apply immediately. If this should happen we may be compelled to move to total abolition more quickly than we might prefer. Obviously staff interests will need to be consulted in implementing this proposal. Again the actual impact of this change on the make-up of the senior service will be limited and will take time to feed through. Nevertheless it is a move which signals to our critics that we are examining every possible avenue to bring about change.

16. OPENING-UP SENIOR POSTS TO WIDER COMPETITION

16.1 In some quarters there is criticism based on a perception that the Civil Service is a self-perpetuating closed shop with an in-built bias in favour of male Protestants. Moving to full public competition for senior posts would certainly put the NICS in a more defensible position with such critics but closer examination of this option suggests that its potential for securing practical and real gains in equal opportunities terms is uncertain, and the damage to NICS morale, particularly in the current climate of other changes, cannot be discounted.

16.2 The arguments for and against change are finely balanced. The Fair Employment Commission has undertaken some work which suggests that other public sector employers which pursue open competition for senior posts have higher levels of Roman Catholic representation at the senior level than the NICS. The NICS could introduce limited competitions to draw staff from these other public sector bodies but this would amount to robbing Peter to pay Paul, taking the public sector as a whole, and we are also not convinced that it will significantly alter the Protestant/Catholic balance of potential candidates. There is also evidence that the further option, of opening NICS posts to the private sector, in which, particularly at the senior level, Protestants also appear to predominate, is unlikely to enhance the prospect of greater Roman Catholic success in appointments to senior NICS posts. NICS experience of publicly advertising 7 Next Steps Agency Chief Executive posts at Grade 5

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level and above has resulted in a Protestant:Roman Catholic application ratio of 4:1, which is no better than the spread available within the internal NICS candidate pool for senior posts.

- 16.3 Against this background, and taking account of the likely impact on the morale and efficiency of NICS staff at Grade 7 and 6 of having legitimate career expectations reduced, my Permanent Secretary colleagues and I have, after very careful consideration, concluded that the present weight of argument remains in favour of Grade 5 posts being filled mainly from within the Service (either by sideways transfer or by promotion).
- 16.4 However we believe that we should continue to look for opportunities to test the wider market both through inward secondment from elsewhere in the public sector and from the private sector and through public advertisement of some posts. The circumstances in which the latter route might be used are:-
- (a) Where no other NICS officer, with appropriate skills and experience, is currently available for the post. This would include either officers on sideways move or on promotion and include the circumstances in which there was an NICS officer who did have the right background but who was locked into another post from which he/she could not be released.
  - (b) Where the skills required for a particular vacancy were available in both the NICS and outside but where there was merit in broadening the perspective of the work area by importing a non-civil servant into the post.
  - (c) Where the post in question is in a Next Steps Agency.
- 16.5 Similar arguments to those advanced in respect of Grade 5 posts also apply for posts at Grade 4 and Grade 3, and again the recommendation is that these should largely be filled from within the Service but with the option of public competition on an exceptional basis against the criteria specified at paragraph 16.4 above. For promotion to Grade 2 ie Permanent Secretary level in the NICS, the principal consideration is the need for sound succession planning. Promotion to General Service Grade 2 in the Home Civil Service is confined to suitable internal candidates; we see no good reason to depart from this practice in the NICS.
- 16.6 In addressing the means by which top level posts might be filled we have however concluded that there would be merit in introducing a number of procedural refinements for promotions to Grades 2, 3, 4 and 5 to give the process greater transparency and I will be happy to elaborate on these separately should the Secretary of State so desire.

17. GOALS AND TIMETABLES

- 17.1 While the NICS is not presently obliged to set goals and timetables

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for the improvement of the current level of Roman Catholic and female representation in the senior grades the Service's standing as a good equal opportunities employer would come under question if it sought to avoid this issue. We believe therefore that we should go down this path both in terms of religion and gender. In any event the Service is obliged under Section 31 of the Fair Employment (Northern Ireland) Act 1989 to have completed by 31 December 1992 a review of its employment practices and to have assessed the extent to which both sections of the community are enjoying, and are likely to continue to enjoy, fair participation. While this review only applies to community balance (religion) the Service is expected to address these considerations as they apply for each main occupational group and if fair participation is not being provided, or is unlikely to continue, we will be expected to take affirmative action to redress the situation and, where practicable, to set realistic goals and timetables against which progress towards fair participation can be measured. We believe it better to take the initiative on this ourselves rather than be 'forced' to do so at a later stage by the FEC.

