



A SINGLE EQUALITY BILL for NORTHERN IRELAND – OPTIONS

Comments from the Institute of Directors on the preliminary consultation

Jeff Ard
Single Equality Unit
Office of the First Minister and Deputy First Minister
NI Assembly
Stormont
Belfast
BT4 3XX

jeff.ard@ofmdfmi.gov.uk

1.0 Introduction

- 1.1 This paper provides a response from the Institute of Directors (IoD) to the discussion paper issued by the Office of the First Minister and Deputy First Minister (OFMDFM) in March 2004 outlining options for a Bill to harmonise, update and extend anti-discrimination and equality legislation in Northern Ireland. It should be read with the paper that the IoD submitted in response to the initial Consultation Document distributed by OFMDFM in 2001 (copy attached).
- 1.2 The Institute in Northern Ireland represents over 850 business leaders, mostly chief executives and chairmen of private companies but also sole traders, partners and senior executives from the private, public and voluntary sectors.
- 1.3 A survey of the membership carried out by Millward Brown Ulster in May 2004, showed that topping the list of aspects of red tape most burdensome to their business was fair employment monitoring at 41% followed by recruitment legislation in general at 39%. Legislation relating to employing and recruiting staff is clearly a major issue for Northern Ireland's business leaders with the potential to discourage companies from expansion and further job creation.

2.0 IoD's Position in Principle

- 2.1 Our 2001 paper embodied some views and principles to which we still adhere and which to a degree influence our response to the present discussion paper. These included the following –
- We support fair treatment of all and recognise the need for action to comply with commitments reflected in the Belfast Agreement and the obligations which flow from EU Directives.
 - We support, in principle, the complex range of equality legislation being brought together within a single statute, which is sufficient to meet local needs and international obligations and which is inherently rational, consistent, comprehensive and effective.
 - However, we seek recognition of the reality that new legislation embodying additional obligations, which restrict freedom to manage, is in general unwelcome to business, especially the small business sector. It follows that legislation must be specifically justified if it is to carry our support. It needs to be recognised that one person's 'rights' often may be another person's obligations, burdens and restrictions. There is a need for balance.

- The general policy should be to secure uniformity of approach built around a common core base, embodying common provisions governing the pursuit of cases, investigation, individual support and promotion.
- Special provision should be made to cover needs specific to particular areas of discrimination where the case for action is particularly strong. Where needs are weaker, their extension should be resisted and the case for them should be assessed by reference to need as established by experience in Northern Ireland.
- Decisions on what should be within the scope of the legislation and what grounds and measures should be included within it should be governed by the tests of EU requirements and demonstrable need.
- We do not argue in general for the weakening of existing legislation. Subject to that proviso, in our view the EU minimum and other mandatory requirements should be the norm unless anything exceeding them is specifically justified.
- There must be sufficient provision for adjudication.
- However, the emphasis should be on the settling of justified grievances rather than judicial process.

3.0 Main Points

3.1 We comment below on the main points of concern or interest to us, which arise from the document.

4.1 The Approach (paragraphs 9-24)

4.1 It is unfortunate that the SEB will not encompass more fully the EU Directives, which will therefore have to be covered by a separate series of regulations. Up to a point that defeats the purpose of the SEB. Otherwise, however, we are content with the general approach. We consider that it would be best if anti-discrimination 'floor' measures and the positive measures were dealt with in the same Bill, although we would expect the latter measures to be justified in terms of the principles that we have outlined above.

5.0 Purpose and Principles

- 5.1 By and large we are content with the principles set out in this part of the report, although how they would be implemented would be a matter of interest and potential concern to us. We welcome the recognition in principle 6 of the need to balance the right to equality without discrimination, and human dignity with the right to liberty.
- 5.2 Regarding principle 6, we think it unlikely that it will be possible to frame a general rule applicable in all circumstances, whereby an acceptable balance may be achieved between regulation and freedom. Our approach as, indicated above, is to govern regulation by reference to the degree of established need, and to apply common sense and judgement in each particular area on the extent to which restrictions in favour of 'victims' or 'positive measures' are justifiable, having regard to their impact on the rest of society.
- 5.3 On principle 7, we do not think that 'hierarchies' of protection or regulation are by definition anomalous. They follow from differences in levels of need and the importance of providing an effective response in the light of the degree of damage, hardship and injustice to victims in the respective areas. Proven need and the consequences of meeting it and not the intellectual convenience and general tidiness of an identical approach, regardless of the circumstance, should be the main determining factor deciding legislative action. Need is unlikely to be the same in all areas.

