

EQUALITY IN
NORTHERN IRELAND:
the rhetoric and the reality

Committee on the Administration of Justice (CAJ) Ltd
45/47 Donegall Street
BELFAST
BT1 2BR

Tel: 00 44 (0) 28 9096 1122
Fax: 00 44 (0) 28 9024 6706
email: info@caj.org.uk
www.caj.org.uk

Equality in Northern Ireland: *the rhetoric and the reality*

ISBN: 1 873285 89 2

Printed by Shanways, Belfast

SEPTEMBER 2006

PRICE £15.00

Equality in Northern Ireland:
the rhetoric and the reality

What is the CAJ?

The Committee on the Administration of Justice (CAJ) was established in 1981 and is an independent non-governmental organisation affiliated to the International Federation of Human Rights. CAJ takes no position on the constitutional status of Northern Ireland and is firmly opposed to the use of violence for political ends. Its membership is drawn from across the community.

The Committee seeks to ensure the highest standards in the administration of justice in Northern Ireland by ensuring that the government complies with its responsibilities in international human rights law. The CAJ works closely with other domestic and international human rights groups such as Amnesty International, Human Rights First (formerly the Lawyers Committee for Human Rights) and Human Rights Watch and makes regular submissions to a number of United Nations and European bodies established to protect human rights.

CAJ's activities include - publishing reports, conducting research, holding conferences, campaigning locally and internationally, individual casework and providing legal advice. Its areas of work are extensive and include prisons, policing, emergency laws, the criminal justice system, the use of lethal force, children's rights, gender equality, racism, religious discrimination and advocacy for a Bill of Rights.

The organisation has been awarded several international human rights prizes, including the Reebok Human Rights Award and the Council of Europe Human Rights Prize.

TABLE OF CONTENTS

Executive Summary: why this report now?

Chapter One: Setting the Context **1**

Inequality and chronology of change process to date - sets the debate in its historical context and sets out key concepts of fair employment and equality mainstreaming relied on throughout the report.

Chapter Two: The labour market **15**

Inequalities and Northern Ireland's labour market - examines the advances, and the challenges still to be faced, in ensuring equality for all across both the public and private sectors of employment.

Chapter Three: Hidden unemployment patterns **55**

Beyond the monitoring figures – those outside the labour market - examines unemployment, economic inactivity and the growing divide in Northern Ireland between work-poor and work-rich households

Chapter Four: Housing **71**

The housing situation - examines community differentials in the housing arena and official responses to same

Chapter Five: Critique of government responses 99

explores three current government programmes – Targeting Social Need, Taskforce on Protestant Working Class Communities and Shared Future – and raises concerns about their likely impact.

Chapter Six: Investment, Procurement and Equality 137

explores how investment and public procurement policies are (and are not) being effectively targeted at undermining inequality

Chapter Seven: Conclusions and Recommendations 157

Please note that endnotes immediately follow each chapter

Appendices: 175

- Appendix One: MDM measures
- Appendix Two: Employers
- Appendix Three: Housing waiting list time
- Appendix Four: Taskforce Members
- Appendix Five: Invest NI
- Appendix Six: Maps

Equality in Northern Ireland: *the rhetoric and the reality*

Executive Summary

This report is being issued on the 30th anniversary of the fair employment legislation in 1976, when religious and political discrimination at work was explicitly outlawed in Northern Ireland. It explores whether the charges of inequality which were at the heart of the civil rights marches in the late 1960s are truly a thing of the past. To the extent that discrimination has been addressed and ended, what are the lessons for other spheres of social interaction, beyond the workplace, and indeed perhaps even other jurisdictions? To the extent that religious and political discrimination or community differentials still exist, where are the problems, and is anything being done to address them effectively?

The conclusions of the report are stark. Extensive, and excellent, official data is drawn on to examine closely the reality on the ground and all independent observers will, we believe, be led to conclude:

- a. Legislative measures – though not necessarily the early initiatives - have made great improvements in the situation of those in employment in Northern Ireland in overall terms. There are, however, clearly important sectors of employment, and types of work, that are still predominantly occupied by members of one or other community. This finding suggests that the legacy of the past still has an important and potentially destabilising impact on today's workforce (see chapter 2).
- b. The statistics of "registered unemployed" have dramatically improved, but they do not give the full picture. Statistics hide the large number of people who want to work but who cannot find

employment. An economy which grows at the expense of those in most need is not built on solid foundations and will create longer-term societal problems (see chapter 3).

- c. The focus of the campaign to end political and religious discrimination at the point of recruitment has been, in large part, effective; it is obvious, however, that advances made regarding employment have not been translated into other social policy areas. This report looks by way of example at the issue of housing, where there are important community differentials - but these are being ignored rather than tackled (see chapter 4).
- d. Current government initiatives risk not merely ignoring issues of inequality but of seriously exacerbating them and indeed sectarianising the debate. As such, these measures risk undermining the Good Friday/Belfast Agreement, and in many instances run counter to the provisions in the Agreement and the legislation that government itself introduced in the wake of those political negotiations (see chapter 5).
- e. Major funding tools such as inward investment and public procurement policies offer the potential for challenging some of the legacy of disadvantage highlighted earlier, but early signs regarding the strategic direction of such tools are worrying (see chapter 6).

The Committee on the Administration of Justice (CAJ) is an independent human rights group working to uphold the highest standards in the administration of justice in Northern Ireland. CAJ is affiliated to the International Federation of Human Rights and was honoured with the Council of Europe Human Rights Prize in 1998 for its efforts to mainstream human rights and equality considerations in the peace process. Throughout its 25 years of work (it was founded in 1981), the organisation has argued that human rights abuses are wrong in themselves but that they also

feed and fuel conflict. The organisation has researched, published and campaigned on issues of discrimination and equality since its outset.

It is the premise of this study that the denial of rights to people on the grounds of their political or religious beliefs violates international human rights, runs counter to domestic legislative provisions protecting equality of opportunity, and is seriously destabilising. Great efforts were made in the course of the negotiation of the Agreement to ensure that the tragedies of the past would never again be experienced. Yet this report concludes that government is ignoring measures that have proved effective in undermining communal divisions. It concludes that government is in fact introducing measures which, instead of reducing community divisions can only exacerbate them, and marginalize further the most disenfranchised in our society, both Catholic and Protestant.

Action is urgently needed. The report is highly critical of current measures, but its intention is to focus positively on what needs to be done. Taking as a starting point that a strong, vibrant, and modern economy can only succeed on the basis of fairness for all, the recommendations (see chapter 7) are offered in a spirit of constructive endeavour. We believe that the approach throughout is motivated by the widely-shared principle outlined in the preamble to the Agreement, to the effect that –

“.....The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all. We are committed to partnership, equality and mutual respect as the basis of relationships...”

Chapter One

Inequality - background to current debate

Issues of equality and non-discrimination have fed and fuelled the conflict in Northern Ireland over the decades. Accordingly, important decisions were made at the time of the negotiation of the Good Friday/Belfast Agreement in 1998 to ensure that these issues would be tackled seriously. The Northern Ireland Act of 1998 – which set out in law the key tenets of the political negotiations – enshrined in legal form many of those human rights and equality advances. This report will argue that recent developments undertaken by government fly in the face of these advances.

However, to fully understand the nature of the advances made to date, and how they could be made to ensure greater equality, social cohesion and fairness for all, it is important to set the debate in some broader historical context.

This chapter will:

- outline a chronology of the process of change
- discuss the monitoring of the legislative change to date
- draw out the lessons learned so far

Chronology of change process

The Constitution Act of 1973

As Professor Christopher McCrudden¹ has pointed out, as part of the arrangements for the first attempt to reform constitutional relationships in Northern Ireland, the Northern Ireland Constitution Act of 1973 introduced clear, if limited, legislative anti-discrimination requirements for the first time, replacing the uncertain provisions of the Government of Ireland Act 1920. The 1973 Act made it unlawful for a public authority carrying out functions relating to Northern Ireland to discriminate, or to

aid or incite another person to discriminate, against a person or class of persons on the ground of religious belief or political opinion.

The year 1973 also saw the establishment of a review committee, set up under the Conservative Minister of State, William van Straubenzee, to consider the question of discrimination in the private sector of employment.

The Fair Employment Act 1976

Following the publication of the van Straubenzee Report, the Fair Employment Act of 1976 was passed. Although this Act only partially implemented the van Straubenzee report, it did address public sector as well as private sector employment. Later studies indicated that the 1976 Act had little effect on employers' practices, with research carried out by the Policy Studies Institute in 1987 showing that the vast majority of employers believed that the legislation had made little, if any, impact on their behaviour.² Job discrimination was still thought to be justifiable in certain circumstances by a considerable number of employers. Informal recruitment and appointment procedures contributed to continuing levels of segregation, and too often, investigations by the Fair Employment Agency had little impact beyond the individual organization investigated. Very few establishments were formally monitoring the religious composition of the workforce. Indeed very few establishments were carrying out any type of equal opportunity measure and voluntary compliance remained the dominant approach.³

The research by the Policy Studies Institute (PSI) also revealed the startling level of inequality between the two communities in Northern Ireland. According to the PSI study, for example, Catholic male unemployment, then at thirty-five percent, was two and a half times that of Protestant male unemployment. Catholic male unemployment continued at this level despite over 100,000 job changes a year.

From the mid-1980s, inequality of opportunity between Catholics and Protestants became again a key political issue, but largely due to pressure from outside Northern Ireland. A campaign in the United States was begun to bring pressure to bear on U.S. corporations, state legislatures,

and municipal governments with investments in Northern Ireland to adopt a set of anti-discrimination principles called the MacBride Principles. These principles sought to encourage employers to adopt affirmative action and, despite opposition from the British Government, the MacBride campaign proved popular with U.S. state and city legislators. A number of states enacted legislation requiring U.S. companies in which they invested to ensure fair employment practices in their Northern Ireland subsidiaries. McCrudden argues that the U.S. campaign began to fill, however partially and inadequately, the political vacuum caused by the failure of Northern Ireland's political institutions to address the issue adequately.⁴

Partly in response to the pressure generated as a result of the MacBride campaign in 1986, the local Department of Economic Development (DED) proposed new legislation which, while offering some hope of a more robust approach, still fell short of what was likely to be effective. According to McCrudden, the *"Government's proposals were thought to have provided a clear analysis of the problem but too weak a policy response"*⁵.

The SACHR reports (1987 & 1990)

The DED document did, however, succeed in concentrating the minds of others. The Standing Advisory Commission on Human Rights published a major report in October 1987.⁶ This report provided the most comprehensive and authoritative analysis of the problem as well as a detailed set of proposals for legislation and other government initiatives. Crucially however, the report shifted the terms of the debate from concentrating on the eradication of prejudiced discrimination, to reducing unjustified structural inequality in the employment market, whether caused by discrimination or not. Since its publication, the report has formed a benchmark against which the government's subsequent responses to the problem are judged.

In December 1988, the UK government responded to the SACHR report by publishing new draft legislation and, after significant amendments, this legislation was passed in July 1989. The Fair Employment Act of 1989 came fully into effect on January 1, 1990, marking a departure

CAI

from previous approaches. The main aspects of the 1989 legislation involved the introduction of compulsory religious monitoring by employers and the introduction of affirmative action. This latter involved the possibility of setting goals and targets for improving the employment patterns of an employer, based on a comparison between the existing patterns and the profile of the relevant geographical catchment area. The legislation also outlawed for the first time indirect religious discrimination, and provided considerable new investigatory powers to the Fair Employment Commission (FEC) – which had replaced the previous Fair Employment Agency.

Although necessary, anti-discrimination law was considered insufficient to achieve the substantial change that the Standing Advisory Commission on Human Rights (SACHR) had defined as necessary. The 1987 SACHR Report was clear that anti-discrimination legislation could only be part, though a necessary part, of the process of government addressing the problem of employment inequality.

In its Second Report in 1990, SACHR returned to this issue, arguing that government should establish machinery that would monitor the impacts of legislation, policy, and administration on equality of opportunity, and on relations between the two sections of the community.

The PAFT guidelines (1993)

This SACHR recommendation paved the way for the launch of Policy Appraisal and Fair Treatment (PAFT) guidelines, to ensure that *“equality and equity...are central issues which must condition and influence policy making in all spheres and at all levels of Government activity”*⁷.

Essentially, all areas of policy making and service delivery were to be “equality proofed” in order to assess if there was a differential impact on any of the groups covered by the PAFT Guidelines. The groups coming within the scope of the guidelines went beyond the two religious communities, and included people of different gender, age, ethnic origin, marital and family status, and sexual orientation, as well as people with a disability.

Indeed it is worth noting in passing that it was the very cross cutting nature of these mainstreaming guidelines that allowed for broad campaigning coalitions to come into effect. Women's groups, people with disabilities, people of different races could see a direct value for themselves in an obligation on government to promote equality in their regard. Moreover, all these groups work on issues of multiple inequalities – the concerns of elderly Protestants, Catholic women, Travellers with a disability etc. That is why a "PAFT coalition" was formed which came to be re-named "Equality Coalition" in due course.⁸

Whilst this report is almost entirely focused on the issue of the community divides in Northern Ireland, the equality duty has a much wider impact than solely that issue. Accordingly, the failures highlighted later in the report regarding the workforce, those excluded from work, housing issues and tackling poverty via investment and good procurement policies, have significance beyond the religious and political inequalities in Northern Ireland. It is also noteworthy that the very existence of such cross cutting efforts epitomises that work for equality can contribute to greater social cohesion, and gives the lie to the 'divide and rule' claim that the pursuit of equality is socially or politically divisive.