- 17.2 The whole issue of goals and timetables does of course lend itself to allegations of quotas and reverse discrimination. Not surprisingly, therefore, we have spent a considerable amount of time in examining what is, and is not, feasible. From the work we have done it is apparent that the key factors in securing improvement in levels of representation at senior levels are:
- (i) the extent to which additional vacancies or new posts can be created; and
  - (ii) whether the candidate pool for such posts can be altered, for example by open recruitment, to increase the prospects of higher Roman Catholic and female representation.
- 17.3 Creating additional vacancies through early retirement has now been shown not to be cost-effective (see para 13) and the creation of new posts for equal opportunity reasons alone, whilst not to be dismissed out of hand as an affirmative action measure, would certainly exacerbate already serious DRC pressures without necessarily adding to administrative efficiency. More crucially in this context, however, the Service's equal opportunities policy means that appointments to any new posts are likely to reflect the balance of the candidate pool and cannot disproportionately favour an under-represented group. Thus the creation of additional posts may increase minority representation numerically but all other things being equal, majority representation should also increase. In practice, therefore, the Roman Catholic and female share of any new posts is likely to be limited to a proportionate share and in short their percentage level of representation would be unlikely to increase. As far as open recruitment is concerned this is at best a presentationally attractive leap in the dark, (see para 16) and is, in our judgement, unlikely to improve the Service's equal opportunity profile, and might even make it worse.

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- 17.4 Taking account of all the work we have done, my colleagues and I have been inexorably driven to the conclusion that, within the law, there are no "quick fixes" available to a committed equal opportunities employer and that increased levels of representation of females and Roman Catholics in the senior grades will, in the main, only occur through the natural progression of these groups from the lower grades. Insofar as ideas such as abolition of seniority, grade restructuring or secondment might assist, they are only likely to have a marginal effect and over a fairly lengthy period. Even open recruitment if given full expression cannot guarantee change for the better.
- 17.5 As things stand at the moment, therefore, we have concluded that significant improvement on existing trends (which will take us to approximately 20% Roman Catholic representation and 6.6% female representation in 1996) is likely to elude us unless we can identify fresh and useful affirmative action ideas. To date we, the Fair Employment Commission and the Equal Opportunities Commission have all found this singularly difficult to do. We recognise, however, that this is a very pessimistic conclusion which will hardly commend itself to critics of the Government or the NICS, nor is it one which those of us responsible for the management of the Service find attractive.
- 17.6 Although we cannot at present say how we might improve on the anticipated levels of Roman Catholic and female representation by end 1996 my Permanent Secretary colleagues and I firmly believe that there is value in setting a goal somewhat above where we expect to reach, if only to challenge conventional thinking and signal the Service's desire to make progress. Accordingly we consider that a goal of 25% Roman Catholic representation in the senior grades of the Service by end 1996 should be set and that in conveying this to the Fair Employment Commission we should point out that while this is where we would like to get to it is some way above our current projections based on current composition and anticipated vacancies and that we would hope to move forward in an opportunistic way but, obviously, within the law. There is a risk in this approach and it is not inconceivable that by 1996 we will have achieved no more than the 20% figure. Nevertheless we firmly believe that this is a risk we must take.
- 17.7 In terms of goals and timetables on gender some more work remains to be done. There is parallel work going on in the HCS and we are in close touch with GB colleagues. As soon as this work has been completed I will report on the conclusions reached.

CONCLUSION

18. The Secretary of State is asked to:

- (1) Note the work undertaken with a view to increasing the representation of women and Roman Catholics in the senior General Service grades of the NICS.

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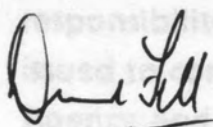
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(2) Note the proposed abolition of seniority as a criterion for promotion, to be phased in over the next 2/3 years.

(3) Note that further advice will be brought forward on grade restructuring within NICS.

(4) Note that further advice will be brought forward on goals and timetables for gender.

(5) Agree a goal of 25% Roman Catholic representation in the senior General Service grades by end 1996



DAVID FELL

1.2 It is the policy of the Northern Ireland Civil Service that all eligible persons shall have equal opportunity for employment and advancement in the Northern Ireland Civil Service on the basis of their ability, qualifications and aptitude for the work.

1.3 Staff will be aware that there is a legal framework to protect individuals from unfair discrimination. Unfair discrimination should be taken to mean acting in such a way as to place at a disadvantage or treat unfairly any individual because of factors (such as race, sex, marital status or religion) which should be irrelevant to the treatment or assessment of any individual. It is with unfair discrimination that this policy statement is concerned. However the existence of law cannot of itself ensure that any policy of non-discrimination will work effectively. This will be achieved only if staff at all levels examine critically their attitudes to people and ensure that no trace of discrimination is allowed to affect their judgement. Staff should be aware of the forms which unfair discrimination can take, guard against them and avoid any action which might influence others to discriminate unfairly.

