

1. PS/MINISTER
2. ES/SECRETARY OF STATE

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FAIR EMPLOYMENT BILL: LETTER TO SECRETARY OF STATE FROM BISHOP CAHAL DALY

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1. Bishop Cahal Daly has written to the Secretary of State following the recent publication of PPRU monitoring figures (which show a worsening Catholic position in respect of employment). The basic point of the letter is to urge the Secretary of State to make the Bill as effective as possible given that another legislative opportunity to remedy the fair employment problem will not occur again "for a generation".
 2. In support of this point the letter argues for (i) tight and closely drafted legislation which will not permit delays in enforcement because of judicial interpretation; (ii) the setting of a target in the Bill (along the lines recommended by SACHR for the reduction in the differential between the rates of Catholic and Protestant male unemployment from 2.5:1 to 1.5:1 within five years); (iii) publication of the PPRU statistics on an annual basis as an aid to targetting. In relation to the SACHR target Bishop Daly refers to the Minister's media comments that it was too modest an ambition for Government; quotes approvingly from the 1986 Consultative Paper; and, in conclusion, suggests that if the Secretary of State gets this legislation right it can be among the best of the many good things he will have accomplished in Northern Ireland during his period of office.
 3. Though the Bill will not include the SACHR target, Government has already indicated that progress on its implementation will be monitored closely, and formally reviewed after five years. Moreover the significant amendments in Committee (which the Bishop welcomes) and an Report - and the probability of some further Lords

amendments particularly in the key area of affirmative action training - provide scope for a very positive letter of response.

4. It is, however, not possible to meet the Bishop's requirement for a yearly publication of PPRU statistics. The Continuous Household Survey to which he refers is a continuing survey which involves just under 1% of randomly-selected households in Northern Ireland. The results are aggregated on a 3-yearly basis to provide a sample which is large enough to even out distinctions arising from temporary abnormalities. The CHS is a multi-purpose survey, and it would not be cost-effective to extend its scope simply to allow the Bishop's request to be met. Consideration is ^{however} being given to all the information requirements arising from the Fair Employment Bill, and to the ways in which the quality of information about the religious composition of the working population might be enhanced.
5. Attached please find a draft letter to Bishop Daly which majors on the positive aspects of his submission. It ends by welcoming the personal interest of Bishop Daly and the Catholic Bishops in this matter and indicating that any help which they can give to support Government's promotional work in jobs and inward investment would be gratefully received. If the Minister is content with the draft I would be grateful if you could forward to PS/Secretary of State for the Secretary of State's consideration.

D C GOWDY

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Dear

FAIR EMPLOYMENT BILL

Thank you for your letter of 19 May and, particularly, for your kind personal regards and good wishes. I am grateful for your recognition of my firm personal commitment to the achievement of fair employment in Northern Ireland and to new legislation that will be strong, workable and effective.

To that end I have progressively refined the Bill by means of amendments in Committee and on Report in the crucial areas of affirmative action, goals and timetables, individual levels of compensation and monitoring. You will also have noted further amendments to provide for the fines and penalties in the Bill to be raised in line with inflation; for the 16 hours threshold for the definition of employee to be lowered by regulation; and for the Fair Employment Commission to give advice to all prospective complainants who request it in writing.

Moreover, amendments will be brought forward in the Lords in the important areas of affirmative action training and indirect discrimination. I think that these significant refinements should sharpen still further legislation that is already tough and comprehensive, providing as it does for compulsory

monitoring and review by employers; for criminal penalties and for economic sanctions. Indeed the whole thrust of the legislation is to provide for the effective practice of employment equality through monitoring and review, affirmative action where necessary, and strong enforcement.

The Bill does not include the SACHR target. It related to suggested proportionate levels of unemployment. That is a rather negative approach. My concern is to promote employment opportunities for both communities; and the basic objective of the legislation is to redress the employment imbalance between the two communities as quickly as possible. That is why we are already committed to very close evaluation of the legislation and to its formal review. The Central Community Relations Unit - which reports directly to me on matters affecting both communities - will take this on board. It is also important that the new legislation is effectively implemented and preparatory work is now in hand to ensure that this is carried forward expeditiously.

As to the PPRU information, I am afraid that yearly publication would not be helpful. The Continuous Household Survey to which you refer involves a sample of just under 1% of households in Northern Ireland, selected on a random basis. The results of this sample are aggregated at 3-yearly intervals to provide a sample which is statistically large enough to level out distortions arising from short-term abnormalities. The CHS is used by the Government for various purposes, and it would not be cost-effective to extend its scope and frequency to make possible an accurate yearly evaluation of the kind you have suggested. Consideration is, however, being given to all the requirements for information which may arise from the new fair employment legislation, and the desirability of enhancing information about the religious composition of the working population is fully appreciated.

I am grateful to you personally, and to the Catholic Bishops for the close attention they have paid to this important matter. We

