



Fermanagh & Omagh
District Council

Comhairle Ceantair
Fhear Manach agus na hÓmaí

Policy on Linguistic Diversity

September 2014

1. Introduction.

- 1.1 Fermanagh and Omagh District Council recognises and celebrates the rich diversity of linguistic traditions that has helped to shape the history of the district, and that continues to reflect in the variety of languages that are written, spoken, and understood by The district's residents and visitors.
- 1.2 This Policy will function within the broader context of the Council's Communications Strategy, Cultural Diversity Policy and Good Relations Strategy, and aspires to protect, promote and enhance linguistic diversity within the District.
- 1.3 The Policy represents a local response to various regional, national and international initiatives and programmes, along with statutory obligations falling on the Council, while also aspiring to help promote good relations within the Council and the District generally.
- 1.4 The Policy draws heavily on the European Charter for Regional or Minority Languages (2001), and including the status afforded within Northern Ireland to Irish (Parts II and III) and Ulster Scots (Part II).
- 1.5 At the same time, the Policy deliberately extends beyond Irish and Ulster Scots to all forms of linguistic diversity and including minority languages generally, sign language, braille and other language forms.
- 1.6 The Policy also recognises the particular needs of those with literacy problems and for whom the written word may not always be fully accessible.

2. Background.

- 2.1 Recent years have witnessed a number of initiatives designed to help promote, protect and enhance linguistic diversity. Most significantly, in 2001 the UK Government ratified the European Charter for Regional or Minority Languages, with Irish and Ulster Scots both designated as minority languages in the context of Northern Ireland. Part II of the Charter commits the UK Government to recognising Irish and Ulster-Scots as languages to which the general principles of non-discrimination apply in Northern Ireland, while Part III applies only to Irish.
- 2.2 The Charter continues to reflect in recent government initiatives in Northern Ireland and including the Department of Culture, Arts and Leisure (DCAL) consultation documents (2012), 'Strategy for Protecting

and Enhancing the Development of the Irish Language’ and ‘Strategy for Ulster Scots Language, Heritage and Culture’.

2.3 The Council’s Linguistic Diversity Policy is in harmony with both the principles and practice of the European Charter for Regional or Minority Languages.

2.4 In combination, the Policy has taken account of the following (see Appendix I for further details):

- European Charter for Regional and Minority Languages 1992
- Local Government (Miscellaneous Provisions) (NI) Order 1995
- Disability Discrimination Act 1995
- Race Relations (NI) Order 1997
- Fair Employment and Treatment (NI) Order 1998
- Section 75 & Schedule 9 NI Act 1998
- Belfast / Good Friday Agreement 1998
- Human Rights Act 1998
- NI (St Andrews Agreement) Act 2006
- ECNI Guidance on Promoting a Good and Harmonious Working Environment 2009
- DCAL Consultative Documents 2012:
 - ‘Draft Strategy for Protecting and Enhancing the Development of the Irish Language’
 - ‘Draft Strategy for Ulster Scots: Language, Heritage and Culture’
- OFMDFM ‘Together: Building a United Community’ 2013

3. Aim.

The aims of the policy are:

3.1 To establish a transparent set of principles and procedures for promoting, protecting and enhancing linguistic diversity for the benefit of The District’s residents and visitors.

3.2 To promote, protect and enhance linguistic diversity within the District through appropriate local actions that are lawful and that reflect fairly on the history and culture of the District, its residents and visitors.

3.3 To facilitate appropriate engagement with Council facilities and services by residents, customers and visitors, according to their linguistic needs and within available resources.

- 3.4 To develop opportunities for residents, customers and visitors to use Irish and Ulster-Scots when accessing the Council's facilities and services.
- 3.5 To respond appropriately to local language communities in the development and integration of Irish and Ulster-Scots into mainstream civic life.
- 3.6 To ensure that those who face linguistic barriers, including those from minority ethnic communities, people with a disability and people with literacy difficulties, are able to enjoy equal access to Fermanagh and Omagh District Council's goods, facilities and services.

4. Objectives.

By working in accordance with this Policy, Fermanagh and Omagh District Council will:

- 4.1 Embrace linguistic diversity in all its forms, and including the encouragement of the use of Irish and Ulster Scots in both service delivery and in civic life.
- 4.2 Where practicable, facilitate residents, customers and visitors who may not be fluent in either written or spoken English, and including those people who use sign language, who may welcome 'easy read' versions of documents, or who employ alternative means of communication.
- 4.3 Put in place mechanisms for integrating both spoken, written and signed language forms in a way that best meets the needs of local language communities.
- 4.4 Enhance good relations within the District through the promotion of minority languages including Irish and Ulster Scots, and celebrate the significance of these languages in the history and culture of the District.
- 4.5 Afford Elected Members the opportunity to use and access their language of choice whenever appropriate, while respecting other's identities and mindful of the Council's corporate responsibilities.

