

Submission 163

Labour Relations Agency

Consultative Document: Making a Bill of Rights for Northern Ireland

The Board of the Labour Relations Agency considered the above Consultative Document at its meeting on 6 December 2001.

The Board felt that in order to give full effect to the Belfast (Good Friday) Agreement 1998 a Bill of Rights is required for Northern Ireland 'given the particular circumstances' present in Northern Ireland. Issues regarding format, political constraints, questions regarding each of the rights, enforcement and entrenchment still need to be addressed; however this does not in any way detract from the necessity to have the Bill of Rights for Northern Ireland.

The Agency gives its broad support for the proposals made in the Consultative Document and as such takes cognisance of issues that will invariably impinge upon the role of the Agency, such as

- 'non-discrimination clauses' and public sector body commitments in creating awareness of role in groups not currently addressed in legislation;
- freedom from harassment;
- the right to full and equal participation;
- working towards the abolition of inequality of treatment before and under the law;
- re-definition of direct and indirect discrimination, harassment, positive action and exceptions;
- promotion of the status and participation of women in Northern Ireland;
- issues relating to consultation with children;
- language rights via appropriate measures to make reasonable efforts to provide basic information and other services, in minority languages and in formats accessible to people with visual impairments or reading difficulties;
- addressing measures which could alleviate social exclusion and deprivation (eg) consultation, communication, education and acknowledging interdependency of rights with the public;
- the rights regarding access to work and the right to choose and practice a trade or profession, and the right to a healthy and sustainable environment.

In particular the Agency would make the following points:

- The Agency supports the making of a Bill of Rights for Northern Ireland.
- The Agency recognises that aspects of the Human Rights agenda are foundational to informing good employment relations policy, procedure and practice.
- It is the strongly held view of the Agency that alternative dispute resolution processes such as conciliation, mediation and arbitration should be promoted as another means, other than the Courts, of resolving disputes concerning Human Rights. Appropriate provisions should be made to bring this fully into effect.
- It is the view of the Agency that, as a matter of principle, the issue of individual rights must be balanced with the acceptance of individual responsibilities. The Agency would support a wider public debate on this point.
- The Agency recognises the importance of Courts and supports the development of case law as the decisions made set standards that are available to employers, trade unions and the general public. The Agency acknowledges that sound case law complements the effective use of alternative dispute resolution processes. The Agency is of the view that the present Court structures should be utilised as much as is reasonably practicable to deal with Human Rights issues. However, present structures may require reform in order to maintain and enhance the effectiveness of the Courts.

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- The Agency would welcome reference to International Labour Organisation Conventions in relation to matters of social and economic rights.
- The Agency would welcome involvement, through consultation, in future proposals made with respect to Human Rights in Northern Ireland and in particular with regard to social and economic rights.

If you require any further information or clarification, please do not hesitate to contact me.

Yours sincerely

W Patterson
Chief Executive