In 1993, the main value of the PAFT guidelines lay in the substantial shift towards equality, and away from a narrow pre-occupation with discrimination.

Unfortunately however, the status of the PAFT guidelines remained ambiguous, and in particular the voluntary approach to enforcement again meant that little was done in practice to implement PAFT. PAFT however emerged into public prominence in the context of women's equality when the public sector trade union UNISON took judicial review proceedings against a public body on the grounds that there had been insufficient application of PAFT to a proposal to privatize services. The argument made before the court was that the privatization initiative would have a significant adverse impact on the mainly female workforce.

The judicial review was ultimately unsuccessful, but the case represented a pyrrhic victory for the government. It was disclosed



that the PAFT guidelines had, mistakenly, not formally been issued to the public body concerned, which was a considerable embarrassment. Furthermore, the judge, in deciding the case, held that had the guidelines been issued properly, the public body would have been required legally to have taken them into account, thus appearing to give the text a legal status, which had hitherto not been clear.⁹

The judicial review also succeeded in drawing further attention to the implementation of PAFT, and the notion of mainstreaming equality in policy making and service delivery generally.

SACHR Report (1997)

During the passage of the 1989 Act, the government had committed itself to conducting a review of the operation of the legislation and other government policy in this area within five years of the commencement of the Fair Employment Act. This task was originally entrusted to the Central Community Relations Unit of the Northern Ireland Office but, as a result of campaigning for this work to be undertaken by an independent body, the responsibility was later transferred to SACHR.

SACHR concluded in relation to employment that the 1989 Act had made a positive contribution to greater equality and the mitigation of Catholic under-representation in employment. Significantly however, the report also concluded that government should: *“direct its attention to those social and economic factors which contribute to employment inequality and which the legislation does not, and was never intended to, address”*.¹⁰

In particular, SACHR responded to the growing campaign by equality campaigners, and recommended that a new statutory equality duty on public authorities should replace the PAFT guidelines.

Good Friday/Belfast Agreement 1998

The government's response to the SACHR Report was set out in the White Paper, "Partnership for Equality", published in March 1998. By this stage however, political developments had proceeded ahead, and the proposals in the White Paper essentially became part of the negotiations around the Belfast Agreement. The requirement that decision making should involve and benefit those most in need became an important building block for the "fresh start" that the Agreement envisaged.

The Agreement included a commitment by government to make rapid progress with measures on employment equality. In addition, the Agreement also contained a commitment that, subject to the outcome of public consultation underway, the government would, as a particular priority, create a statutory obligation on public authorities in Northern Ireland to carry out all their functions with due regard to the need to promote equality of opportunity in relation to religion and political opinion, gender, race, disability, age, marital status, dependents and sexual orientation. Public bodies would be required to draw up statutory schemes showing how they would implement this obligation. Such schemes would cover arrangements for policy appraisal, including an assessment of impact on relevant categories, public consultation, public access to information and services, monitoring and timetables.¹¹

Northern Ireland Act 1998 (and section 75)

These requirements were enacted in law via Section 75, and Schedule 9 of the Northern Ireland Act 1998 - itself the legal text giving effect to the Agreement.¹²

- 75.1 A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity –
- (a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;

- (b) between men and women generally;
- (c) between persons with a disability and persons without; and
- (d) between persons with dependants and persons without.

75.2 Without prejudice to its obligations under sub-section (1), a public authority shall in carrying out its functions relating to Northern Ireland have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Together with Schedule 9 to the Act, Section 75 requires that specified public authorities should carry out Equality Impact Assessments in order to determine the impact of their policies on the promotion of equality across a range of groups, including religious belief and political opinion. Certainly, in Section 75 one can see legislative effect finally being given to the SACHR recommendation from 1990 that *“government should establish machinery that would monitor the impacts of legislation, policy, and administration on equality of opportunity and on relations between the two sections of the community”*.

Under the provisions of Section 75 and Schedule 9, public bodies are required to draw up Equality Schemes, which outline their procedures for assessing and monitoring the impact of their policies across the Section 75 groups. Responsibility for approving these Equality Schemes lies with the Equality Commission for Northern Ireland. It is argued that an advantage of legislation like Section 75 is that it should encourage greater transparency in decision-making, since it necessitates defining what the impact of policies is at (a) an earlier stage of policy making; (b) more systematically and (c) to a greater extent than would otherwise be contemplated. The other key aspect of the Equality Impact Assessment process in Northern Ireland is that it involves the participation of those affected by the policy in question, in order to determine whether the policy can be amended to deliver greater equality. Such an approach can contribute to an increase in participatory democracy, or what the European Commission refers to as “civil dialogue”.¹³

This particular advance is of great significance for a number of reasons. It is intended to open up the public policy decision making process to those affected by those decisions; to ensure that there is a more effective delivery of services to those most in need of those services; and to ensure that public policy actively promote equality for all. It is a radical progressive agenda, but a very necessary one in the light of the serious inequalities that had to be tackled and brought to an end.

The Fair Employment and Treatment Order 1998

In addition to the Northern Ireland Act, the Fair Employment and Treatment (Northern Ireland) Order came into effect in December 1998, designed to implement many of the proposals announced in the White Paper and to replace the remaining provisions of the 1976 and 1989 Acts.

The major changes enacted as a result of the 1998 Order include the broadening of the scope of the legislation to prohibit unlawful discrimination on grounds of religious belief or political opinion in goods, facilities and services, including the sale of land (subject to the limitation that land sales not publicly advertised are excluded from coverage). The Order also broadened the scope of monitoring returns, increasing the number of employers who must register with the FEC, and including part-time workers within the scope of a new definition of employee. New monitoring regulations were published in March 1999 and came into operation on 1 January 2001.

Monitoring the success of legislative change

The 1989 Fair Employment Act was introduced as a result of trenchant criticism of the voluntarist approach of its predecessor legislation (the 1976 Act). It has been rightly credited with making a major impact on the problem of discrimination in employment and was an important turning point in the debate about inequality in Northern Ireland.

Five years into its operation, in 2004, the Equality Commission for Northern Ireland published an edited collection of research studies which



provided an analysis of the state of play with respect to fair employment between the two communities.¹⁴

One study of the labour market showed that the 1990s had seen substantial progress towards a more equitable distribution of employment and employment opportunities in Northern Ireland.¹⁵ Overall, in 1990 the community composition of the monitored Northern Ireland full-time workforce was 65.1% Protestant and 34.9% Catholic. Based on the figure for Catholic labour availability at that time, this represented a shortfall of about 5 percentage points in the Catholic share of monitored employment. Looking at the same sections of the workforce that were monitored in 1990, by 2001 Catholic representation had increased to 39.5 per cent, a shortfall of around 3 percentage points, again based on Catholic labour availability data of 42.7 per cent¹⁶. This study concluded however that more still needed to be achieved before the target which the Fair Employment Commission had set itself in 1991 could finally be realised.

In the same collection, McCrudden *et al* published the findings of their research which examined two possible goals that the FEC pursued through affirmative action agreements to achieve fair participation: increased employment growth of the underrepresented group, and increased integration of workplaces¹⁷. Significantly, their study found that employment growth for under represented groups and increased workplace integration had both been achieved simultaneously at agreement firms. This was a very important finding, since many people had previously argued that fair employment legislation – with its emphasis on monitoring community differentials – might exacerbate community divisions. Indeed, this is an argument that has surfaced again recently, and which is discussed in relation to housing (chapter four), and the debate around a government initiative entitled Shared Future (see chapter five). However, the empirical evidence shows that the reverse is in fact the case, and indeed that the approach taken in relation to fair employment may hold useful analogies for encouraging greater social cohesion in other arena.

In relation to increased workforce integration, the study for example found that in 1990, one in five of the smaller and medium-sized companies

employed less than 10 per cent Catholics, while one in ten employed less than ten percent Protestants. Moreover, around one in ten of the larger-sized companies employed less than 10 per cent Catholics. However, by 2001, when the legislation was well established, only one in twenty of the medium and largest-sized employers employed less than 10 per cent Catholics, while one in a hundred had a workforce employing less than 10 per cent Protestants¹⁸. The study by McCrudden *at al* concluded that firms reaching agreements showed significant evidence of change over the decade, and that *"it is likely that the work of the FEC was an integral part of the processes driving change in the Northern Ireland labour market in the 1990s"*.¹⁹

Applying the lessons

As noted above, the finding that employment growth for underrepresented groups and increased workplace integration both took place simultaneously at agreement firms is very significant. During the passage of the 1989 legislation, there were many who questioned the wisdom of introducing concepts such as affirmative action and workforce monitoring. Concerns were expressed that such measures could sectarianise and polarise communities; that good community relations would be undermined by such initiatives; and that business would be burdened with onerous and unhelpful barriers in staff management terms. Subsequent research, however, has shown that quite the reverse has happened - with the equality discipline encouraging greater workforce integration. Indeed, it is now apparent that while residential and other forms of segregation have persisted, and indeed on occasion increased, it is only in Northern Ireland's workplaces that integration has been steadily advancing.

Government ought to be looking to see how the lessons from the fair employment sphere can and should be applied to other domains. Instead, the reverse is in fact the case. This report will look (chapter five) at three current government initiatives:

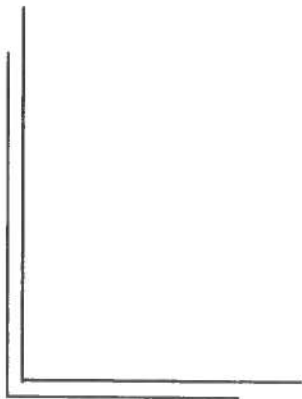


- New TSN
- Taskforce on Protestant Working Class Communities
- Shared Future

which ignore the learning from the fair employment experience. Indeed, these initiatives, we will show, are being pursued in a way that risks undermining the important advances that have been made to date.

At the same time, the findings that follow (in chapters 2 and 3) show that whilst the 1989 Act has been a success in terms of increasing the representation of under represented groups and increasing the level of integration in workplaces, much remains to be done to deliver on its intended goal of “fair participation” throughout Northern Ireland. Commentators who claim that all the historical concerns about employment equality are now simply that – historical – are contradicted by the abundant official data now available.²⁰ Even if the fair employment legislation has not yet delivered on all its promises, it has provided the data that allows for a careful analysis of the problem and the required solutions.

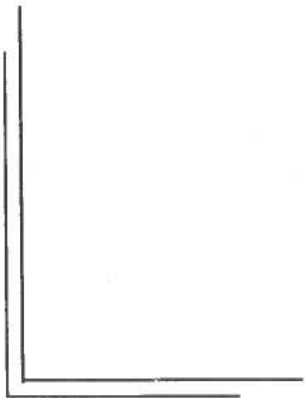
As this study will show, there is unfortunately no shortage of evidence of continuing community differentials; they must be addressed if we are to undermine community tensions, develop greater social cohesion, and create a stronger and more prosperous economy in which all can thrive.



ENDNOTES FOR CHAPTER ONE

- ¹ "Mainstreaming Equality in the Governance of Northern Ireland", Christopher McCrudden, *Fordham International Law Journal*, Volume 22, April 1999, Number 4, P.1704.
- ² David Smith and Gerald Chambers, *Inequality in Northern Ireland*, 1991.
- ³ *Ibid.*
- ⁴ "Mainstreaming Equality in the Governance of Northern Ireland", Christopher McCrudden, *Fordham International Law Journal*, Volume 22, April 1999, Number 4, P.1704.
- ⁵ *Ibid.*
- ⁶ *Religious and Political Discrimination and Equality of Opportunity in Northern Ireland: Report on Fair Employment*, 1987, Cm. 237.
- ⁷ Central Secretariat Circular 5/93 (Policy Appraisal and Fair Treatment, Dec. 22, 1993)
- ⁸ The Equality Coalition is an alliance of non-governmental groups that work to ensure the equality duty is put into practice, and to increase the profile of equality issues in Northern Ireland. It is co-convened by CAJ and the public sector union, UNISON.
- ⁹ In the matter of an application for judicial review by UNISON against Down and Lisburn Health and Social Services Trust, Q.B.D. (1995)
- ¹⁰ "Employment Equality: Building for the Future", Standing Advisory Commission for Human Rights, Cm. 3684, June 1997.
- ¹¹ *The Agreement*, P.16.
- ¹² Following a legal ruling, one can in fact argue that there is now not merely a legal, but also a constitutional requirement that equality be at the heart of decision making in Northern Ireland.
- ¹³ "Mainstreaming Equality in the Governance of Northern Ireland", Christopher McCrudden, *Fordham International Law Journal*, Volume 22, April 1999, Number 4
- ¹⁴ *Fair Employment in Northern Ireland, A Generation On*, Edited by Bob Osborne and Ian Shuttleworth, Blackstaff, 2004.
- ¹⁵ "Employment profiles of Protestants and Catholics: A Decade of Monitoring", Raymond Russell in *Fair Employment in Northern Ireland, A Generation On*, Eds. Bob Osborne and Ian Shuttleworth, Blackstaff, 2004, P. 47.
- ¹⁶ *Ibid.* In reviewing these figures, it is important to note that employment counts rose for both communities during the twelve-year period. The number of Catholics in monitored full-time employment rose from 115,266 to 143,339, while the Protestant count increased from 214,691 to 219,366 during the same period. *Ibid.*
- ¹⁷ "The impact of affirmative action agreements", Christopher McCrudden, Robert Ford and Anthony Heath, in *Fair Employment in Northern Ireland, A Generation On*, Edited by Bob Osborne and Ian Shuttleworth, Blackstaff, 2004,
- ¹⁸ *Ibid.*
- ¹⁹ *Ibid.*
- ²⁰ Monitoring Report No. 15, *A Profile of the Northern Ireland Workforce, Summary of Monitoring Returns 2004*, Equality Commission for Northern Ireland, December 2005; the foreword of the Chief Commissioner of the Equality Commission seems somewhat premature in announcing that the "imbalances in employment recorded in the early 1990s have in effect disappeared". Similarly, the authors of *Shared Future* talk of the opportunity gap from the 1960s having narrowed and removing any justification for inequality as a cause for community tensions (*A Shared Future: Policy and Strategic Framework for Good Relations in Northern Ireland*", OFMDFM, March 2005).