- 5.4 We would not regard requirements for 'harmonisation' itself as acceptable evidence of need on their own.

6.0 Grounds (pages 17 to 28)

- 6.1 Our approach to this subject is governed by the principles we have outlined in paragraph 2.1 above (sixth and seventh bullet points), ie grounds should be determined by the extent to which experience has shown that there is a serious need for them to be included or where they must be included to satisfy EU legislation, etc.

- 6.2 Thus we accept, without question, coverage of the so-called "compulsory" grounds (paragraph 3 of the chapter).

- 6.2 We would also accept the widening of the existing provisions covering those grounds, where it is shown by experience that there is a need to widen them, or perhaps because they have been shown to be unworkable or ineffectual as they now stand, in areas where it is clearly evident that the public interest requires an effective remedy.

7.0 Political Opinion (page 16 paragraph 10)

- 7.1 The opportunity should be taken to review the definition of 'political opinion' with a view to bringing it more into line with the reasons why it was brought within the scope of Fair Employment legislation. The original intention was that political opinion should be included to guard against it being used as a loophole whereby religious discrimination could continue to be practised. Judicial decisions have ruled the term as including the business of government which was not intended as now extensively applied.

- 7.2 The result of such interpretations is that there is little that cannot be brought before Fair Employment Tribunals, which is one reason why Tribunals have been flooded with workloads with which they have been unable to cope - at the expense of attending promptly to important issues which must be resolved urgently.

- 7.3 As matters now stand alleged discrimination on the basis of an opinion, about say whether the Roads Service should have repaired a hole in the road, is apparently just as much grounds for Fair Employment process as rank sectarian discrimination of the sort that underlies much of the conflict of recent years (which it was the intention underlying Fair Employment legislation to address). That is not to say that discrimination on the former grounds should be regarded as acceptable or condoned. The questions raised are: whether it and the problems that it raises are so common and serious as to demand a legislative remedy, whether the machinery for adjudication can carry the burden of dealing with it without undesirable consequences elsewhere, and whether including it, is consistent with the concept of balance between 'rights' and 'freedoms'.

8.0 Possible Extensions to New Grounds (page 18 paragraph 19)

- 8.1 On this matter our inclination is to stick to what is required by EU legislation unless particular needs have been established in Northern Ireland (in which case we would like them to be spelt out for public consideration).

9.0 Language (page 23 paragraph 29)

- 9.1 We would support the inclusion of language if it is shown that the RRO does not cover it and that its exclusion is being exploited to defeat the purposes of the legislation.

9.2 We would point out, however, that there is a difference between discriminating against someone because he/she speaks, or cannot speak, a certain language per se, and discriminating against someone because they cannot speak a language that they need to be able to speak in order, for example, to do their job or to communicate as part of the work force. Exclusions should be considered for the latter circumstances.

10.0 Scope (Chapter 4)

10.1 We are not greatly disturbed by the possibility (viz paragraph 7) that the current differences in existing legislation appear to create a "hierarchy of rights". The reality, in our view, is that some areas of discrimination (eg religious affiliation, political opinion, race and sex) are so serious a problem that they demand more draconian treatment than do others partly on the grounds that they not only damage the individual victim, but also cause serious tensions, conflict and destruction within society as a whole. A sense of priorities is required.

10.2 Thus we do not find the concept of a significant process of harmonising upwards acceptable.

10.3 It follows that we reject option (b) in paragraph 12, but would accept option (a) or (given our willingness to accept proposals for dealing with well established need) option (c).

11.0 Education (paragraph 28)

11.1 We do consider it appropriate - 28 years after the passage of the first employment act in which they were first allowed - to review the exemptions for Education in all areas of legislation where they exist.

12.0 Definitions of Discrimination (Chapter 5 Pages 47 to 60)

12.1 Direct Discrimination

12.1.1 In general we remain of the view that current definitions have worked effectively and should remain unchanged. We therefore favour option (a) on page 52.

12.2 Indirect Discrimination

12.2.1 No case has been made in the paper for the extension of Indirect Discrimination as an offence other than that of harmonising, which, as made clear in paragraph 5.4 above, we do not consider to be a sufficient argument on its own. Accordingly, we consider that the SEB should follow what is required by EU law on this matter and go no further.

12.2.2 For the same reason, if the definition of Indirect Discrimination is to be standardised, it should follow the definitions in the relevant EU Directives.