1.4 There must be no direct discrimination against any eligible person, whether in recruitment, training, promotion or in any other way. Direct discrimination means treating a person less favourably in such areas as sex, marital status, religion, etc.

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# Equal Opportunities Policy Statement

### 1. General

- 1.1 The purpose of this policy statement is to proclaim and emphasise the commitment of the Northern Ireland Civil Service to equal opportunity for all its staff. It affirms that both management and unions will rigorously observe the principles and actively pursue the objectives set out in this statement and will at all times seek to ensure in the discharge of their joint and respective responsibilities that the policy is fully implemented. This statement is being issued to consolidate work recently done both here (with the Fair Employment Agency and the Equal Opportunities Commission) and in GB (statements on racial equality and on equal opportunities for women).
- 1.2 It is the policy of the Northern Ireland Civil Service that all eligible persons shall have equal opportunity for employment and advancement in the Northern Ireland Civil Service on the basis of their ability, qualifications and aptitude for the work.
- 1.3 Staff will be aware that there is a legal framework to protect individuals from unfair discrimination. Unfair discrimination should be taken to mean acting in such a way as to place at a disadvantage or treat unfairly any individual because of factors (such as race, sex, marital status or religion) which should be irrelevant to the treatment or assessment of any individual. It is with unfair discrimination that this policy statement is concerned. However the existence of law cannot of itself ensure that any policy of non-discrimination will work effectively. This will be achieved only if staff at all levels examine critically their attitudes to people and ensure that no trace of discrimination is allowed to affect their judgement. Staff should be aware of the forms which unfair discrimination can take, guard against them and avoid any action which might influence others to discriminate unfairly.
- 1.4 There must be no direct discrimination against any eligible person, whether in recruitment, training, promotion or in any other way. Direct discrimination means treating a person less favourably in such areas as sex, marital status, religion, etc.



- 1.5 Similarly, there must be no indirect discrimination, which occurs where a requirement or condition is applied equally, but is of such a nature as to be unfavourable for particular groups, in that a considerably smaller proportion of the group can comply with it.
- 1.6 Care should always be taken to guard against the more subtle and unconscious varieties of discrimination which may not easily be perceived. These may result from general assumptions about the capabilities, characteristics and interests of particular groups (for example the disabled) which are allowed to influence the treatment of individuals or groups. They may also take the form of applying conditions or requirements, without considering whether they operate disproportionately to the disadvantage of particular groups. Unconscious discrimination may show itself in several ways:
- a. Staff may be directed into particular types of work on the basis of these general assumptions without sufficient regard to the particular attributes and abilities of individuals.
  - b. Preconceptions about the ability of any groups of staff to supervise may be allowed to affect recruitment or promotion to supervisory positions.
  - c. The allocation of work, and the recruitment or promotion of individuals into particular posts, may be affected by assumptions about the reactions of other staff and/or members of the public.
  - d. There is a risk that "double standards" may be used in making judgements of merit, and that different standards may be used for different groups of staff.
- 1.7 These and similar kinds of behaviour may occur without conscious intention to discriminate, and without giving rise to complaints by those affected. Line managers should take particular care to be seen to be impartial in their dealings with all staff. When interviewing any individual - whether in job appraisal reviews or in the course of day to day business - they should ensure that their own conduct accords with the policy in this statement and take appropriate action to deal with any difficulties which appear to arise from lack of impartiality by any member of their staff.



1.8 This policy pursues and builds on the statutory position in Great Britain and Northern Ireland. The intention is to comply as much with the spirit as with the letter of the legislation and to establish and pursue an effective policy of promoting equal opportunity.

1.9 It is essential that this policy should be clearly communicated to all management and staff, and it should also be made known to potential applicants. To this end all existing members of staff and all recruits will receive a copy of this statement and its contents will be reflected as appropriate in training courses, circulars and guidance to recruitment and promotion boards. It will also be made clear to potential applicants through careers literature and job advertisements that the Civil Service is an Equal Opportunity Employer.

## **2. Implementation**

2.1 The Equal Opportunities Unit in the Department of Finance and Personnel will be responsible for developing, formulating, co-ordinating and monitoring the policy for the Service as a whole. However, operational responsibility lies with the Principal Establishment Officer (PEO) of each Department, under the direction of the head of that Department. Personnel Divisions and line managers are responsible to the PEO for ensuring that all staff for whom they have responsibility are aware of the Service's policy on equal opportunity, and that there is no discrimination of any kind. For the policy to be effective, it must be adopted at all levels of management and supervision.

