



Northern Ireland Office
Stormont Castle
Belfast BT4 3ST

The Rt Hon Jack Straw MP
Home Secretary
Home Office
Queen Anne's Gate
LONDON
SW1H 9AT

24 June 1997

Dear Seel;

RELIGIOUS DISCRIMINATION

Thank you for copying to me your letter of 5 June to Ann Taylor. As you have acknowledged, there is already strong fair employment legislation in Northern Ireland and we have a special interest.

The Northern Ireland legislation on fair employment addresses particular problems which are different in kind, significant and extent from those in GB. The legislation defines the problem in the context of religious belief/political opinion but the problem has more to do with community divisions; it is not so much about actual religious belief but how a person's community affiliation is perceived. It includes provisions on monitoring employees and job applicants which go well beyond current race and sex discrimination laws.

SOFS/STRAW



On another level, the Northern Ireland Constitution Act 1973 outlaws discriminatory legislation and direct discrimination only in the public sector in Northern Ireland. We also have legislation on incitement to religious hatred.

To legislate in GB on fair employment replicating Northern Ireland legislation could lead to demands from the CRE(GB) for similar protection on race. It should also be noted that existing Northern Ireland legislation outlaws discrimination on the grounds of political opinion. Conversely, if religious discrimination legislation in GB were to be similar to that on sex and race, this will in turn be seized upon by the UUP as an opportunity to call for a weakening of FE legislation in Northern Ireland. Legislation in GB against, for example, religious discrimination in the provision of goods, facilities and services in both the public and private sectors, would add to pressure for such provision in Northern Ireland and I would wish to proceed carefully given the potential political and community relations implications.

We are expecting publication in the next few days of recommendations on employment equality commissioned by the previous Secretary of State from the Northern Ireland Standing Advisory Commission on Human Rights (SACHR).

SOFS/STRAW



Advance information is that the review will recommend provision in the area of goods, facilities and services. The timing of a future policy announcement by you, could have significant implications for our consideration of SACHR's recommendations.

I am content that you should launch a public consultation on this issues. Contact has already been established between officials here and in the Home Office. I would ask they liaise closely on the timing of your announcement and on the consultation paper.

I am copying this to the Prime Minister, HS colleagues, Robin Cook and Sir Robin Butler.

A handwritten signature in dark ink, appearing to read "Mo", is positioned above the printed name.

MARJORIE MOWLAM

SOFS/STRAW