13.0 Harassment

13.1 The IoD opposes harassment. In our last submission, we agreed that even though case law may have established that it is a form of direct discrimination (and therefore unlawful) there is a case, for the sake of clarity, for that being made explicit in a statute covering all categories. That remains our position.

13.2 We would not object to the use of the definition in the Race Relations Order (Amendment) Regulations (Northern Ireland) 2003 (ref paragraph 22 of the chapter). The definition contained in The Equal Treatment (Amendment) Directive (see paragraph 23 of the chapter) is a good deal simpler and all things being equal we would prefer it.

13.3 Our present inclination is that a comparator is unnecessary.

14.0 Victimisation

14.1 We continue to agree that victimisation should be covered in all areas. We would be content for the definition in the FETO (Northern Ireland) Order 1998 as amended to be applied (ref 28 & 29 of the chapter)

15.0 Exceptions (Chapter 6)

15.1 Exceptions should be allowed for GOR and GSR. Because of the need to retain some exceptions, which are the preserve of the Westminster Parliament, the retention of a list of exceptions seems inevitable.

15.2 In general, however, we favour exceptions being confined to a necessary minimum and would support a critical approach to the Appendix to this chapter.

15.2 We have already said that the exception in FETO for the recruitment of teachers should be reconsidered. In a similar vein, we now question the exceptions for GFS provided by a religious denomination to persons of a particular religion or political parties to persons of a particular political opinion.

15.3 The exception regarding political opinions accepting the use of violence should be retained.

16.0 Goods, Facilities and Services (Chapter 7 pages 73 to 88)

16.1 Our general inclination is that SEB should stick with what has already been provided for in existing Northern Ireland legislation, amplified if and as necessary to comply with the minimum requirements of EU law. (The paper makes no attempt to demonstrate that the position in Northern Ireland is such that the SEB must go further).

16.2 On the whole, for reasons of clarity, we consider that it would be preferable for GFS to be defined rather than to rely on the uncertain rulings by the courts with possibly unlimited consequences.

17.0 Addressing Under-Representation in Employment (Chapter 8 pages 89 –119)

17.1 Paragraph 3 of the chapter touches on the matter of under- representation in unemployment as opposed to employment. The legislation under consideration, however, is designed to deal with the latter (which it does, broadly speaking, by regulating employment practices) rather than the former, which may be the product of very different considerations - such as, for example, demographic trends, patterns of migration, educational opportunity, the location of industrial investment, the mobility of labour- regarding which (as the paper suggests) different types of measure are necessary. Such measures, in our view, are rightly outside the scope of employment equality legislation and should be outside the remit of the SEB and the Equality Commission, which lacks the expertise to deal adequately with them.

- 17.2 Otherwise, chapter 8 causes us considerable unease, because the issues and questions it raises, suggest a disposition towards substantial harmonising upwards without a satisfying justification.
- 17.3 We do not agree that the somewhat rigorous approach, which is (justifiably) embodied in FETO (viz eg paragraphs 15-18 of the chapter), should necessarily be translated to other areas without specific justification. We do not consider that such justification is adequately provided by such generalised statements as those in paragraph 20, which broadly claim that 'there is under-representation in certain employment of women, people from a minority background, and those with a disability'. What are the areas of under-representation, what is their degree, what possible explanations are there for them, what is the nature of disabilities involved, how would FETO type measures actually help? Etc.
- 17.4 We are open to being convinced that there is a case for similar measures regarding, for example, race or sex, but the case must be made. At present, however, we do not consider that FETO should be translated to other areas of discrimination or that the SEB should be invested with general similar powers to address under-representation in employment in other areas (viz paragraph 20 of the chapter).
- 17.5 Meanwhile we continue to support a voluntary approach (see paragraph 24 of the chapter).

18.0 Equality Commission Functions and Powers - Chapter 9

- 18.1 It follows from the principles that we have outlined above, that in general terms we do not consider that the Commission's functions and powers should be extended except where there is already a legal requirement to do so (as per EU law etc) or where the case for extending them has been established by reference to objective criteria.
- 18.2 That said, our preferences on the options the paper offers, where we wish to make a choice, are indicated below.

19.0 General Powers and Duties (Paragraphs 4-5)

- 19.1 We prefer option (a).

