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PRESS RELEASE

Clarification of the Law on Racial Discrimination in Employment

“Equality laws are not optional extras which can be dispensed with in hard times”, Bob Collins, Chief Commissioner of the Equality Commission said today.

Responding to suggestions that employers should give preference to people from Northern Ireland if jobs become vacant, Mr. Collins said that the law on the matter was clear. “Under the Race Relations (Northern Ireland) Order 1997 it is unlawful to discriminate on grounds of race or nationality when recruiting employees. Employers cannot limit the range of applicants for jobs in Northern Ireland by reference to national identity nor show preference on that ground between those who apply for jobs.”

“In the present economic downturn there may be a temptation to view equality issues as dispensable.” Mr. Collins said. “That is not the case. Equality of opportunity is a fundamental value in this society, and there is a reciprocal dimension to this. The rights of people who have come to Northern Ireland to work are a reflection of the rights of Northern Ireland people who have gone elsewhere - in the United Kingdom and in Europe. Important at any time, such rights are arguably even more important when the economy is under pressure, unemployment is rising and opportunities are scarce.”

Notes

In the event of a complaint being made it would be for an Industrial Tribunal to decide whether or not discrimination on grounds of nationality had occurred in recruitment to a post. The relevant legislation is the Race Relations (Northern Ireland) Order 1997 and the relevant articles are as follows (the most relevant parts are emphasized in bold)

The Race Relations (Northern Ireland) Order 1997

Article 6. —

(1) **It is unlawful for a person, in relation to employment by him at an establishment in Northern Ireland, to discriminate against another —**

(a) in the arrangements he makes for the purpose of determining who should be offered that employment; or

(b) in the terms on which he offers him that employment; or

(c) **by refusing or deliberately omitting to offer him that employment.**

Discrimination is defined in Article 3 as follows

Article 3. —

(1) **A person discriminates** against another in any circumstances relevant for the purposes of any provision of this Order **if —**

(a) **on racial grounds** he treats that other less favourably than he treats or would treat other persons; or

Racial Grounds are defined in Article 5 as follows

Article 5. —

(1) Subject to paragraphs (2) and (3), in this Order —

"racial grounds " means any of the following grounds, namely colour, race, nationality or ethnic or national origins