CAJ



Chapter Two

Inequalities in Northern Ireland's labour market

Complaints of religious discrimination in employment, alongside issues such as housing, electoral arrangements and policing, were a recurrent theme during the period of devolved government at Stormont from 1921 to 1972.¹ Following the passage of the 1989 Fair Employment Act however, the 1990s saw substantial progress towards a more equitable distribution of employment and employment opportunities.² Research has concluded that it is likely that the work of the Fair Employment Commission (FEC) was an integral part of the processes driving change in the Northern Ireland labour market in the 1990s.³

This chapter will show that, notwithstanding the advances of the 1990s, there is still much to do to ensure “employment equality” for Catholics and Protestants in all areas of the labour market.

The chapter is organised according to the following headings:

1. gathering the information: monitoring fair employment
2. analysis of the monitoring figures – patterns and trends overall
3. employment equality in the public sector
 - 3.1 the public sector as a whole
 - 3.2 equality and the Northern Ireland Civil Service
 - 3.2.1 composition of NICS by grade
 - 3.3 equality within the security sector
 - 3.3.1 Northern Ireland Prison Service
 - 3.3.2 Chief Constable of the PSNI
 - 3.3.3 Secretary of State for Defence
 - 3.3.4 Northern Ireland Policing Board
 - 3.4 equality and local government (District Councils - DCs)
 - 3.4.1 composition across DCs as a whole
 - 3.4.2 composition across DCs by grade
 - 3.4.3 composition of individual District Councils

- 3.5 equality within health sector
- 3.6 equality within education sector
 - 3.6.1 composition by grade
- 4. employment equality and the private sector
 - 4.1 introduction
 - 4.2 the monitored Northern Ireland private sector
 - 4.3 under-representation in large private sector concerns (1000+)
 - 4.3.1 Catholic under-representation
 - 4.3.2 Protestant under-representation
 - 4.4 specific sectors of the workforce
 - 4.4.1 airline/aircraft industry
 - 4.4.2 energy sector
 - 4.4.3 transport sector
- 5. International perspectives on the Northern Ireland labour market
- 6. Conclusions
 - 6.1 The Private Sector
 - 6.2 The Public Sector

1. Gathering the Information – Monitoring Fair Employment⁴

The Fair Employment (Northern Ireland) Act 1989 introduced compulsory workforce monitoring by community background requiring certain employers to register with the Fair Employment Commission.⁵ In October 2000, under the Fair Employment and Treatment Order (FETO), the Equality Commission for Northern Ireland assumed responsibility for overseeing the operation of the fair employment legislation.⁶ All public sector employers identified in the Fair Employment (Specification of Public Authorities) Order (Northern Ireland) are deemed to be automatically registered with the Commission. In January 1990 all private sector employers with 26 or more employees were required to register, and from January 1992, the requirement to register with the Commission was extended to all concerns with 11 or more employees.

All registered employers (both public and private sector) are required to monitor the composition of their workforces as follows:⁷

- full-time employees have been monitored since 1990;
- part-time employees (those working less than 16 hours per week) have been monitored since 2001;
- since 1991, applicants and appointees in the public sector and large private sector concerns (those with 251+ employees) have been monitored;
- in 2001 this requirement was extended to all registered private sector concerns;
- since 2001, promotees and leavers in the public sector and large private sector concerns (251+) have also been the subject of monitoring.

It is important to point out however that not all the Northern Ireland workforce is monitored, and that the following are *not* monitored: the self-employed, those on government training schemes, the unemployed, school teachers and those working in private sector concerns with 10 or less employees. Monitoring covers approximately 69% of those of working age in employment (DETI, 2005).

Given the reliance throughout this report on monitoring data, it is worth initially recognising the reasons behind gathering this data. The primary purpose behind introducing workforce monitoring was to assess the degree of fair participation within individual companies, and thus to determine whether affirmative action measures might be necessary. A secondary outcome of this process however has been the generation of a large amount of monitoring data which, when aggregated, provides a reliable, annually updated picture of participation within monitored concerns. In his foreword to the 2005 fair employment monitoring report, the Chief Commissioner of the ECNI commented that⁸ -

"I have come quickly to realise the value of the data presented here and, more importantly, of the monitoring process which generates them.... There can be little doubt that the change that these data reflect did not come about by accident. It was the product of legislation, effort, endeavour and, not least, of the work of the Commission and its

predecessor bodies. It is a telling example of the potential of a public policy intervention."

Similarly, the former Irish Taoiseach Garret Fitzgerald referred to the "remarkable progress that has been made in social research in Northern Ireland".⁹ The development of solid empirical data has been crucial in determining both the advances made to date, and to determining remaining challenges. Central to the "fair participation" model, which is at the heart of the fair employment legislation, is a recognition that only by gathering the necessary data can one identify if a problem of under representation exists.

The Chief Commissioner's comments are worth bearing in mind lest the issue of monitoring data ever be taken for granted. Inequality – in whatever domain – can only be tackled on the basis of solid and reliable data.

The existence of detailed data about Northern Ireland's labour force allows one to get behind the 'headline' figures. For example, the Chief Commissioner also notes in his foreword that:¹⁰

"The imbalances in employment recorded in the early 1990s have in effect disappeared. The composition of the workforce is now Protestant [57.7%] and Roman Catholic [42.3%]. Given that the proportion of those available for work is around [57.3%] and [42.7%], the current composition is close to what might be expected."

On the face of it, this looks like a 'good news' story, but the figures that follow in the body of this report suggest it is too premature to suggest that the problems of the early 1990s have all disappeared. The material that follows (all based on the Equality Commission's detailed monitoring statistics) will show that while the aggregate figures are quite positive, the breakdown across individual places of employment continues to reveal widespread and significant problems in relation to the operation of the Northern Ireland labour market. These problems must be addressed if Catholics and Protestants are to be (and to feel) fairly treated in employment terms, and if conditions in the labour market are to ensure a modern competitive and thriving economy.

2. Analysis of the ECNI Monitoring Figures - Patterns and Trends Overall

On initial viewing, the monitoring figures might indeed look as if Northern Ireland has seen the end of the problem of community imbalances in the labour market. As outlined above, the foreword to the latest monitoring report states that overall, the composition of the monitored workforce in Northern Ireland at 2004¹¹ was Protestant [57.7%] and Roman Catholic [42.3%], with the respective proportions of those available for work according to the 2001 census at [57.3%] and [42.7%]. Thus, there is a [0.4%] imbalance overall – a figure not likely to cause concern.

However, these figures hide continued serious imbalances within various sectors of the workforce.

One of the problems for example with the current Northern Ireland labour market is that communities tend to be concentrated in particular sectors of employment. Historically this has always been the case in Northern Ireland, and this is very much a legacy of the divided nature of Northern Irish society. Clearly, as a result of the increased integration of workplaces since the passage of the 1989 Fair Employment Act, there is no longer the level of segregation that there was until the early 1990s. Indeed one of the great achievements of the 1989 Act, and in particular community outreach measures was the attempt by a number of employers to challenge the notion that they were only interested in employing one section of the community. Nonetheless there remain serious structural imbalances in relation to where certain sections of the community tend to work.

These patterns clearly highlight problems both in terms of the equality of opportunity afforded individuals, but also in terms of good community relations, since they reveal patterns of segregation and separation between the two communities. There is however yet another serious problem in that fluctuations in the fortunes of particular sectors of the economy will have disproportionate consequences for the communities concentrated in that sector.

CAI

For example, in the Northern Ireland context, the Protestant community - traditionally well-represented in the local manufacturing industry - suffers disproportionately when compared to their Catholic neighbours as Northern Ireland's manufacturing base experiences the consequences of the global decline in this arena. Another major employer for Protestants and unionists has traditionally been the broadly defined "security industry", which has included at various times the Royal Ulster Constabulary, the Ulster Defence Regiment, Royal Irish Regiment, the Northern Ireland Prison Service, the various part-time reserves/special constabularies associated with these organizations, and indeed, at the height of the conflict, the large number of jobs created in peripheral security occupations, such as civilian searchers etc. In purely employment terms, the transition to a more peaceful society was therefore bound to have a much more damaging impact on 'Protestant' jobs, than on 'Catholic' jobs.

These examples highlight the social and political problems that can arise if sectors of the labour market are disproportionately occupied by members of one group but not others. The inflexibilities thereby created in the labour market have been long recognized when discussing the 'gendering' of different occupations.

The statistics available as a result of fair employment monitoring highlight that Northern Ireland has clear community disparities across a range of sectors, and this is explored in more detail below.

3. Employment Equality and the Public Sector

One of the key features of the Northern Ireland economy is the disproportionate size of the Northern Ireland public sector, which accounts for 63% of the economy of Northern Ireland, substantially higher than 43% for the United Kingdom as a whole¹². This is explained to a large degree by the fact that from the 1970s, private capital, particularly international investment, was reluctant to invest in Northern Ireland. As a result of this, from the early 1970s, government intervened to keep the Northern Ireland economy afloat, and although this is no longer government policy, the enlarged public sector is clearly yet another legacy of the conflict of the last thirty years.

For the purposes of the ECNI monitoring reports, the public sector is comprised of five main sectors, namely: the civil service, security-related employment, District Councils, health and education. Each of these sectors will be examined in turn, and this report will show that significant problems continue to exist with respect to how the public sector is providing “fair participation” for both communities.

3.1 The Public Sector as a whole

According to the ECNI, the proportion of those available for work in each community is around [57.3%] for Protestants and [42.7%] for Catholics. The figures below for those actually working in the public sector show that of those for whom a community could be determined, the percentages of Protestants working full-time in the public sector is [57.4%] with an equivalent figure of [42.6%] for the Catholic community. The similarity between these figures might suggest that one should be very positive about the level of ‘fair participation’ in terms of the large workforce employed by the public sector.

Composition of Full-time Employees Across the Public Sector¹³

	Protestant	Catholic	Non-Determined	Total
Total	85,750 (54.7%) [57.4%]	63,575 (40.5%) [42.6%]	7,516 (4.8%)	156,841 (100.0%)

However, looking more closely at the public sector as a whole by the employee grade, a much more mixed picture in relation to the composition of the public sector workforce across the various grades can be observed.¹⁴ Under-representation among Catholics is highest at SOC 5 (Skilled Trades Occupations),¹⁵ where Catholics make up [32.3%] of the workforce of those for whom a community can be determined - an under representation of [10.4%]. It should be noted however that at this grade there are only 4,355 employees in total, or (2.8%) of the entire public sector workforce.

The next highest in terms of Catholic under representation occurs at SOC 3 (Associate Professional and Technical Occupations) where Catholics account for [37.2%] of employees for whom a community can be determined - i.e. an under representation of [5.5%]. At this grade, there are 45,942 employees, or (29.3%) of the entire public sector workforce.

For the Protestant community, under representation is highest at SOC 4 (Administrative and Secretarial Occupations), where Protestants make up [53.3%] of those for whom a community can be determined, which is [4.0%] below that which would be expected. Overall, there are 39,424 employees at this grade across the Northern Ireland public sector.

The next lowest representation among Protestants is at SOC 2 (Professional Occupations) where Protestants make up [53.6%] of those for whom a community can be determined, which is [3.7%] below that which would be expected. Overall, there are 14,616 employees at this grade across the Northern Ireland public sector.

It is also worth considering the breakdown of the individual workforces across the public sector, in order to get a more detailed examination of disparities within the composition of individual workforces, and it is to this that we now turn.

3. 2 Equality and the Northern Ireland Civil Service

The Civil Service as a whole accounts for a quarter (25.8%) of the monitored public sector full-time workforce. Monitoring information relating to civil servants employed in Northern Ireland is contained in the monitoring returns completed on behalf of the Northern Ireland Civil Service by the Head of the Department of Finance and Personnel, and by the Minister for the Civil Service.