20.0 Codes of Practice

- 20.1 The IoD seeks an environment which is generally positive, supportive and helpful towards the implementation of the principles of equality, albeit one in which there are strong legal teeth which can be invoked if necessary to overcome obstinate negativity, prejudice and negligence, but which is not overwhelmingly draconian or unnecessarily prescriptive.
- 20.2 The main purpose of codes of practice should be to provide guidance and support for the devising of fair practices, not a basis for prosecution. Legal obligations should be created by the governing statute, not inferred from codes. It needs to be recognised that 'one size' does not necessarily 'fit all' and that those who write codes have no claim to omniscience, infallibility or even perhaps practical experience or understanding derived from working in the kind of situation or organisation to which they apply. Respondents need to have sufficient flexibility to make arrangements that, subject to the overriding principles and requirements of the law, are practicable, suitable and workable in their particular circumstances. However, their need to be able to defend themselves against potential complainants and to justify themselves before Tribunals/the Courts is likely to enjoin them to examine the codes closely and to take from them what works. In this way voluntary codes are likely to be effective, especially if it were the case that respondents on a complaint being made would have to be able justify their reasons for not following codes to the letter.

20.3 Regarding paragraph 8 we prefer option (a) unless it is demonstrated that consistency across all areas is a practical necessity. If OFMDFM wish to have powers to require the Commission to devise codes of practice on matters, which they specify, they should be required to justify it in terms other than harmonisation per se. The right question is not why should they not have the power, but why should they have it.

20.4 Regarding paragraph 9, since we have said that we are not seeking a weakening in the existing law we would not object to the admissibility provisions being retained in SEB where they now exist, but we do oppose their extension to other areas (Option a) as matters now stand.

21.0 Powers to Support Complainants

21.1 We favour option (b).

22.0 Investigations

22.1 We consider that in the general way, employers and organisations ought not to be subjected to the upheaval and work involved in investigations where there are no reasonable grounds for them. We doubt whether the extension of the no fault concept will, in reality, create a less adversarial environment.

22.2 Therefore, we do not favour the extension of the 'no fault' concept to other grounds beyond FETO.

22.3 We see no reason to extend the Department's authority to require an investigation to FETO. None has been given in the document.

22.4 We agree that the FETO provision, requiring investigations to be conducted in private, should be retained.

22.5 Regarding paragraph 22, we consider that the FETO powers to require information should be retained, and that this situation is justified by the particular difficulties that are involved in dealing with religious discrimination.

23.0 Restrictions on Disclosure of Information (paragraphs 25 - 28)

23.1 We wish to retain the requirement to retain written consent in FETO (Option (b)). We would not object to that requirement being extended to all grounds (Option (c)).

24.0 Non Discrimination Notices (Paragraph 29)

24.1 The alleged shortcomings identified by the EOC and CRE need to be spelt out. We would wish to see the proposed action plan. Meanwhile, we reserve judgement on the options, but at present we do not see a pressing need to draw the provisions in all the statutes referred to in line with each other.

25.0 FETO Directions/Appeal Mechanisms (Paragraphs 34-39)

25.1 We would accept Option (a) on the basis of the greater flexibility that it provides.

26.0 Discriminatory Advertisements (paragraph 46)

26.1 We would concur with option (a).

27.0 Conciliation (Paragraph 49)

27.1 We wish to see conciliation and the settlement of grievances being placed much

higher up the agenda than has been the case so far. We therefore support Option (a) but would wish it to go further to make attempts at conciliation mandatory before a case can go before tribunals or the courts.

28.0 Remedies – Tribunals and the Courts

- 28.1 The standing of Equality legislation has been much undermined in the past by the length of time that has expired before cases are brought to adjudication - which to a considerable extent, in our view, has been due to inadequacies in provision for tribunals and the legalistic environment in which they have operated.
- 28.2 Our view, therefore, as to whether it is preferable to operate through general or specialist tribunals or through the courts is somewhat pragmatic – we would favour whatever option is most likely to make available the most resources of the required quality and to minimise delay. All things being equal, however, we would prefer a specialised, sufficiently resourced, dedicated system of Tribunals appointed in Northern Ireland together with a local Equality Appeal Tribunal.
- 28.3 Although more resources have been promised, judging from past experience it is unlikely that these will ever be sufficient for cases to be dealt with expertly and competently within acceptable time scales.
- 28.4 A complementary approach, therefore, should be to reduce the number of cases, which have to be heard by tribunals and to speed up the process. This might be achieved by:
- Settling more cases through mediation and conciliation and ADR in general.
 - Simplifying tribunal procedures to make them more operable by the litigants themselves.
 - Achieving a less legalistic environment, in which tribunals are given a more inquisitorial role and make it their business to find out the truth of a case through direct questioning rather than rely on a balance of judgement between what has been adduced and/or elicited by competing lawyers and all the litigious procedure that that involves.

