

HCS/3/6

Dr Quigley
Mr Fell
Dr Hayes
Mr Merifield

cc. PS/PUS (B&L)
Mr Barry
Mr Brennan
Mr Stephens
Mr Carvill
Mr Chesterton
Mr Hodges
Mr Gilliland
Mr Abbott
Dr Harbison
Mr Pearson

HUMAN RIGHTS : DISCRIMINATION IN EMPLOYMENT

1. It is clear that the question of discrimination in employment is one which is going to attract a good deal of attention in the coming months, and I think it would be useful if we could meet to take stock of the situation overall.
2. The topic of discrimination is being highlighted in several different contexts at present:
 - (a) The campaign on the McBride principles in the USA.
 - (b) SACHR intends to review both the effectiveness and the actual results to date of the legal anti-discrimination machinery involved in the FEA etc.
 - (c) Work done in the alienation study has again brought out the disproportionately high level of unemployment etc in the Catholic/nationalist community, and on present trends the imbalance seems likely to increase.
 - (d) The desirability of further protecting human rights by means of a Bill of Human Rights is something which a wide range of NI political interests has endorsed. Even if this sometimes appears to be only lip-service, it is something which the Secretary of State has asked that we should consider seriously, and a small group under Mr Brennan's chairmanship is

being set up for this purpose. This would necessarily include some anti-discrimination provisions, either consolidating or extending the existing provisions.

3. The SACHR review is only beginning, but there are clear indications that it is liable to be critical of the existing arrangements and that it will look seriously at some possibilities (such as quotas and positive discrimination) which to date we have set our faces against. There will be opportunities for us to feed views into the SACHR study, both by way of factual material and on the policy front, and it is one of the aims of Mr Brennan's group to consider how this might best be done.
4. Most of the areas in which current and prospective anti-discrimination legislation would operate are the responsibility of NI Departments, and I am anxious that both the SACHR and NIO reviews should have the benefit of the practical experience of the NI Departments in considering how effective the present machinery is and how it might be improved or need to be changed. Central Secretariat and DED will be represented on Mr Brennan's group and will also liaise with Mr Abbott on the progress of the SACHR review, but I would wish our participation to have the benefit of the collective views of those colleagues who are most directly involved in this field.
5. I suggest, therefore, that in the first instance it would be helpful if those to whom this minute is addressed could meet, with suitable support, to take stock of the situation and to consider how we might best move forward. In particular we might consider:
 - (a) To what extent and in what ways do we need to improve our factual knowledge of the imbalance in employment and economic conditions of Catholics and Protestants?
 - (b) What practical differences have been made by the operation to date of the FEA, EOC, PCA and Commission for Complaints? How do we assess the progress made in the prevention of discrimination? How far have they affected the overall imbalance in the economic conditions of Catholics and Protestants?
 - (c) To what extent are these imbalances in-built and structural, and how far

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are they amenable to influence by policies aimed at achieving equality of opportunity?

- (d) Do we consider that adequate progress has been made towards equality of opportunity? What steps may need to be taken to promote equal opportunity employment practices more widely?
 - (e) Is reliance on equality of opportunity (which has been the main thrust of our policy since the Van Straubenzee review) of itself an adequate response to the problem of imbalance? What attitude should we take and what arguments should we deploy in response to inevitable suggestions that a more interventionist policy of positive discrimination should be adopted?
6. My office will be in touch to arrange a date for a meeting, at which I would be interested to know both your initial reactions to the above questions and your views on how we might best undertake any further work that may be necessary in order to produce more considered responses on these and on any other aspects which you may wish to suggest.



K P BLOOMFIELD

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