

From: PS/Secretary of State
10 March 1998



cc: PS/Secretary of State (B&L)
PS/Mr Murphy (DFP,B&L)
PS/Mr Ingram (DED,B&L)
PS/Mr Worthington (DENI,DHSS,
DED&L)
PS/PUS (B&L)
PS/Mr Semple
Mr Loughran
Mr Carvill
Mr Thomas
Mr Stephens
Mr Gibson
Mr McCusker
Mr Jardine
Mr O'Doherty
Mr Beeton
Mr Maccabe
Mr Warner

1057
11 MAR 1998

Miscellaneous
Full

Mr Canavan, CCRU

MEETINGS WITH MR TRIMBLE/MR NESBITT AND THE CHAIRMAN OF SACHR

The Secretary of State was grateful for the briefing which you supplied for the above meetings. These took place yesterday afternoon in Parliament Buildings. Mr Worthington, Mr Gibson, you and I were present at both meetings.

Mr Trimble/Mr Nesbitt

2. The Secretary of State met Mr Trimble and Mr Nesbitt for about half an hour. The Secretary of State explained that it was her intention to make a statement on Wednesday setting out the Government's future strategy for employment equality and responding to SACHR's recommendations. However, she had not yet briefed the Chairman of SACHR on the details of the announcement and so offered to brief Mr Trimble the following day. Mr Nesbitt commented that it was now rather late for consultation, which he had sought more than once, adding that he thought he should have been given the same opportunity as SACHR when they met the Secretary of State in January. His meeting with Mr Worthington in October could not be seen in those terms.

MR
TRIM
MR
NESB
10

3. Mr Nesbitt rehearsed some of the comments in his dissenting report, including his view that full recognition was not given to fairness in **employment**, rather than using unemployment differentials to measure fairness. The Government should chastise SACHR for saying that not enough statistics were available. They had also said that there was no evidence of systematic discrimination, but should have been more direct on this point. Mr Worthington said that he did not think it would be productive to chastise them. The Government accepted the central finding of SACHR - they said there was not systematic discrimination at the point of employment and the central thrust was how to tackle unemployment and to ensure recruitment was on merit.

4. Mr Trimble then got into an exchange about whether the Secretary of State got **real** unemployment figures as distinct from official figures. He said that there were not as many unemployed in, for instance, Strabane and Newry as the figures showed and he knew a major employer outside Lurgan who bussed his employees to "sign on" in Newry. He also agreed with Mr Gibson that there were those who lived and claimed in Northern Ireland but worked in the Republic. Mr Worthington thought that the incidence of this reduced for 18-24 year olds with Job Seekers and accepted that unemployment figures often changed when the benefit qualifications changed.

5. Finally, Mr Nesbitt reiterated that, just because a person was twice as likely to be unemployed if a Roman Catholic, did not automatically mean there was discrimination. The Government should say that. The Secretary of State accepted that discrimination was now not a major contributor - both Protestant and Catholic firms practised it to some extent but it was a multi-causal phenomenon due to poverty, deprivation, lack of training, lack of opportunity and so on. Mr Trimble said that SACHR had written the report to confirm their own prejudices. It was bound to be imbalanced because there was not a Unionist of any description on it. The Secretary of State offered to provide briefing on the EER to Mr Trimble in the House on Tuesday evening and for officials to do the same for Mr Nesbitt during the afternoon.

6. On another issue, Mr Trimble sought assistance from the Secretary of State to enable the UUP to recruit a press officer without becoming liable to a claim under the Fair Employment Legislation. The FEC said they could not give the UUP advice on this. He thought there should be a mechanism whereby the FEC could certify in advance that a post was one where political affiliation was a necessary element. The law needed to be change to facilitate this - the Presbyterian Church had the same problem. Mr Gibson said he would check on this and come back to Mr Trimble.

Chairman of SACHR

7. The Secretary of State then met the Chairman of SACHR, Michael Lavery QC and Paul Donaghy. She carefully went through the speaking notes which you had provided, making each in point in turn. Mr Lavery and Mr Donaghy were grateful for the briefing and for the central thrust of the Government's response but raised a number of concerns about the nature of the statutory duty, the likely response of the organisations which would disappear, particularly the EOC, the future of SACHR in relation to the new Commission, the policing of schemes by the Commission and resources. On SACHR, the Secretary of State said it was important that it remained a major human rights body and independent of the Commission. There would be codes of practice and the question of whether there should be penalties against those in the public service would be left open until after the consultation phase. Mr Lavery thought that compensation for individuals would make the remedy more effective.

8. Mr Lavery said that he would give the Secretary of State every help and assistance in this and would certainly give a fair response to the positive aspects of the white paper. However, he would need to consult with the rest of Commission on the detail of it. Finally, you mentioned that GB Departments were being tougher about contract compliance than had originally been thought. It was agreed that the press release would be sent to SACHR in advance of the announcement.

Footnote:

9. The Secretary of State briefed Mr Trimble on the telephone this afternoon. He described the Commission as a "sensible proposal", but said there could be a problem with the extension to goods and services.

W K Lindsay

W K LINDSAY

PS/Secretary of State

☎ (B) 28110

(L) 6462