5. Implementation.

- 5.1 The policy will be supported by an Implementation Plan which will be developed by April 2015. This will ensure that the policy is delivered in a

timely and proportionate manner, whilst being mindful of resource implications.

- 5.2 The Council will provide appropriate support for this policy through the provision of finance and the deployment of staff.

6. Resourcing.

- 6.1 All necessary human, financial and material resources will be made available to implement the Policy, whilst being mindful of budgetary constraints.
- 6.2 The Council will work either independently or in partnership with appropriate others in order to help deliver the Policy effectively and efficiently.
- 6.3 Training will be provided to raise awareness of the Policy among staff and to ensure its effective implementation.
- 6.4 The Council will continue to explore opportunities for funding of initiatives under the Policy, either in partnership with or through other relevant bona fide bodies and organisations.

7. Responsibilities.

- 7.1 The Chief Executive has overall responsibility for the implementation of the Policy.
- 7.2 Employees are expected to follow this Policy and to take appropriate action to meet its aims and objectives.
- 7.3 In addition, the following specific responsibilities will be allocated to nominated officers when the organisational structure has been finalised:
- the operation of the Policy.
 - Chief Officers and Heads of Departments will be responsible for the implementation of the Policy within their respective departments.
 - requests for the use of bi-lingual street signage.
 - equality implications attaching to the Policy and its implementation.

8. Monitoring.

- 8.1 The Council will monitor the implementation of the Policy at regular intervals and will respond in a positive fashion to both regional and local changes in circumstance or new initiatives.

9. Linkages.

- 9.1 This Policy provides the framework to guide the Council's practice in relation to Linguistic Diversity.
- 9.2 The Policy operates in accord with both the Council's Communication, Cultural Diversity and Good Relations Strategies.
- 9.3 It also links into the Corporate Customer Care Policy and Procedures, and the Council's Equality Scheme.

10. Review.

- 10.1 The Policy on Linguistic Diversity will, under normal circumstances, be formally reviewed every three years.
- 10.2 The Policy will also be subject to routine scrutiny and, from time to time, updates and re-issues will be circulated.
- 10.3 The policy will be reviewed sooner in the event of any one or more of the following:
- A failure or weakness in the policy is highlighted.
 - Changes in legislative requirements.
 - Changes in Government/Council or other directives and requirements.

Relevant Statutes and Guidance

European Charter for Regional and Minority Languages 1992

In 2001 the UK Government ratified the European Charter for Regional or Minority Languages, with Irish and Ulster Scots both designated as minority languages in the context of Northern Ireland.

Part II of the Charter commits the UK Government to recognising Irish and Ulster-Scots as languages to which the general principles of non-discrimination should apply.

The Government also signed up to Part III of the Charter in relation to Irish in Northern Ireland. This part contains a series of specific provisions concerning the place of regional or minority languages in the various sectors of the life of the community. For example, Article 10 of the Charter refers to local authorities' duties, and including district councils, encouraging, as far as is reasonably possible, resolute action to promote minority languages, including the facilitation and/or encouragement of the use of Irish in speech and writing in both private and public life

The overriding purpose of the Charter is to promote cultural diversity through the use of a regional minority language in the life of its speakers. The aim of the Charter is to ensure, as far as reasonably possible, the use of regional or minority languages in education and the media and to permit their use in judicial and administrative settings, economic and social life and cultural activities.

Where the numbers of users of regional or minority languages is such as to justify the measures, the Charter outlines steps that a public authority can take to promote that language. In particular, Part 3 Article 10 details the Council's obligations as follows:

- Within the Administrative district of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible to:
 - Ensure that users of regional or minority languages may submit oral or written applications in these languages;
 - Allow the administrative authorities to draft documents in a regional or minority language;
- In respect of the local and regional authorities on whose territory the number of users of regional or minority languages is such as to justify

the measures specified below, the Parties undertake to allow and/or encourage:

- The possibility for users of regional or minority languages to submit oral or written applications in these languages;
- The use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however the use of the official language of the state;
- The use or adoption, if necessary in conjunction with the name in the official language(s) of traditional and correct forms of place-names in regional or minority languages.
- With regard to public services provided by the administrative authority or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible, to:
 - Allow users of regional or minority languages to submit a request in these languages.
- With a view to putting into effect the above provisions accepted by them, the Parties undertake to take one or more of the following measures:
 - Translation or interpretation as may be required.
- The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

Local Government (Miscellaneous Provisions) (NI) Order 1995

Article 11 of the 1995 Order enables local councils to display street names in languages other than English. This provision has been used to display street names in Irish.