According to the latest monitoring report, of the 33,646 employees in total filed under the remit of the Department of Finance and Personnel, [56.1%] of those for whom a community could be determined were Protestant, and [43.9%] were Roman Catholic. This represents just over

[1%] of an over representation for the Roman Catholic community. For those 7,037 employees monitored under the remit of the Minister for the Civil Service, the monitoring returns indicate that [66.6%] are Protestant and [33.4%] Catholic. This gives almost [10%] of an under representation for the Catholic community.

The table that follows shows that in 2004 the civil service employed 40,487 people in a full-time capacity, a (3.1%) increase on the 39,274 recorded in the previous year. The overall composition was (55.1%) Protestant, (40.3%) Roman Catholic, and (4.6%) non-determined. Protestants accounted for [57.8%] of those whose community was determined and Roman Catholics for [42.2%]. Given that the proportions of those available for work is around [57.3%] and [42.7%], the aggregate figures for the current composition of the civil service is indeed close to what would be expected. The overall composition is presented in the next table. ¹⁶

Composition of Civil Service Full-time Employees by Religion

	Protestant	Roman Catholic	Non-Determined	Total
Total	22,314 (55.1%) [57.8%]	16,312 (40.3%) [42.2%]	1,861 (4.6%)	40,487 (100.0%)

The table below illustrates the trend in community composition of the civil service after excluding secondees. It shows that excluding secondees would mean that the Catholic share of the civil service has increased by [6.9] percentage points since 1990.

	1990	1992	1994	1996	1998	2000	2002	2004
Roman Catholic	36.8%	37.0%	38.0%	39.0%	39.4%	40.4%	42.6%	43.6%
Protestant	63.2%	63.0%	62.0%	61.0%	60.6%	59.7%	57.4%	56.4%

3.2.1 Composition of the Northern Ireland Civil Service by grade

When assessing the extent that employment patterns are in fact exhibiting fair participation regardless of community origin, it is important to break down the overall figures in terms of occupational grades. The monitoring returns provide useful data relating to the various Standard Occupational Categories (SOCs).

The most influential and important grade in the NICS is SOC 1 (Managers and Senior Officials). It is worth noting that at this grade, among those employees for whom a community could be determined, Catholic representation is [39.2%] and Protestant representation is [60.8%], giving an under-representation of Catholics of [3.5%]. This grade of staff is clearly extremely influential, but is not very numerous - SOC 1 makes up only (3.0%) of the overall NICS workforce.

At the SOC 2 level (Professional Occupations) the percentage of Catholics employed in the civil service is (36.1%), or [38.5%] of those for whom a community could be determined - giving an under-representation of just over [4%]. Again however, this particular grade does not have a high proportion of employees overall, compared with the NICS as a whole, representing only (8.8%) of the overall workforce.

Indeed, almost three-quarters (72.8%) of civil service full-time employees are concentrated in two occupational groups, namely: Associate Professional and Technical posts (SOC 3) and Administrative and Secretarial Occupations (SOC 4). At SOC 3 (Associate Professional and Technical Occupations) the percentage of Catholics employed is (32.5%), or [34.4%] of those for whom a community could be determined. Given that the proportion of Catholics is [42.7%] of those available for work, this gives an under representation of [8.3%].

It is worth noting that at SOC Grades 1, 2, and 3 (ie Managers and Senior Officials, Professional Occupations, and Associate Professional and Technical Occupations) which represent almost one third of the whole NICS workforce, Catholic representation is [35.9%] of those for whom a community could be determined, giving an under representation of almost [7%]. This Catholic under-representation at the higher and professional

and technical grades of the civil service is then offset by a significant over-representation at SOC 4 (Administrative and Secretarial Occupations), with Catholic representation at this grade being (48.6%), or [49.8%] of those for whom a community could be determined, giving an over representation of [7.1%]. Significantly, with 20,689 employees, this single grade represents over half (51.1%) of the entire civil service workforce.

Indeed, looking only at those employees for whom a community could be determined, and removing the administrative and secretarial grade (SOC 4) from consideration, a very interesting picture emerges. The remaining half of the civil service contains only [33.9%] Catholic employees, which is an under representation of [9%]. In other words, the clear over-representation of Catholics among the administrative and secretarial occupations hides a clear imbalance at all other grades so that, when aggregated, the figures show an overall community balance close to that which would be expected, but obscures important differentials in community employment patterns.

Clearly Northern Ireland has a civil service of “two halves”, and it is a mistake to assume (as may have been the case in the past) that Catholic under-representation is an issue only at the levels of the Senior Civil Service. This analysis shows that the community differentials are much more marked. This finding is important in and of itself, but may have important consequences for the Review of Public Administration that is currently underway across the public sector. The Review is intended to streamline and modernise public services, and the general presumption is that job losses are likely to ensue. These figures indicate that any fundamental public sector reform is likely to have serious consequences for employment equality, depending on the areas of the NICS in which the job losses might occur. At its crudest, significant job losses at a particular grade will have a significant impact on the Catholic community, while job losses across other areas of the NICS are likely to disproportionately affect Protestants.

As commented on earlier regarding the decline in Northern Ireland's manufacturing base (and see on for the discussion of employment within the security sector), differential community employment patterns *within*

specific sectors and across different grades indicate particular problems that must be remedied. At the very least, such patterns highlight that there are important structural inequalities still at force and, in periods of communal tension, they could contribute to serious instability. Whether or not active discrimination is to blame, good community relations and a shared vision of a prosperous and peaceful future will be impossible if individuals and the communities they belong to believe that they are being left behind.

3.3 Equality within the 'Security' Sector in general

An area of the employment field in Northern Ireland which has experienced major changes in the last number of years has been what the ECNI refer to as "security related occupations". According to the latest monitoring report from the ECNI, included in the monitoring returns are the following security-related occupations: the Police Service of Northern Ireland, the Royal Irish Regiment, the Territorial Army, the Royal Naval Reserve, the Northern Ireland Prison Service, civilian secondees from the Northern Ireland Civil Service and the Northern Ireland Policing Board.

Looking however, at the security sector as it is currently defined by the ECNI, it is clear that, like manufacturing, this is an area of the economy in which the Protestant community is experiencing overall a significant and a disproportionate impact in employment terms. As overall employment in the sector decreases, it is largely Protestants losing the jobs; equally clearly, despite gradual increases over time, Catholics continue to be seriously under-represented in the sector.

Composition of Public Sector Full-time Employees in Security-related Occupations by Religion¹⁷

	Protestant	Catholic	Non-Determined	Total
Total	14,422	1,887	752	17,061
	(84.5%)	(11.1%)	(4.4%)	(100.0%)
	[88.4%]	[11.6%]		

Trends in Catholic [%] of Security-related Full-time Occupations,
1990-2004

	1990	1992	1994	1996	1998	2000	2002	2004
Total	7.4%	7.4%	7.7%	8.1%	8.4%	8.7%	9.1%	11.6%

Much of the public debate has focused on the very specific initiative introduced as a result of the Patten reforms to policing, which requires that police recruitment be undertaken on a 50:50 basis. These tables however highlight that the pursuit of employment equality in the security sector has a long road to travel.

In 2004, there were 17,061 monitored full-time employees in the security-related occupations, compared with 16,969 in 2003 – an increase of (0.5%)¹⁸. The composition was (84.5%) Protestant, (11.1%) Catholic and (4.4%) Non-Determined. Among those whose community background was determined, [88.4%] were Protestant and [11.6%] were Catholic. The Protestant count fell by 104 (0.7%) during the year, while the net number of Catholic employees rose by 199 (11.8%). As a result, the Catholic share increased by [1.2%] percentage points. Between 1990 and 2004, there has been an overall [4.2%] increase in the Catholic share.

Therefore, based on these figures, and assuming that the percentage continues to increase, it would be 25 years, or 2029, before Catholic representation in this sector is in line with that which would be expected from their representation in the population as a whole.

3.3.1 Northern Ireland Prison Service

The following table gives a breakdown for the composition of the Northern Ireland Prison Service grades for the last five years.¹⁹ There have been very few changes in the composition of the Prison Service grades, due mainly to the limited recruitment campaigns carried out during the period.

Prison Service Grades

Year	Protestant	Roman Catholic	Non-Determined
2001	79.2%	8.4%	12.4%
2002	79.2%	8.6%	12.2%
2003	80.1%	8.3%	11.6%
2004	80.2%	8.2%	11.6%
2005	80.2%	8.7%	11.1%

General Service Grades

Year	Protestant	Roman Catholic	Non Determined
2001	74.8%	21.8%	3.4%
2002	74.1%	21.8%	4.1%
2003	75.1%	22.8%	2.1%
2004	76.9%	21.2%	1.9%
2005	75.9%	22.5%	1.6%

In correspondence between the CAJ and the Director of the Prison Service, Robin Masefield, it was noted that efforts were being made to improve the numbers of job applications from under represented groups, and the Service had published an affirmative action strategy.²⁰ Among the measures included in their outreach measures to attract applicants, the document reported:

"NIPS follow the advertising policy of the NICS. All advertisements must be placed in the Belfast Telegraph, News Letter and the Irish News. In addition, the NIPS will consider advertising in the Daily Ireland and other selected local press."

Subsequently, however, the Director explained that the government department responsible (the Department of Finance and Personnel) had insisted that official policy was only to advertise in the Belfast Telegraph, Newsletter and the Irish News, thereby excluding use of Daily Ireland, or other complementary conduits that might have a particularly high readership in the Catholic community. Given the fact that the Prison

Service has significant levels of under-representation of Catholics, it would seem vital that they be allowed, and indeed encouraged, to engage in affirmative action to seek to remedy this imbalance. Later in this report, the potential of public procurement policy addressing and redressing community differentials of all kinds is explored (see chapter six). It is worth noting here, however, how central policy making can either undermine or exacerbate community differentials and the inequalities that foster alienation and community tensions.

Indeed, it is also worth reflecting on the fact that the Prison Service arguably has a particularly important obligation to draw its workforce from across all the communities of Northern Ireland (beyond even its legal duties under fair employment legislation). While employees facing harassment or discrimination may have to suffer unfair treatment at their place of work, they at least have the option of returning to the safety of their own homes, and family and friends, when the working day has finished. Prisoners, by their very nature, do not have the option of returning anywhere; their experience is by its nature a “24 hour” experience. Accordingly, to avoid both the reality or the perception of unfair treatment, it is vital that prison staff reflect broader society.

For this reason CAJ believes that the current levels of inequality within the NIPS merit special attention.

3.3.2 Chief Constable of the Police Service of Northern Ireland

According to the latest monitoring report, the composition for those coming under the remit of the Chief Constable are, for those for whom a community can be determined, [87.7%] Protestant, and [12.3%] Catholic, giving a Catholic under representation of [30.4%].

The move to 50:50 recruitment to the Police Service has been widely and hotly debated. Suffice it to say – for the purposes of this report – that the decision to recruit on a 50:50 basis was exceptional in a number of regards:

CAI

- it applies specifically and only to the issue of policing and was legislated for as a result of policing not employment equality legislation;
- the measure required the UK government to seek a specific exemption from the law of the European Union;
- the initiative is time-limited.

The very specific nature of this measure bears emphasising here, since some commentators have conflated the relatively recent reforms to policing, with long-standing employment measures such as affirmative action strategies, welcome statements for the under-represented community, monitoring returns etc. So, for example, the purpose of recruitment monitoring in general is to gather information and, where appropriate, take measures to address issues of under-representation. The extensive public awareness of the quota system as it applies to policing has led to misunderstandings that somehow 50:50 recruitment applies in many areas of employment, and that the equality law somehow allows for workplaces to fix quotas. This is most certainly not the case. The purpose of equality law is to ensure that the labour market and employers are acting fairly - recruiting and employing people in line with their representation in the population.

While "fair participation" was self-evidently not the situation in the past with regard to policing, for many reasons, overall composition is changing. It will be interesting to see how the figures change over time, and what happens once the time-limited nature of the 50:50 arrangements end. Interestingly, if the police tend like many employers to recruit disproportionately from the 16-24 age range, the different community demographics may still result in 50:50 recruitment figures, whether or not a formal quota exists. Certainly, given that Catholics make up 49.6% of this particular age range, they would – all other things being equal – expect to continue to be appointed to half of the available posts.

3.3.3 Secretary of State for Defence

Out of a total of 3,288 employees, the proportions of staff are [95.5%] Protestant and [4.5%] Catholic, giving a Catholic under representation of [38.5%].

3.3.4 The Northern Ireland Policing Board

Out of a total of 1,372 employees, the composition of the Policing Board is [82.3%] Protestant and [17.7%] Roman Catholic, giving a Catholic under representation of [25.0%].

3.4 Equality and Local Government in Northern Ireland – The Case of District Councils

3.4.1 Composition Across District Councils as a whole

Across the 26 District Councils a total of 8,926 persons were employed in a full-time capacity in 2004, an increase of 212 (2.4%) on the previous year. Their composition was (58.8%) Protestant, (37.3%) Roman Catholic and (3.9%) non-determined. Protestants accounted for [61.2%] of those for whom a community could be determined, and Catholics for [38.8%].

Given that, according to the Census of Population of 2001, the Roman Catholic proportion of those available for work (the economically active of working age) was [42.7%] overall, this means that in effect Catholics are [3.9%] under represented in employment in District Councils as a whole.

