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## NORTHERN IRELAND Information Service

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### NORTHERN IRELAND FAIR EMPLOYMENT ACT

The Secretary of State for Northern Ireland, the Rt Hon Tom King MP, today welcomed the passage through Parliament of the Fair Employment (NI) Bill 1989, which is due to receive Royal Assent today.

Mr King said:

"This new Act is a significant milestone in the promotion of fair employment in Northern Ireland. We now have on the Statute Book a strong code of law which unequivocally honours the commitment we have given to provide tough new legislation in this important field. All of us who want to see a fair society in Northern Ireland will welcome this new legislation as a significant step towards equality of opportunity in the Province".

He added:

"This is legislation of great importance to change the pattern of employment practices. It sets clear, unambiguous duties and obligations for employers, trade unions and employees. It also includes for the first time the principles of affirmative action and of establishing goals and timetables for employers. For the first time it outlaws indirect as well as direct discrimination in employment. It will remind everyone

of the need for conscious effort to ensure that there is equality of opportunity in the workplace. It sets high standards and has strong enforcement powers, but it is fair and even-handed and protects the rights of workers regardless of their religious or political affiliation".

Describing the arrangements which will be established under the new legislation, the Secretary of State said:

"This Act sets up an effective regime to secure fair employment. In addition to the existing prohibition on direct discrimination, discrimination as a by-product of out-moded and unacceptable unemployment practices is now also outlawed. There is a clear obligation on all employers in both the public and private sectors to work actively for equality of opportunity. I would expect this to become an integral part of good personnel management practice. The law will require the monitoring of workforce composition by religious background and the regular review of employment practice. Where imbalances exist employers will be required to take affirmative action to secure fairer participation".

The legislation also creates new fair employment bodies - the Fair Employment Commission and the Fair Employment Tribunal. Referring to these, the Secretary of State said:

"The new Fair Employment Commission (FEC) will build on the work of the Fair Employment Agency (FEA). It will be well resourced, with greatly increased funding and manpower, and will play a significant role in ensuring that equality of opportunity becomes the norm. The FEC will have an important part to play in providing support and guidance to employers on their duties and obligations under the new law. If the Commission's review of an employer's practices reveals that fair participation is not occurring, then the Commission will oblige that employer to take measures on affirmative action and to specify what they are. If the Commission is not

satisfied, it will issue legally binding directions to the employer requiring specific measures, including training and other outreach measures. The Commission can also oblige the employer to adopt specific goals, and timetables to achieve them. The Commission will thus have a critical role in the new arrangements and will be expected to set and maintain high professional standards in all of its activities.

The Act also establishes a new judicial body, the Fair Employment Tribunal, which will deal with cases which arise under the legislation. It will have strong enforcement powers to back up its decisions. The legislation provides for tough penalties and sanctions. They are there to deter waverers and to punish wrong-doers. With defaulting employers to be punished by criminal fines and with daily accumulative fines for those who continue to default, there is a strong deterrent against failing to adhere to the requirements of the law. Those guilty of bad practice will also face the economic sanctions of being ruled ineligible for public contracts or grants".

Mr King added:

"This Act ushers in a new era in fair employment in Northern Ireland. The arrangements embodied within the legislation will be put in place quickly. The Chairman of both the Fair Employment Commission and the President of the Fair Employment Tribunal have already been appointed and the membership of the new Commission will be announced shortly. A draft Code of Practice will soon be issued for consultation and the aim is to have the new arrangements fully operational by 1 January 1990.

Government gives the highest priority to fair employment and developments under this Act will be monitored closely. There will be a formal review of its impact by the Central Community Relations Unit which reports directly to the Secretary of State".

Mr King emphasised that, for the Act to have maximum effect in the shortest possible timescale, the improved employment practices which should flow from the Act should be accompanied by the creation of more jobs and investment.

He said:

"Government will be maintaining its drive to create new employment opportunities. We can of course ensure that the available jobs are filled in an equitable manner, but full equality of opportunity requires more jobs for all. We therefore need more jobs and more investment alongside improved employment practices. All of us must work hard to ensure that these complementary objectives are pursued vigorously for the benefit of the whole community in Northern Ireland".