2.2 Existing joint management/union machinery should be used at departmental and, where appropriate, local levels to oversee the implementation of the policy on a continuing basis.

## **3. Information System**

3.1 A detailed system will be established to provide accurate and up to date information on the composition of the Service, in order to monitor comprehensively the application of this policy in such areas as recruitment, promotion, extent of participation in training, etc.



#### **4. Recruitment, Promotion and Training**

- 4.1 As an Equal Opportunity Employer it is the aim of the Civil Service to tap the entire labour market. Advertisements, whether internal or external, must not indicate, or appear to indicate, an intention to discriminate in selection for recruitment, promotion, training or transfer. Care must be taken to ensure that nothing is said about Civil Service policies or activities which might be interpreted as reflecting any form of discrimination. Advertisements must not be confined unjustifiably to areas or publications which would exclude or disproportionately reduce the numbers of applicants of a particular group.
- 4.2 Opportunities to obtain information on careers in the Civil Service must be readily available to all existing and potential employees and all other interested parties.
- 4.3 Eligibility criteria for recruitment should be formulated to ensure that they are related to job performance and are non-discriminatory. These criteria should be included in the information sent to prospective candidates about any scheme of recruitment.
- 4.4 Similarly, any tests used in recruitment, training or promotion should be examined to ensure that they are related to job performance and are non-discriminatory.
- 4.5 Selection and promotion board decisions and reasons for such decisions should be recorded at each stage of the selection and promotion process.
- 4.6 Training and information can play a major part in the promotion of equal opportunity. Officers engaged on recruitment and promotion should undergo training in interviewing techniques, which should include guidance on the avoidance of discrimination. It is essential that Departments should ensure that all those with managerial and supervisory responsibilities perform their duties with full knowledge of the implications of the equal opportunities legislation. Consistent with the needs of Departments and the circumstances of individual members of staff, movement to new areas of work should be encouraged. All staff should also be encouraged to take advantage of training opportunities to



allow them to develop necessary skills and give them the opportunity to achieve their full potential.

## **5. Career Development**

5.1 Placements on initial assignment and later career moves should be made in such a manner that each individual has opportunities to undertake a variety of tasks including, wherever possible, the most demanding duties of the grade.

5.2 When reporting on staff, officers should base their assessments solely on an objective assessment of the individual's capabilities, performance and inherent potential. Reports should not reflect any assumptions or prejudices of the Reporting Officer about the individual being reported on, for example about whether or not they are likely to leave the Service. Such attitudes could be regarded as unconscious discrimination and as such would not be tolerated by management.

5.3 It is in the interests of the Service as a whole that it retains trained staff. Consistent with the justifiable needs of the work and of staff generally, management will be considering in consultation with staff representatives what steps can be taken to enable Civil Servants to reconcile Departmental work with their domestic responsibilities and to make them fully aware of the provisions for such matters as maternity leave, part-time work, etc.

## **6. Accommodation**

6.1 When considering the siting or re-siting of Government offices the 'equal opportunity dimension' of a location will be taken fully into account together with all other relevant factors.

## **7. Complaints of Discrimination**

7.1 All civil servants should be made aware of the grievance procedures which are available to them, including the right to request a formal written explanation of treatment they believe to be discriminatory. A written explanation should also



be given to those job applicants to the Civil Service who claim that a refusal to offer employment was discriminatory.

- 7.2 Employees who think they have been discriminated against on grounds of sex or marital status and who consider they have failed to secure adequate redress may seek help and advice from the Equal Opportunities Commission and in the last resort have a legal right to take their case to an Industrial Tribunal. In these circumstances complaints can be brought against managers as well as against the employing Department. Employees who think that they may have been discriminated against on grounds of religious belief or political opinion may make a complaint to the Fair Employment Agency. Moreover any officers who feel that they have suffered injustice as a result of maladministration have access to the Parliamentary Commissioner for Administration through a Member of the NI Assembly. It is the policy of the Civil Service that staff who make a complaint in good faith in respect of alleged discrimination should be protected against victimisation.

## **8. Agreement**

- 8.1 This policy has been jointly agreed by the Official and Trade Union Sides of the Whitley Council and all parties affirm their full support for the principle of equality of opportunity and are concerned that there should be a practical and generally accepted programme for action. They are determined that everything possible will be done to ensure its full and effective implementation.
- 8.2 The policy and action outlined in this statement will be regularly reviewed so that progress towards the objective of equality of opportunity can be assessed and effective steps taken to remedy any deficiencies in the programme for equality of opportunity which may be identified by this assessment.