3.4.2 Composition Across District Councils by grade

At certain grades however, community differentials are much more marked, and it is worth noting from the ECNI report that across the various SOC grades there is also quite a degree of variance for both communities.

For example, in relation to the Catholic community, it is worth noting that representation falls as low as (32.4%) of the workforce, or [33.2%] of those for whom a community could be determined at SOC 8 (Process, Plant and Machine Operatives) which is [9.5%] below that which would be expected from the general population. Similarly, within District Councils as a whole, Catholic representation at SOC 5 (Skilled Trades Occupations) stands at (33.2%), or [34.6%] of those for whom a community could be determined. This represents just over [8%] below that which would be expected as a result of overall population figures.

Indeed, Catholics are under-represented for almost all remaining SOC grades, with two exceptions. At SOC 2 (Professional Occupations) Catholics are slightly over represented in proportion to what would be expected. However, across District Councils as a whole, at SOC 7 (Sales and Customer Service Occupations) Catholic representation is (51.4%) or [52.8%] of those for whom a community could be determined, which is over [10%] above that which would be expected. The converse is obviously true for the Protestant community. Protestants are over-represented at SOC 5 and SOC 8, and under-represented at SOC 7.

The report has commented earlier on the risk that is created to community cohesion and good community relations if certain kinds of jobs are seen as disproportionately 'owned' by members of one community or another. Clear patterns of such communal differentiation beg serious questions both about the legacy of past policies and the likelihood of continuing inequality. As also highlighted, the current Review of Public Administration is expected to culminate in fundamental changes to the number, structure and nature of District Councils. Staffing will be expected to adapt to the new arrangements, but serious community differentials in workforce patterns of the kind highlighted above cannot be, and should not be, lightly set aside.

3.4.3. Composition of Individual District Councils

Whilst the overall picture of staffing levels across all District Council areas is not seriously out of kilter with the proportions of the general population, a worrying picture emerges when one looks at the composition of individual District Councils.

Unfortunately, the statistics provided in the chart below are not easily accessible by way of the ECNI monitoring figures. CAJ has developed the chart below from ECNI monitoring figures to look at the situation in each individual District Council: the problems are immediately apparent.

Composition of District Council Employees by District Council

Specified Authority	[%P]	[%C]
Carrickfergus Borough Council	93.2%	6.8%
Castlereagh Borough Council	91.2%	8.8%
North Down Borough Council	89.3%	10.7%
Newtownabbey Borough Council	89.1%	10.9%
Ards Borough Council	82.7%	17.3%
Ballymena Borough Council	82.0%	18.0%
Ballymoney Borough Council	81.9%	18.1%
Lisburn City Council	80.1%	19.9%
Banbridge Borough Council	79.1%	20.9%
Coleraine Borough Council	74.2%	25.8%
Larne Borough Council	74.0%	26.0%
Antrim Borough Council	69.4%	30.6%
Craigavon Borough Council	62.2%	37.8%
Belfast City Council	61.3%	38.7%
Limavady Borough Council	60.4%	39.6%
Cookstown District Council	56.4%	43.6%
Armagh City and District Council	54.7%	45.3%
Dungannon & South Tyrone Borough Council	52.2%	47.5%
Magherafelt District Council	48.4%	51.6%
Fermanagh District Council	44.1%	55.9%
Omagh District Council	34.1%	65.9%
Moyle District Council	33.0%	67.0%
Strabane District Council	32.8%	67.2%
Down District Council	25.0%	75.0%
Derry City Council	24.8%	75.2%
Newry & Mourne District Council	13.9%	86.1%

As the figures show, in two Councils - Carrickfergus and Castlereagh - Catholic representation, in percentage terms, is in single figures at [6.8%] and [8.8%] respectively. Taking the overall percentage of Catholics economically active in the population as the reference point, Catholic under representation stands at [33.9%] and [35.9%] respectively. Moreover, in another two Councils, (Newtownabbey and North Down) Catholic under representation is over [30%]. In a further five Councils (Ards, Ballymoney, Ballymena, Banbridge, and Lisburn) Catholic under representation is over [20%], and in a further three Councils (Antrim, Coleraine and Larne) Catholic under-representation is in double figures.

Looking at the situation with respect to Protestant under representation, we can see again serious problems in some Councils. According to the ECNI monitoring report, the proportion of Protestants available for work overall in the population is [57.3%], yet there are eleven Councils in which there is some Protestant under representation.

In one of these, Newry & Mourne, under representation stands at over [40%]. In a further two Councils, Derry and Down, under representation stands at over [30%], while at a further three (Moyle, Omagh and Strabane), Protestant under representation stands at over [20%]. In two other Councils, under representation is around double figures (Fermanagh and Magherafelt), while in three other Councils, Protestant under representation exists, but is less pronounced and in single figures.

Clearly a word of caution needs to be exercised in relation to the above analysis of under-representation, in that not all Councils may have catchment areas for employees that reflect the population as a whole. In other words, there are less Catholics living in North Down, or Protestants living in Newry & Mourne, than within the economically active population as a whole. Nonetheless, in many cases the Councils in question are either located in, or adjacent to, areas where there are sizeable proportions of both communities. For example, Castlereagh Borough Council is adjacent to Belfast City Council area and would have a catchment area that would include the city centre; yet Catholic employment within Castlereagh Council stands at [8.8%].

Even accepting that there may be limitations arising from the "catchment area" issue, there are clearly enough District Councils in which there are particularly egregious examples of under-representation to give cause for concern.

The issue of under representation will clearly need to be addressed as a key priority for any new organisational structures arising out of the Review of Public Administration.

3.5 Equality and the Health Sector

Employees in the health sector were detailed in the monitoring returns of twenty five public sector bodies in 2004. The sector contains approximately one third (34.4%) of all public sector full-time workers across four Health Boards and twenty one independent health-related organisations.

Composition of Health Sector Full-time Employees by Sex

	Protestant	Roman Catholic	Non-Determined	Total
Male	4,538 (41.3%) [47.9%]	4,928 46.9% [52.1%]	1,051 (10.0%)	10,517 (19.5%)
Female	21,469 (49.4%) [52.1%]	19,746 (45.5%) [47.9%]	2,223 (5.1%)	43,438 (80.5%)
Total	26,007 (48.2%) [51.3%]	24,674 (45.7%) [48.7%]	3,274 (6.1%)	53,955 (100.0%)

It is worth noting at the outset that the proportion of non-determined employees within the health sector is the highest of all areas of the public sector. Indeed looking at SOC 2 (Professional Occupations)



the proportion of non-determined employees rises to (16.4%). The importance of this finding is commented on below.

As the table shows, the proportion of Catholics overall in the health service is (45.7%) while the proportion of Protestants is (48.2%) and (6.1%) non-determined; accordingly, the composition of those for whom a community could be determined was [51.3%] Protestant and [48.7%] Roman Catholic. Given that Catholics make up [42.7%] of the population available for work, this represents a [6%] over-representation. Conversely Protestants are under-represented at a level of [6%].

The next table (which excludes non-determined employees) shows an increasing growth in the proportion of Catholics employed in the health sector; having started at a much higher base in 1990 than existed elsewhere in the employment sector, with the exception of education (discussed later in the chapter).

Composition of Health Sector Full-time Employees, 1990-2004

	1990	1992	1994	1996	1998	2000	2002	2004
Roman Catholic	43.5%	44.5%	45.7%	45.3%	46.5%	47.2%	47.4%	48.7%
Protestant	56.5%	55.5%	54.3%	54.7%	53.5%	52.8%	52.6%	51.3%

Looking at the composition of the health sector by SOC grade, further patterns can be determined. According to the ECNI monitoring figures, over one-third (35.9%) of all full-time employees in the health sector are working in Associate Professional and Technical Occupations (SOC 3). This group includes nurses and the professions allied to medicine. At this grade, Protestant representation stands at (45.8%), or [48.6%] of those for whom a community could be determined, giving a level of Protestant under representation of [8.7%].

A further (11.4%) of those employed in the health sector are employed at SOC 2 (Professional Occupations) where the Protestant composition

of the workforce is [50.3%] of those for whom a community could be determined, giving a level of under representation of [7.0%].

Under-representation of Protestants at this level of the health service professionals has been commented on by Osborne and Shuttleworth (2004, p.16) who state:

“Little public comment...is made about the long-term consequences for Protestants of the continuing haemorrhage of young Protestants to universities and colleges in Britain, with little evidence of their return to live in Northern Ireland. These movements, which have been going on for two decades, are having an impact on the representation of Protestants in the highly qualified workforce. Already, sections of the public services, for example health, record an under representation of Protestants in professional and managerial positions. Taken together with the older age structure of Protestant employees in most of the public sector compared with Catholic employees, there is likely to be ever further growth of the share of Catholics in this sector. Rising proportions of Catholics are most unlikely to result from ‘discrimination’, but could have a great deal, ironically, to do with the effects of this long-standing migration.”

In summary, there is clearly an under-representation of Protestants in the health sector, and particularly at professional grades. It is possible that, as Osborne and Shuttleworth suggest, this gap in qualified Protestant professionals is the outcome of the movement of young Protestants to universities in Britain who do not return.

It is precisely to test such an hypothesis – and propose action accordingly – that it is necessary to carry out of an Equality Impact Assessment. CAJ is unaware of any such EQIA being carried out, and we return later to this question of concrete steps to be taken with regard to this and the many other differential patterns highlighted in the public sector.

3.6 Equality within Education Sector

Monitoring returns from the education sector include the five Education and Library Boards and staff employed by the 16 Further Education colleges, but exclude teaching staff not in further education. The sector contains one sixth (13.6%) of the monitored full-time public sector workforce.

Composition of Education Full-time Employees by Religion

	Protestant	Roman Catholic	Non-Determined	Total
Total	11,002 (51.5%) [53.7%]	9,494 (44.4%) [46.3%]	878 (4.1%)	21,374 (100.0%)

As the table above shows, the overall composition is currently (51.5%) Protestant, (44.4%) Catholic and (4.1%) non-determined. The composition of those for whom a community could be determined was [53.7%] Protestant - i.e. [4%] below that which would be expected.

Change over time in the proportion of employees within the education sector for whom a community could be determined

	1990	1992	1994	1996	1998	2000	2002	2004
Roman Catholic	41.0%	42.7%	43.3%	44.8%	45.9%	46.0%	46.6%	46.3%
Protestant	59.0%	57.3%	56.7%	55.2%	54.1%	54.0%	53.4%	53.7%

Again, like the health sector, it is notable that the Catholic percentage of the workforce in education began from a relatively high point in 1990 at 41.0% of those for whom a community could be determined.

3.6.1 Composition of Education Sector by grade (Standard Occupational Classification - SOC)

At the level of professional occupations, (SOC 2), Protestant representation in 2004 was (47%), or [49.2%] of those for whom a community could be determined, which is [8.1%] below that which would be expected from representation in the population as a whole. Catholic representation was (48.7%) at SOC 2, or [50.8%] of those for whom a community could be determined, which is of course [8.1%] above that which would be expected.

There appear to be two dynamics at work here. Firstly, there is high and increasing Catholic representation - starting (like health) from a comparatively higher base in 1990. Interestingly, the proportion of Catholic employees in the education sector, among those for whom a community can be determined, was [41%] in 1990, a figure which is higher than the current level of representation in Catholics in 2004 in District Council employment. The second interesting dynamic at work is that, like health, Protestants are clearly under-represented across the whole sector, but in particular at SOC 2 level, ie among professional occupations.²¹

What is also particularly interesting about representation by SOC grade within the education sector is the fact that at the highest levels of the education sector, SOC 1, (ie Managers and Senior Officials) Protestant representation is (57.0%), or [59.8%] of those for whom a community could be determined. This is in fact [2.5%] above that which would be expected given their level of representation in the population at [57.3%]. Conversely, Catholic representation at the highest levels of the education sector at SOC 1 is actually (38.3%), or [40.2%] of those for whom a community could be determined. This is [2.5%] below that which would be expected given their level of representation within the population as a whole.

Yet for most of the rest of the education sector, the level of Protestant representation is below that which would be expected, the exception being SOC 5 (Skilled Trades Occupations) where Protestant representation is [5.5%] above that which would be expected.

Clearly, the higher level of Protestant representation at SOC 1 could be seen as a response to historical patterns of employment where there were higher proportions of Protestants in managerial positions. One would expect however for this pattern to change when the greater representation of Catholics at SOC 2 and SOC 3 starts to progress onto more senior positions. The higher Protestant representation at the SOC 5 shows another interesting aspect to the traditional employment patterns – namely that Protestant under representation is actually a “middle-class” phenomenon. The higher representation of Protestants at SOC 5 would appear to show that there is no problem in terms of employment in the health sector for working class Protestants, but there is a problem with an under-representation of middle class Protestants in professional positions.

Again, this is an issue that one could expect to be addressed in an EQIA, which, to our knowledge, has not occurred. Instead of taking this practical step to analyse and remedy the compositional imbalances in the education and health sectors, government has instituted a specific taskforce to look at issues of Protestant disadvantage. The work and genesis of this taskforce is commented on in some detail in chapter 5, but it is worth noting that, for all the criticisms that can be made of its work, the taskforce is at least giving lip service to the problems of the Protestant working class. The data here shows that the problems of under-representation for the Protestant community in the public sector are in fact actually being experienced at the level of middle-class employment.