29.0 Remedies - Alternative Dispute Resolution (Chapter 11)

- 29.1 We have already emphasised the importance we attach to ADR, which we have said should be a mandatory part of the process of dealing with complaints and grievances under equality legislation. Our views on the Options offered in paragraph 57 are as follows -
- 29.1.1 Arbitration arrangements operated by the LRA should indeed be extended to include the other grounds to be covered by the SEB. However, the LRA is likely to be most expert in dealing with employment complaints rather than, for example, GFS. Moreover, it will not have sufficient resources to cope with all cases that may be put to it.
- 29.1.2 Therefore supplementary arrangements need to be made. Under these arrangements the parties to a complaint should be empowered to appoint their own mediators or arbitrators from a panel of experts drawn up by the Equality Commission in consultation with the LRA. Whilst mediation clearly will involve costs, these are unlikely to exceed - and could very be less than - those that arise from the present tribunal/courts processes.
- 29.1.3 Within the other ADR options currently not in use, it would be worth experimenting with Early Neutral Evaluation (see paragraphs 16-18) and Expert Determination (paragraphs 19-21). The arbitration and mediation arrangements referred to above should include MED-arb (see paragraphs 22-24).

29.1.4 The Equality Commission, in discussion with the Department, should have prime responsibility for developing the options and taking them forward. It should itself become a much more conciliatory body than it now is and should be willing to give advice to any parties affected by the legislation – for example, employers as well as prospective complainants.

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Contact

**Linda R Brown
Divisional Director
Institute of Directors
4 Royal Avenue
Belfast
BT1 1DA**

**T 028 9023 2880
F 028 9023 2881
E iod.northernireland@iod.com**

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A SINGLE EQUALITY BILL for NORTHERN IRELAND – OPTIONS

Single Equality Bill Team
Office of the First Minister and Deputy First Minister
Room E.3.18
FREEPOST NAT 17679
Belfast
BT4 3BR

1.0 Introduction

- 1.1 This paper responds on behalf of the Institute of Directors (IoD) to the discussion paper (the document) issued by the Minister of State (Right Honourable John Spellar MP) in June 2004.
- 1.2 This is the third paper, which the Institute of Directors has submitted in response to consultation documents issued on the subject of the proposed Single Equality Bill. This paper should be read with the first two as these views still stand.
- 1.3 The Institute of Directors' views on the principles on which the Bill should proceed should therefore, by now, be well known. We will not repeat them again in this paper. They are summarised in paragraph 2.1 of our response to OFMDFM's March paper dealing with 'Possible Options'. We still adhere to those views.
- 1.4 Moreover, so far as we can see, there is very little in the present document that is new. Most of it seems identical to the corresponding content of the 'Possible Options' Document' on which we have commented already.

2.0 General

- 2.1 The IoD has already made clear that it supports the concept of equality. It has no interest in principle in opposing the improvement of legislation designed to promote it or the extension of such provision to new areas where it is called for (eg under EU law) or where it is demonstrably needed.
- 2.2 We do, however, have strong views and concerns about the nature, appropriateness of and justification for the measures, to which it is proposed to extend legislation.
- 2.3 The Institute of Directors strongly disagrees with those who state - somewhat dogmatically (eg as at the recent Belfast conference) - that we face a simple choice between 'whether we are going to have an effective system of equality legislation or not' and that having such a system requires uniform, identical and equally demanding measures in every field. The choice facing us is not as simplistic or as stark as that. A more discerning and less rigid approach, which recognises reality on the ground and the practical implications and requirements of what is required in each field, is likely to be more effective than one which relies on the view that 'one size fits all'

2.4 An effective, satisfactory and acceptable system of equality legislation in our view is one which:

- extends to every field where it must apply or where it is demonstrably needed
- is mutually consistent in principle throughout
- applies measures which are appropriate to each field, which are justified by experience, and which are as demanding as (but no more so than) has been demonstrated as necessary
- is proportionate to each field taking account of the needs of the individual, the seriousness of the issues to society as a whole, the implications and effects on those who have to comply with the legislation, and practicality
- eschews unnecessary bureaucracy, unjustified intervention and cost to the public
- generally maintains a conscious and acceptable balance between 'rights' and 'freedom'

3.0 Purpose and Principles (Section 2 of the paper)

3.1 Subject to the above we accept the purpose and principles outlined in this section.

3.2 We are pleased to see the qualification we entered on page 22 concerning hierarchies of inequality. For reasons already explained, we do not consider that hierarchies are necessarily anomalous. We would prefer them to measures being applied, for the sake of uniformity or 'harmonisation', in areas where they are unduly onerous and unjustified by factual experience.