Disability Discrimination Act 1995

The Act recognises that various barriers exist within society which may present practical difficulties for disabled people who are seeking employment, who are currently in employment or when accessing goods, facilities, services or premises. In order to address some of the practical difficulties that these barriers present, the disability legislation creates a positive duty on employers and service providers to make 'reasonable adjustment' to their policies and premises where reasonable and appropriate. This would extend to access to and use of means of communication

Race Relations (NI) Order 1997

The Order 1997 follows closely the provisions of the 1976 Race Relations Act in GB, outlawing discrimination on grounds of colour, race, nationality or ethnic or national origin. The Order makes racial discrimination unlawful in employment; the provision of goods, facilities and services; education; and housing management and disposal of premises.

Fair Employment and Treatment (NI) Order 1998:

Article 19, places a requirement on employers in Northern Ireland to maintain a good and harmonious working environment. The Fair Employment Code of Practice provides guidance for employers on the promotion of such an environment. At Section 5.2 it states that, 'To promote equality of opportunity you should....promote a good and harmonious working environment and atmosphere in which no worker feels under threat or intimidated because of his or her religious belief or political opinion.'

Section 75 Northern Ireland Act 1998

Section 75 of the Northern Ireland Act 1998 requires all designated public authorities in Northern Ireland, and including Fermanagh and Omagh District Council, to have due regard to the need to promote equality of opportunity on nine specified grounds, namely:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without

A designated public authority must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Fermanagh and Omagh District Council are consulting on a new Equality Scheme that affirms its commitment to promote equality of opportunity and good relations. The scheme makes a commitment to remove barriers to communication and includes the following statement, 'Information will be made available on request, in alternative formats – such as Braille, disc and audio cassette'.

Belfast / Good Friday Agreement 1998

The Agreement commits Government to exercising power in Northern Ireland, 'with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and [with] parity of esteem and... equal treatment for the identity, ethos, and aspirations of both communities'.

In the section entitled 'Rights, Safeguards and Equality of Opportunity: Economic, Social and Cultural Issues' the agreement recommends that, 'All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish

language, Ulster-Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland.'

Furthermore, the Agreement duly acknowledged obligations under the Council of Europe Charter for Regional or Minority Languages, in relation to the Irish language, 'where appropriate and where people so desire it',

Human Rights Act 1998

Article 10 (Freedom of Expression) of the Human Rights Act 1998 is a qualified right which states that everyone has the right to freedom of expression, including freedom to hold opinions and to receive and impart information and ideas without interference by a public authority and regardless of frontiers. This guarantees the right to pass information to other people and to receive information that other people want to give to you. It also guarantees the right to hold and express opinions and ideas.

Northern Ireland (St Andrews Agreement) Act 2006

The Northern Ireland Act 2006 places a duty on the Northern Ireland Executive to adopt a strategy for the enhancement and protection of the Irish language.

Equality Commission (NI) Guidance on Promoting a Good and Harmonious Working Environment 2010

Following earlier advice made available by the Fair Employment Commission, in 2010 the Equality Commission issued revised guidance on promoting a good and harmonious environment, setting out responsibilities of both employers and employees. The guide acknowledges that while certain emblems and symbols will, by their history, nature and associations, have the potential to disrupt a good and harmonious working environment, others are unlikely to cause disharmony, 'This of course does not mean that working environments must always be devoid of anything that happens to be more closely associated with only one community in Northern Ireland. Some employers prefer to promote the workplace environment as a 'neutral' space given the organisation's specific context and including its history, culture and/or workforce composition. On the other hand, many employers find ways to facilitate diverse expressions of identity in a sensitive way which does not disrupt a good and harmonious working environment. Neither approach is inherently right or wrong but each should be founded on choices based on what is reasonable, fair and appropriate at that time and in that place. It is for employers to consider where such boundaries should be set.'

In relation to the use of the Irish language, the draft guide states, 'The use of languages other than English, for example in corporate logos and communications, should not in general infringe a good and harmonious working environment. In keeping with other elements of this guidance,

decisions on this must rest with the employer and should be based on relevant policies and procedures that are proportionate, reasonable and appropriate to the context in which the organisation operates and be compliant with equality of opportunity.'

DCAL Draft Strategies 2012:

- **Protecting and Enhancing the Development of the Irish Language**
- **Ulster Scots: Language, Heritage and Culture**

Two consultation documents were circulated by the Department of Culture, Arts and Leisure (DCAL) in 2012. While these documents do not have statutory status at this time, they do outline measures that public bodies could adopt to help promote both languages. The measures suggested are broadly in line with those included in the European Charter for Regional and Minority Languages.

OFMDFM Together: Building a Shared Community 2013

In May 2013, the Office of the First Minister and Deputy First Minister (OFMDFM) produced a good relations / shared future strategy document which contains a number of commitments to help improve community relations and build a united and shared society in Northern Ireland.

Of particular note, the strategy contains a shared aim to, 'Create a community which promotes mutual respect and understanding, is strengthened by its diversity and where cultural expression is celebrated and embraced'.

To further this aim, the strategy requires each district council to put in place a District Council Good Relations Programme and an associated Action Plan.