4. Employment Equality and the Private Sector

4.1 Introduction

As Osborne and Shuttleworth have pointed out, it is salutary to look at the 1971 census and note the occupations that belong to a distant and pre-computing past, such as rope-makers, smiths and weavers, while the dramatic drop in those employed in agriculture is a reminder of the scale of change²². Conversely, there are now job titles in Northern Ireland like “call centre worker” which only came into existence in the

1990s. Other dimensions affecting the labour market have included the expansion of service sector work, the growth of women's employment, and changes in the role of government in the labour market, with a retreat from the attempted management of prices and incomes in the 1960s and 1970s to policies that currently emphasise terms like flexibility and employability.

Shuttleworth has located 1975-1980 as the key years in the transition from 'then' to 'now', pointing out that the collapse of the British car industry in the West Midlands was mirrored by the troubles of the Midwest "rust belt" region of the U.S., and the decline of its auto industry.

Clearly therefore, the decline in major industries such as shipbuilding, engineering and manufacturing has been part of a global phenomenon. Like their counterparts on the Clyde, Tyneside, and Merseyside, the shipyard and engineering firms of Northern Ireland are experiencing the harsh realities of globalization. Workforces in the UK cannot compete with workforces in places like Korea when it comes to building ships²³. Yet, within the Northern Ireland context these areas of work were traditionally dominated by the Protestant community, and by men. Indeed, as the latest ECNI monitoring report points out, during 2004, Protestants accounted for almost eighty per cent (78.3%) of net job losses in manufacturing industry.²⁴ Equally, the loss of jobs in the last thirty years in these sectors has had significantly less impact on the Catholic community, given the relatively lower proportions of Catholics employed in these sectors.

It is difficult to think of a more socially divisive cocktail than a combination of de-industrialisation and resultant loss of jobs, given the clearly differential impact as between the two communities. Strong political leadership and clear economic policies are required if social and communal divisions are to be overcome and a healthy economy developed in which people can reach their fullest potential.

4.2 The Monitored Northern Ireland Private Sector

As stated earlier, one of the most significant developments in relation to employment policy in Northern Ireland was the requirement in the 1989 Fair Employment Act that employers monitor the religious composition of their workforce. In 1990 concerns with 26 or more employees were required to register with the Fair Employment Commission (FEC) and submit their first monitoring return that year. Concerns with 11-25 employees were not required to submit their first return until 1992²⁵.

As the following table shows, Catholic representation across the monitored private sector stands at [40.6%] of those for whom a community can be determined, giving an under representation overall of [2.1%]. This community differential is not dramatic; again, however, the overall aggregate figure obscures significant levels of inequality for both communities at the level of individual concerns.

The table below shows the overall composition of the full-time monitored private sector workforce.²⁶

	Protestant	Roman Catholic	Non-Determined	Total
Total	144,211 (56.1%) [59.4%]	98,660 (38.4%) [40.6%]	14,097 (5.5%)	256,968 (100.0%)

The composition of the monitored private sector workforce full-time employees by SOC grade, for example, reveals some interesting disparities. Catholic representation is lowest at SOC 5 (Skilled Trades Occupations), where the Catholic percentage of the workforce is (36.6%), or [37.9%] of those for whom a community can be determined – an under representation of [4.8%]. SOC 5 consists of 33,457 employees in total, or (13.0%) of the Northern Ireland private sector monitored workforce.

The next lowest representation of Catholics is at SOC 4 (Administrative and Secretarial Occupations) where Catholic representation is (36.8%) of the workforce, or [39.0%] of those for whom a community can be determined - giving an under representation of [3.7%]. At SOC 9

(Elementary Occupations), Catholic representation is (37.2%) or [39.8%] of those for whom a community can be determined - an under representation of [2.9%]. Catholics are under-represented at almost every other grade, ranging from [1.3%-2.0%]. The two exceptions are SOC 2 and 3, where Catholics are over represented by [2.0%] and [1.5%] respectively.

Looking at the figures by sector of work, the position is even more stark with respect to uneven distribution of employees. At SOC 8 (Metal Goods, Engineering and Vehicle Industries) Catholic representation is (33.1%) of all employees, or [34.4%] of those for whom a community can be determined. This gives an under representation of [8.3%]. This sector accounts for 29,629 employees or (11.5%) of the workforce.

The situation becomes even more problematic however when one looks at the private sector by size of workforce, with particular levels of under representation apparent in the largest employers in Northern Ireland (Appendix Two).

4.3 Under Representation in large Private Sector Concerns (1000+ Employees)

Appendix Two provides a list of all those private sector employers in Northern Ireland with more than 1000 employees. The figures provided in the monitoring returns submitted to the ECNI certainly give some *prima facie* cause for concern.

Clearly caveats need to be entered here in that some of these organisations are likely to be located in parts of Northern Ireland where the proportion of both communities available for work differs from the proportion of both communities available for work across Northern Ireland as a whole. Equally however, given the sizes of the workforces concerned, it does seem reasonable to expect some kind of correlation overall between those employed, and the overall representation of the workforce, given that in many cases the overall travel-to-work catchment areas for the bodies concerned would be fairly close to the Northern Ireland average. It is also likely to be the case that, for many

CAJ

of the larger employers, the overall workforce will be located across a range of different sites. Again, notwithstanding some regional variations, one would expect the overall makeup of the workforce to be not significantly different from the Northern Ireland workforce as a whole.

Clearly it would be useful if a more detailed analysis were to be carried out on the information provided; however, it is clear from the information provided, that there are sufficient grounds for concern on the basis of the information already available.

For example, the largest number of employees for any private sector employer in Northern Ireland is Tesco PLC with 7,731 employees, of whom only [32.9%] of those for whom a community can be identified are Catholic. This is almost [10%] below the [42.7%] of Catholics available for work according to the last census. As a major retailer, Tesco is an organisation with a number of sites located across a range of areas in Northern Ireland, so it is somewhat surprising that the level of Catholic representation is so low. This is one case where more analysis on this would be required to ascertain the exact reasons for the low level of Catholic representation in its workforce. The next largest employer in Northern Ireland is Short Brothers PLC, which has 5,573 employees, of which [14.7%] of those for whom a community could be identified are Catholic, which is [28%] below that which would be expected. The problem of under-representation is reversed in companies such as Dunnes Stores Ltd., where Protestant representation is [28.1%] of those for whom a community can be identified, or [29.2%] below that which would be expected, from an overall workforce of 3,088.

4.3.1 Catholic Under Representation in Private Sector Concerns (1000+ Employees)

Overall, looking at Appendix Two, there are four employers with more than 1000 employees who have an under-representation of [20%] or more in relation to Catholics – namely Shorts, where the under representation is [28%], Maybin Property, where the figure is [30.7%], Millar Andrew [23.5%], and Charles Hurst [20.8%].

There are a further four employers where the level of Catholic under-representation is in double figures, namely Michelin Tyre [17.9%], the Co-Operative Group [17.4%], F G Wilson [15.3%], and the National Australia Group [12.7%].

For a further three workforces, the level of Catholic under-representation is between [5%] and [10%]. These include Tesco PLC [9.8%], Ulster Bank [5.7%] and the University of Ulster [5.5%].

4.3.2 Protestant Under Representation in Private Sector Concerns (1000+ Employees)

Overall, there are two employers who have an under representation of [20%] or more in relation to Protestants – namely Seagate Technologies (Ireland) Ltd where the under-representation is [27.9%] and Dunnes Stores Ltd where the under-representation is [29.2%].

There is one employer where the under representation of Protestants is in double figures, namely the Bank of Ireland [12.8%].

There is one further employer where the level of Protestant under representation is between [5%] and [10%], namely the Allied Irish Bank, with an under representation level of [7%].

4.4 Specific sectors of the workforce

It is worth noting that there are a number of areas of the private sector in which under-representation seems to be a particular problem. These are situations in which a number of employers are clearly all working in the same sector, and in some cases providing a similar service. The sectors are illustrative, and have been chosen on the basis that they have particularly high levels of under-representation, which in some cases, may result from historical phenomena.



4.4.1 Airline/Aircraft industry

As outlined above, the second largest employer in Northern Ireland is Short Brothers PLC, which has 5,573 employees, of which [14.7%] of those for whom a community could be identified are Catholic, which is [28%] below that which would be expected. Clearly, in spite of all the outreach and affirmative action measures the company has undertaken, the problem of significant Catholic under-representation persists.

Short Brothers PLC is an aircraft manufacturer, and it is interesting that many other organisations working in the aircraft field also experience problems in relation to the under representation of Catholics. The following chart lists organisations contained in the monitoring report that are in the “air industry”, and as the figures show, there are significant problems in relation to the under-representation of Catholics in all these concerns with levels of under-representation ranging from [14.4%] to [28.9%].

Composition of the Northern Ireland Airline/Aircraft Industry

Company Name	[%P]	[%C]	Total Number of Employees	Level of Under Representation
Thales Air Defence	[86.2%]	[13.8%]	563	[28.9%] C
Belfast City Airport Ltd.	[81.0%]	[19.0%]	303	[23.7%] C
Belfast Int'l Airport	[75.3%]	[24.7%]	192	[18%] C
Flybe	[72.1%]	[27.9%]	185	[14.8%] C
British Airways	[71.7%]	[28.3%]	102	[14.4%] C
National Air Traffic Services	[76.7%]	[23.3%]	43	[19.4%] C

4.4.2 Composition of the Energy Sector

Another sector showing particular levels of Catholic under representation is the energy sector.²⁷ The other workforce relevant for this sector is AES Kilroot Power Ltd which has a composition of [85.7%] Protestant and [14.3%] Catholic, giving [28.4%] of Catholic under representation.

Veridian Groups PLC

Company Name	[%P]	[%C]	Total Number of Employees	Level of Under Representation
NIE				
Powerteam Ltd	[68.2%]	[31.8%]	816	[10.9%] C
Northern Ireland				
Electricity PLC	[71.4%]	[28.6%]	402	[14.1%] C
Service and				
Systems Solutions	[67.7%]	[32.3%]	594	[10.4%] C

4.4.3 Composition of the Transport Sector – Public and Private

According to the latest monitoring report, the composition of the 789 employees of Northern Ireland Railways Company Ltd was [72.0%] Protestant and [28.0%] Catholic, giving a level of Catholic under representation of [14.7%]. For the 33 employees of the Northern Ireland Transport Holding Company, the figures are [68.8%] Protestant and [31.3%] Catholic. Both these companies are listed in the specified public authorities of the public sector. However, within the list of private sector companies there are a number that are clearly transport related. Wrightbus has 710 employees, [4.7%] of whom are Catholic, which is an under-representation of [38.0%], and Transbus International has 178 employees, [19.1%] of whom are Catholic, giving an under representation of [23.6%].

5. International perspectives on the Northern Ireland labour market

As pointed out in chapter one, in an attempt to address problems of inequality in employment in Northern Ireland a code of conduct for US firms operating there called the "MacBride principles" was drawn up in 1984. These principles were used as a vehicle to oblige the British government to strengthen equality laws in Northern Ireland, most significantly in 1989, but also in 1998. In addition 17 U.S. states and more than 30 cities and counties passed laws - mostly during the late 1980s and early 1990s - that required pension funds to promote the MacBride principles through shareholder action and investment decisions.

In California, the Public Employees Retirement System²⁸ (Calpers) and the State Teachers Retirement System are required to annually investigate and report on corporate compliance with the MacBride principles, and to support shareholder resolutions on the subject. This means that, in practice, the retirement systems are specifically required to draw up a list of all companies with whom they have investments that do business in Northern Ireland each year, and then determine whether each corporation on the list has, during the preceding year, taken substantial action, in compliance with the law applicable in Northern Ireland. In order to comply with this requirement, Calpers commissioned research by the independent Washington-based Investor Responsibility Research Center (IRRC).²⁹ These reports, drawn up to comply with legal requirements in the U.S., provide a useful resource in terms of an independent analysis of the current position in relation to fair employment practices at the companies examined. Looking at the latest IRRC Report to the California Public Employees Retirement System³⁰ the conclusions would certainly give rise to concerns about the level of genuine employment equality in Northern Ireland.

The IRRC report found that of the organisations that they examined (ie those organisations with whom the Calpers held investments), Catholics were much better represented at U.S. firms in Northern Ireland than at non-U.S. firms. In the study, Catholics made up just under 36 percent of the 50,200 employees whose religion was identified in non-

U.S. companies, but accounted for nearly 47 percent of the 21,500 workers with identified religion at U.S. firms.

The latest study also found - as was the case in 2004 and 2003 - that among firms with whom Calpers held investments, more firms – 31 employers – have problems with Catholic under representation than Protestant under-representation (22 employers). In addition, the magnitude of Protestant under-representation has tended to be less substantial than the magnitude of Catholic under-representation.

Clearly, this study is limited to 51 firms – ie only those with whom the California Public Employees Retirement System hold investments. However the finding that, of those firms surveyed, Catholic and Protestant representation is significantly different at U.S. firms than non-U.S. firms requires further investigation.