4.0 Grounds (Section 3)

4.1 We accept the definition of compulsory grounds in paragraph 3.

4.2 We are disappointed that our proposal (in paragraph 12 of our paper on the 'Possible Options' document) that the definition of 'political opinion' should be reviewed with a view to bringing it more into line with the original intention in the 1976 Fair Employment Act (which was to block a possible loophole for the practice of religious discrimination) has been ignored.

5.0 Possible New Grounds (Paragraphs 19-33)

5.1 In general, for reasons already made clear, we are opposed to the extension of the legislation to any of the new grounds except where the need for it is specifically justified by experience showing that Northern Ireland has special requirements in the area in question. On the whole, whilst the document sets out some explanatory information, it does not attempt to demonstrate the case for extension to any particular area. On the basis of the information provided, we can see that such a case may exist regarding past convictions, socio-economic status and possibly language (see paragraph 16 of our last paper) but even in those fields the case must be properly made.

6.0 Equal Pay (Paragraphs 34)

6.1 On the whole, we consider that equal pay should be dealt with in legislation dedicated to that purpose rather than the SEB.

6.2 We would not object to the case for extending equal pay to areas in addition to gender in that context.

7.0 Scope (Section 4)

- 7.1 See paragraphs 10.1-10.3 of our last paper.
- 7.2 We prefer option (a) or option (c) in paragraph 12 of the section to option (b).
- 7.3 We would agree with the statement in paragraph 21 that the legislation should provide appropriate protection for all those who are vulnerable to discrimination, subject of course to the protection of the merit principle.
- 7.4 We are uneasy about the uncertainty implicit in option (a) in paragraph 22, which would leave the definition of employment, self-employment and occupation to be defined by the courts. Accordingly, we would prefer option (b) but (c) may be an acceptable possibility.
- 8.0 Definitions of Discrimination (Section 5)**
- 8.1 Please see our comments in our paper (paragraphs 12.1-12.2) on 'Possible Options'. We prefer option (a) in paragraph 12 of the document.
- 9.0 Exceptions**
- 9.1 The comments in paragraphs 15.1-15.3 of our paper on 'Possible Options' still stand.
- 10.0 Goods Facilities & Services (Section 7)**
- 10.1 See paragraphs 16.1 and 16.2 of our paper on 'Possible Options'. We prefer the concept of GFS to be defined to provide clarity.
- 10.2 We welcome the recognition of the need for balancing obligations contained in paragraphs 23 & 24 of section 7.
- 10.3 With regard to paragraph 32 concerning options for exceptions to the Goods, Facilities and Services provisions of the SEB, we would favour option (c), under which there would be scope for recognising/providing a genuine service requirement whilst also including a list of specific exceptions.
- 10.4 Concerning the question of the timing of the introduction of the Goods, Facilities and Services provisions, we would prefer option (c) of paragraph 48 of the section, under which, in the event that GFS protection is to be introduced in the SEB, implementation would be deferred to reflect the necessity to adjust service policy and procedures
- 11.0 Addressing Under Representation in Employment (Section 8)**
- 11.1 We refer to our comments in paragraphs 17.1-17.5 of our 'Possible Options' response.
- 12.0 Equality Commission for Northern Ireland Functions and Powers (Section 9)**
- 12.1 This section of the document like others referred to above appears identical to corresponding sections of the 'Possible Options' document, on which we have already commented in paragraphs 18.1-26.1 of our response to the 'Possible Options' document.
- 13.0 Tribunals and Courts (Section 10)**

13.1 As in paragraph 12.1 above.

14.0 Alternative Dispute Resolution (Section 11)

14.1 Ditto.

15.0 Conclusion

15.1 In this paper we have sought to indicate the main points of interest and concern to us regarding a very complex subject and paper, which raise a great many issues.

15.2 For the most part, the issues which this document raises, are the same as those described in the March document on 'Possible Options' on which we have already commented and on which our views have not changed.

15.3 We are ready to provide further comment on particular issues or to discuss our views with OFMDFM if that would be helpful.

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Contact

**Linda R Brown
Divisional Director
Institute of Directors
4 Royal Avenue
Belfast
BT1 1DA**

**T 028 9023 2880
F 028 9023 2881
E iod.northernireland@iod.com**