6. Conclusions

6.1 The Private Sector

Clearly, significant differentials across the private sector still exist. In some cases, this is within industries and organizations where there has been historical under-representation. In such cases, however, there is a particular problem in that many are not experiencing any significant level of expansion (Shorts would be a good example of such a company). Clearly, for many organisations, the wider business environment might dictate that workforces should not be increased, or should be cut, and in such an environment, significantly increasing the proportion of an under-represented group will be particularly difficult.

What is particularly worrying however is that some newer organizations, and ones that have undergone significant expansion in recent years also exhibit significant levels of under representation. Belfast City Airport is a prime example, with over 300 staff, but only [19%] of whom are Catholic. The fact that newer, high profile

businesses such as the city airport - which have undergone significant expansions and do not face the prospect of a decline in their business - contain such unbalanced workforces, shows that much remains to be done to ensure that "fair participation" is delivered across the private sector. Likewise, the high levels of Protestant under representation in major retail stores such as Dunnes Stores, shows that continued vigilance on the part of the ECNI is required as regards private enterprises where recruitment is likely to be an ongoing process. The need for continued monitoring, along with affirmative action agreements and a strong, well financed ECNI to support complaints of individual acts of discrimination, is clearly evident.

6.2 The Public Sector

One of the features of the Northern Ireland economy is the disproportionate size of the Northern Ireland public sector, which accounts for 63% of the economy of Northern Ireland, substantially higher than 43% for the United Kingdom as a whole.³¹ The enlarged public sector is clearly yet another legacy of the conflict of the last thirty years. Changes planned to the sector in the coming period – such as the overhaul of public administration - will need to ensure that current workforce inequalities are effectively undermined and not further exacerbated.

- In relation to the civil service it is worth noting that at SOC Grades 1, 2, and 3 (ie Managers and Senior Officials, Professional Occupations, and Associate Professional and Technical Occupations), which represent almost one third of the whole NICS workforce, there is a Catholic under-representation of almost [7%]. This under representation at the higher and professional and technical grades of the civil service is then offset by a significant over-representation at SOC 4 (Administrative and Secretarial Occupations), where Catholics have an over representation of [7.1%].
- In relation to the security sector, based on current figures, and the percentage increases over the last two years, it would

be 2029 before Catholic representation in this sector is in line with that which would be expected from their representation in the population as a whole.

- In District Councils, Catholic representation at SOC 7 (Sales and Customer Service Occupations) is just over [10%] above that which would be expected, however Catholics are under represented at almost every other grade. In relation to individual Councils, under representation for both communities is very marked.
- In the health sector, overall, among those for whom a community could be determined, there is a Protestant under representation of [6%]. This under-representation increases at professional grades i.e [7%] and [8.7%] at SOC 2 and 3 respectively.
- The pattern of representation in the education sector is also problematic with no Protestant under representation at the highest level SOC 1 (Managers and Senior Officials), but under representation at the next two levels SOC 2 (Professional Occupations) and SOC 3 (Associate Professional and Technical Occupations) of [8.1%] and [6%] respectively. Elsewhere in the education sector, the level of Protestant representation is slightly below that which would be expected, except for SOC 5 (Skilled Trades Occupations) where Protestant representation is [5.5%] above that which would be expected.

The problems of under-representation cited here would be much better understood, and remedied, if the appropriate public authorities conformed to their Equality Schemes and carried out Equality Impact Assessments.

While the District Councils in particular have produced a range of Equality Impact Assessments over recent years; few if any have been willing to address the issues identified above – namely the lack of representation of certain communities in their workforce.

This failure to use Section 75 of the Northern Ireland Act in the way that it was envisaged to tackle inequalities will need to be addressed in the current five yearly review of its operation.

ENDNOTES FOR CHAPTER TWO

1 Fair Employment in Northern Ireland, A Generation On, Edited by Bob Osborne and Ian Shuttleworth, Blackstaff, 2004.

2 Ibid, P.185.

3 "The Impact of Affirmative Action Agreements", McCrudden, Ford and Heath, in Fair Employment in Northern Ireland, A Generation On, Eds Osborne and Shuttleworth, Blackstaff, 2004, P. 150.

4 As with ECNI monitoring, throughout this report "Protestant" refers to those determined by monitoring methods as members of the Protestant community and "Catholic" or "Roman Catholic" refers to those determined by monitoring methods as members of the Roman Catholic community. Individuals for whom it was not possible to determine a community background are described as "non-determined". Since the introduction of statutory monitoring in 1990, the proportion of employees for whom it has not been possible to determine a community background has decreased slightly from (5.6%) in 1990 to (5.4%) in 2004. The non-determined proportion is higher in some occupational groups and sectors, such as SOC2 "Professional Occupations" in the health sector. This report will use the same format as the Equality Commission in that percentages shown in square brackets [] are based on Protestants and Roman Catholics only, with the Non-Determined excluded.

Percentages in round brackets () are based on all employees, including the non-determined. Where a percentage for one community is shown in square brackets [] the corresponding percentage for the other community can be calculated by subtracting from 100. This cannot be done in relation to the round bracket figures () given that there will be a certain percentage of non-determined employees.

5 Monitoring Report No. 15, A Profile of the Northern Ireland Workforce, Summary of Monitoring Returns 2004, Equality Commission for Northern Ireland, December 2005, P.3.

6 Ibid.

7 Ibid.

8 Ibid, Foreword by Bob Collins, Chief Commissioner of the Equality Commission.

9 Foreword by Garret Fitzgerald, Fair Employment in Northern Ireland, A Generation On, Edited by Bob Osborne and Ian Shuttleworth, Blackstaff, 2004, P.vii.

10 Ibid at 7.

11 The latest monitoring figures available from the Equality Commission relate to 2004; these figures were published in December 2005.

12 Wikipedia, Economy of Northern Ireland.

13 Monitoring Report No. 15, A Profile of the Northern Ireland Workforce, Summary of Monitoring Returns 2004, Equality Commission for Northern Ireland, December 2005, P.3.

14 The Northern Ireland workforce for monitoring purposes is divided into a range of Standard Occupational Groups, see Appendix 2.

15. See the Index for Classifying Job Titles, published 2002 by the Office of National Statistics for a breakdown of occupations within each of the SOC categories.

16 For monitoring purposes it should be noted that in 1990 and 1991 Northern Ireland Civil Service employees and employees seconded to police stations in Northern Ireland were included in the Police Authority for Northern Ireland return. Since 1992 they have been monitored by the Northern Ireland Civil Service. Excluding the NICS secondees from the 2004 Civil Service monitoring figures allows a comparison of the same section of monitored employees over the full period of statutory monitoring.

17 Monitoring Report, P.23.

18 Ibid.

19 Published in a response to a Parliamentary Question and reprinted in a letter to CAJ from the head of the Northern Ireland Prison Service, in letter dated 18 November 2005.

20 Ibid.

21 Fair Employment in Northern Ireland, A Generation On, Edited by Bob Osborne and Ian Shuttleworth, Blackstaff, 2004.

22 Ibid. P. 21.

23 "A Place Apart? The Northern Ireland Labour Market in a Wider Context", Shuttleworth and Green, in Fair Employment in Northern Ireland, A Generation On, Edited by Bob Osborne and Ian Shuttleworth, Blackstaff, 2004.

24 Ibid.

25 Monitoring Report No. 15, A Profile of the Northern Ireland Workforce, Summary of Monitoring Returns 2004, Equality Commission for Northern Ireland, December 2005.

26 Ibid, P. 51.

27 "Northern Ireland Electricity" now has no entry in either the public or private sector list of workforces. For the current list of private sector concerns, the entry that would previously have related to the NIE, now states, "See Veridian Group PLC".

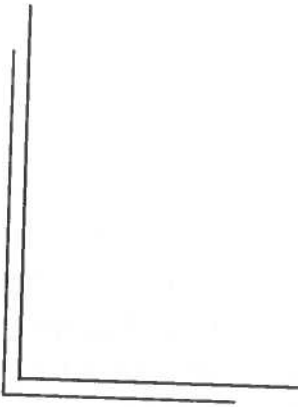
28 Calpers was established by state law in 1932 to provide retirement benefits for California State employees. Calpers currently manages pension and health benefits for more than 1.4 million California public employees, retirees and their families, and has an investment portfolio market value of \$207.2 billion.

29 Non-U.S. Companies, the MacBride Principles and Fair Employment in Northern Ireland: A Report to the California Public Employees' Retirement System, Prepared by the Investor Responsibility Research Center, Washington D.C., January 2006. This report on fair employment at non-U.S. companies in the California Public Employees' Retirement System (Calpers) portfolio that are currently doing business in Northern Ireland was produced to comply with Statutes 1999, Chapter 341, Section 7513.5 of the California Government Code.

30 Ibid.

31 Wikipedia, Economy of Northern Ireland.

CAJ



Chapter Three

Beyond the monitoring figures: those outside the labour market

The last chapter has explored the world of work. Whilst the overall picture can look positive in many regards, there are underlying patterns of serious inequality that are worrying. For those outside the labour market, some of the same contradictions apply.

This chapter will explore the fact that many Catholics and Protestants are living on the margins, in work-poor households, and that this poverty is no new development. The same geographical areas that were poor in the early 70s, continue to top the list of disadvantaged areas thirty years on. Indeed, these are most often the communities that suffered the most directly from the violent conflict of recent decades. Yet it is those outside the labour market who particularly need to be given some hope that the “fresh start” presaged by the Agreement includes them. It makes political and economic sense to ensure that communities are not left behind or increasingly alienated by the growing prosperity that can be seen around them. Northern Ireland has the legal and policy tools to make this political and economic vision a reality, but this chapter will show that there is a big gap between the vision and the reality. The tools which can and would deliver change appear to have been set aside and replaced with others (see chapter five).

Are the right questions being asked?

As noted, on the face of it, the situation can look quite positive. The level of unemployment has dropped dramatically, and the ratio of unemployment as between Catholics and Protestants (long held to be the key tool for assessing community differentials) is steadily, if slowly, decreasing. The so-called “unemployment differential” (calculated by dividing the unemployment rate of Catholics by that of Protestants)¹ was in fact one of the very few specific targets set out in the Good Friday/Belfast Agreement:²

“Subject to the public consultation currently under way, the British Government will make rapid progress with...a new more focused Targeting Social Need initiative and a range of measures aimed at combating unemployment and progressively eliminating the differential in unemployment rates between the two communities by targeting objective need”.

As Osborne and Shuttleworth³ point out, however, there has been a lessening of academic focus on the unemployment differential - notwithstanding its policy significance - because all unemployment rates have sunk to historically low levels. Clearly, in a context in which Northern Ireland has lower than average UK figures for unemployment⁴, indicators based on the proportions of people unemployed in both communities appear less relevant. Moreover, changes in the labour market require a more complex analysis, than a singular focus on the numbers of registered unemployed allows.

Economic Inactivity and the hidden unemployed

The fact is that the Northern Ireland labour market is much more complex and can no longer be divided easily into those “in employment”, and “the unemployed”. Other important groups of people - such as the “economically inactive” - also need to be considered. If there is to be any assessment of the levels of inequality within and between communities, a focus solely on the traditional approach to unemployment differentials is inadequate. As in the UK generally, the definitions relating to employment and especially unemployment have frequently been changed, and this has rendered difficult any proper comparisons being drawn. So, while not rejecting the unemployment figures outright, it is obvious that other indicators need to supplement the unemployment figures, so that a more accurate picture of inequalities on an inter- and intra-community basis can be determined.

Traditionally, analysis of potential blockages in the labour market focused on nature and level of unemployment⁵ and, in Northern Ireland, on community differentials in unemployment rates. Yet the issue of “economic inactivity”⁶, especially for those expressing a wish to work, has come

increasingly to the fore as commentators have noted the parallels between “unemployment” and “economic inactivity”. In particular, it seems that while Northern Ireland is experiencing record lows in unemployment levels, it is simultaneously experiencing marked increases in the number of individuals considered economically inactive.

This development is taking place across the UK, and is due to a number of factors. As Osborne and Shuttleworth point out⁷,

“there was often a temptation to put unemployed people who had been jobless for several years onto other benefits, hence the many definitional changes of unemployment in the UK in the 1980s...second, jobless people themselves sometimes withdrew from the labour market, particularly in areas of low labour demand, and stopped seeking work in a situation that they judged as being hopeless. Amongst the options they took were early retirement, withdrawal from the labour market, or avoidance of the state benefit system altogether.”

The scale of the problem has been identified as a particular issue, along with the fact that certain groups are particularly prone to being classified as economically inactive - *“Rising numbers of those aged 50+ who are not economically active, especially males, are starting to mask the true nature of labour market participation and status”*.⁸

In the Northern Ireland context, it is likely that these trends will also play out differently in the two communities. For example, some years ago, a study by NICVA found *“Long-term unemployment is not a socially indiscriminate scourge. It is heavily concentrated among Roman Catholic men living in deprived urban areas”*.⁹ Would that cadre of Roman Catholic men living in deprived urban areas, who used to be described as long term unemployed, have been removed from the unemployment statistics to figure (still without work) in the ranks of the “economically inactive”? What also does the different age profile mean in terms of increased Protestant disadvantage?

Three major labour force surveys

It is a recurring theme of this report that Northern Ireland has a wealth of rich and reliable data available. The challenge is rather to use it to best effect for the purpose of analysis and problem solving.

Whilst the monitoring data gathered and published by the Equality Commission relates only to those in employment, there are three key data sources that can be drawn upon to look at the situation of those who are outside of the labour market.

The first report discussed in more detail below is the monthly labour market study published by the Department of Enterprise, Trade and Investment in March 2006. Secondly, there is the 2003 Labour Force Survey Religion Report Update published by the Office of the First Minister and Deputy First Minister in June 2005. Last but not least, a report on labour market dynamics was produced by DTZ Piedad Consulting, and published by the Office of the First Minister and Deputy First Minister in November 2005. These three reports have all been published in the last 12 months, and accordingly provide a good insight into the current labour market.

There are variations in the three sets of statistics provided. For example, the March 2006 report does not provide a breakdown of the figures by religion, but it provides useful and current data which allow for comparisons to be drawn between Northern Ireland and trends in Britain. To avoid confusion, therefore, and ensure that percentage comparisons in particular are comparing like with like, each of the studies will be summarised separately. This will avoid, as far as possible, misrepresenting any of the information contained in these reports.

Interestingly, in spite of the fact that the data in the three reports are based on different numbers and percentages, essentially all the reports point to the same thing – namely, that the situation over the past ten years has been one of increased employment, but that this increase does not appear to have impacted on those in most need. Moreover, there are clearly patterns of persistent community inequalities which

are no longer (if they ever were) adequately measured by merely using the traditional “unemployment differential” indicator. In particular, the studies highlight the importance of directing government economic policies towards the needs of hidden ‘unemployed’ - those who are now recorded as economically inactive but who want to work.

Department of Enterprise, Trade and Investment (DETI), Monthly Labour Market Report, March 2006¹⁰

Unemployment Figures

According to the DETI report, seasonally adjusted unemployment, as measured by the Labour Force Survey (LFS), was estimated to be 32,000 persons or (4%) of the economically active population aged 16 and over in the period November – January 2006. The unemployment rate of (4%) equals the lowest ever rate and represents a decrease of (0.6%) from the estimate of one year previously (November – January 2005). The report summary notes that the rate of unemployment for Northern Ireland was lower than the equivalent rate for the UK (5%). It is also pointed out that the Northern Ireland unemployment rate of (4%) is equivalent to that for the South East and South West regions of England, and that all three have the lowest unemployment rate across the UK.

Needless to say, such a positive development (from one of the areas in the UK statistics with the highest levels of unemployment to one of the lowest levels) is frequently cited by government ministers, when lauding the successes of the Northern Ireland economy.

Employment

The report highlights that the seasonally adjusted quarterly estimate of the total number of employee jobs in Northern Ireland at December 2005 was the highest figure on record. This report also states that the number of persons in employment in the period November – January 2006 was estimated at 757,000.

However, according to the same report, the working age employment rate (69.3%) is the lowest across the UK, (5.2% below the UK average of (74.5%).

Economically Inactive

After the good news, the bad news..... According to DETI the seasonally adjusted number of economically inactive persons in the period November – January 2006 was estimated at 535,000. This means that the working age economic inactivity rate for Northern Ireland was (27.7%), which was significantly higher than the UK average of (21.4%), and was the highest of the 12 UK regions.

Obviously, many of the economically inactive do not want to work, but DETI reports that 8% of that group do want employment. This percentage amounts to 40,000 persons who do want employment but do not satisfy the full ILO job search criteria (by actively seeking work and being available to start a job). This group is larger than those officially classified as formally “unemployed” by a staggering 8,000.¹¹

While it may be understandable that government ministers consistently highlight the low level of “unemployment” (which currently stands at 32,000), it is dangerous to ignore, or appear to ignore, the additional 40,000 people who are economically inactive but want employment. It is arguable that the true figure capturing the level of unemployment is more than double the statistic currently proffered – i.e. 72,000.

It is commonplace for politicians to want to promote a positive picture of a dynamic and healthy economy. Given the vast economic damage experienced by Northern Ireland, one might even say that an up-beat approach is required of politicians wanting to encourage inward investment. This approach was exemplified by the Minister for Enterprise, Trade and Investment, Angela Smith, who – in responding to the latest labour market report which clearly showed the numbers of economically inactive alongside the unemployment figures – stated: *“It is very encouraging to see that the Northern Ireland labour market is getting stronger. Employment is at a record high and the unemployment rate*

remains low, at a level below the UK average".¹² It is, however, not good economic sense to allow presentational considerations to obscure the hard realities.

The current reality in Northern Ireland is that over half of those people who do not have a job but wish to work appear to have been entirely side-lined by government policy. A stable and prosperous society cannot be achieved by ignoring 72,000 people who want to work but cannot. Government economic policy needs to be directed at increasing the skills and educational base available and to remedying the obvious weaknesses in the current labour market situation.

In summary, the DETI report shows that there are a record number of employee jobs in Northern Ireland, that the number of people unemployed is at a record low, and that Northern Ireland has an enviable unemployment rate, among the lowest in the UK. Equally however, the same figures show that Northern Ireland in comparison to the UK generally, has the highest rate of economic inactivity and the lowest working age employment rate.

Labour Force Survey Religion Report Update

Looking at the latest labour force survey report available¹³ there continue to be clear differentials in relation to figures for the two communities. This report, published in June 2005 provides the latest set of figures available which are disaggregated by religion. Notwithstanding possible sampling errors,¹⁴ the figures contained in the LFS certainly give cause for concern in terms of the equality of opportunity that is being afforded the two communities.

According to the latest LFS, the religious composition of the total working age population was [51.9%] Protestant and [48.1%] Catholic¹⁵. However, the religious composition of the economically inactive working age was [44.3%] Protestant and [55.7%] Catholic. In other words, while Catholics make up [48.1%] of the total population of working age, they make up [55.7%] of the economically inactive population of working age – an “over-representation” among the economically inactive of [7.6%].



Equally, while Protestants make up [51.9%] of the total working age population, they make up only [44.3%] of those economically inactive of the working age population.

Economic Activity Rate

Looking specifically at economic activity rates¹⁶ for those of working age, the gap between Protestants and Catholics is wide at [9%]. The economic activity rate for Protestants was [76.4%], while the economic activity rate for Catholics was [67.9%].

Looking at rates of employment across the two communities, it is also worth noting that in relation to the proportion of each religion in employment as a proportion of all those economically active and inactive of working age,¹⁷ the figure for Protestants is [72.5%], while the corresponding figure for Catholics is [62.9%]. Again, this is a particularly stark figure – a gap of almost [10%] between the proportion of Protestants and the proportion of Catholics in employment.

In terms of unemployment rates the figures for the Protestant community are [4.8%], while the corresponding figure for the Catholic community is [7.2%]. This “unemployment differential” that was relied upon extensively in the past to monitor community differentials seems to be moving in the right direction, but problems clearly persist. Whereas the religious composition of the total population (16+) is [54.8%] Protestant and [45.2%] Catholic, the religious composition of the unemployed (aged 16+) is almost exactly reversed – with [45%] Protestant and [55%] Catholic.

DTZ Pidea Study on Labour Market Dynamics

Additional data on labour market community differentials was published in November 2005 as part of a research project on labour market dynamics in Northern Ireland. The research was carried out by DTZ Pidea Consulting on behalf of the Office of the First Minister and Deputy First Minister.¹⁸

The study found that the overall unemployment rate in Northern Ireland was now among the lowest in Europe and – as confirmed in the DETI report - the relative position of Northern Ireland within the UK had improved¹⁹. In the spring of 2004, some (4.8%) of the economically active working age population were “unemployed” (according to the definition accorded this term by the International Labour Organisation (ILO) – ie around 35,000 people. This was close to the UK average,²⁰ and clearly this represented a significant improvement. In the late 1980s, the unemployment rate in NI was a record (9%) above that in Britain.²¹

Looking beyond the headline figures however, the DTZ study showed a continuing problem in relation to continuing community differentials. Moreover, the study revealed that the upturn in Northern Ireland’s economic fortunes since the mid-1990s has failed to make much impact on the poorest members of both communities, whether Protestant or Catholic.

In relation to employment rates, the DTZ study found a continuing “employment differential”, with Protestants typically having employment rates about (5%) above Catholic employment rates.²² Looking at unemployment, the same study found that the ILO unemployment rate for both Catholics and Protestants showed a distinct downwards trend over the last 10 years, but that proportionally, the rate for Catholics has reduced faster than for Protestants, leading to a narrowing of the unemployment gap.²³ However, in the last year of the study, 2004, the unemployment rate for Catholics increased, while the rate for Protestants continued to fall. The rate for Protestant unemployment thus reached an all-time low in 2004 at (2.9%), while the Catholic unemployment rate rose to (6.9%).²⁴

Economic Inactivity

Looking at economic inactivity, the situation becomes even more interesting as the DTZ Piedad report points out that Catholics have consistently had, and continue to have, higher rates of economic inactivity than Protestants, albeit with a difference of only (2-3%).²⁵ When examining economic inactivity in more detail, especially paying



attention to those “economically inactive despite wanting to work”, a consistent picture emerges. Catholics have a higher rate of those who are economically inactive but would like to work than either Protestants or “others”.²⁶ In fact, the gap between the percentage of Catholics and Protestants who are inactive but would like to work in 2004 was (3.3%), the same gap as existed in 1992.²⁷

As discussed earlier, the category “economically inactive but would like to work” is important given that this is another label effectively for “hidden unemployed”. The significance of these findings becomes more apparent if figures rather than percentages are explored – the study concluded that, in Spring 2004, those of working age who want to work but are not considered to be unemployed amounted to nearly 46,000 people. These people are *in addition* to the headline figure of the 35,000 formally treated as unemployed. Indeed, in spring 2004 the number of unemployed people was actually smaller than the number of people who are economically inactive but want to work²⁸. To refer to reductions in unemployment, or indeed, reducing the unemployment differential, without acknowledging that there are more people who want a job but are economically inactive, than there are people registered as unemployed, clearly gives only a partial and selective view of the labour market.

Workless Households

Interestingly, the study also points out that the proportion of people living in workless households, after correcting for those in retirement, has remained broadly stable for Catholics (from 20% in 1997 to 19% by 2004) while the rate for Protestants has increased slightly (from 14% in 1997, rising to 16% by 2004). The fact that the Protestant rate is still below the Catholic rate,²⁹ is considered by the study to derive from the fact that the proportion of Catholics that are inactive but would like to work is higher than for Protestants.

A particularly stark fact that is highlighted by this analysis is that people who live in workless houses, whether Catholic or Protestant, have not benefited from the economic up-turn that others have experienced.

Since before the passage of the Agreement, and over a seven year period, there has been a minimal (1%) reduction in the proportion of Catholics living in workless households. The % change has been worse again for Protestants with them increasing (albeit by some 2%) their occupancy of workless houses. These statistics clearly indicate that the additional jobs created over the last decade have to a large extent gone to those households in which there is already someone in employment.

Moreover, in terms of the poorest households, one can see that the difference between the proportion of Catholic workless households, and the proportion of Protestant workless households has reduced from (6%) in 1997 to (3%) in 2004. The biggest factor in terms of the reduction in this differential however has not been an improvement in the fortunes of the Catholic community, but actually a further worsening in the position of the poorest members of the Protestant community.

The study conclusively shows on the basis of empirical evidence that the recent growth in prosperity has bypassed a significant minority within each community, particularly those living in workless households.

Conclusions

The situation with respect to community differentials as they affect those outside the workplace is summarized well in the DTZ Piedad report - *“The gap in employment rates between Catholics and Protestants has dropped slightly, and the gap in unemployment rates has dropped significantly....There remains nevertheless evidence of continuing inequality in the two communities’ labour market outcomes. Catholics have continued to experience persistently higher rates of unemployment compared to Protestants, to experience higher rates of economic inactivity, particularly those inactive but wanting work...”*³⁰

Moreover, Catholics continue to have lower levels of employment, lower levels of economic activity, and a higher proportion of Catholics live in workless households.

But the challenge for government policy is not merely one of tackling the community differentials more effectively. Economic policies also need to address the issue that large numbers of both Catholics and Protestants are falling outside the active labour force entirely. Unemployment, under-employment (which is hardly addressed in this report but is clearly a serious problem also), and the existence of workless households need to be tackled, not obscured by re-definition.

The increase in the proportion of Protestant workless households in a period of economic growth is particularly troubling. So, although community differentials in the proportions of workless households are decreasing, this seems to be because the poorest Protestant households are moving closer towards the same level of exclusion as their Catholic counterparts, rather than a sign of any general improvement in the situation.

Overall, one of the problems is that the jobs that have been created in Northern Ireland since the mid-1990s have been of little benefit to those poorest members of society. Clearly, these jobs are going to those already in employment, or those living in houses where someone else is already working. This finding has major implications for investment and job creation policies for the future, in particular, how future inward investment and job creation initiatives can benefit workless households.

One way forward would be to ensure that high-level targets for reducing the proportion of people in both communities who are economically inactive, but want to work, are built into the current plan to spend £16 billion on an Investment Strategy for Northern Ireland. Another target that could be set for major bodies like the Strategic Investment Board or Invest NI would be to ensure that the proportions of workless households are decreased in both communities. This kind of approach is not, however, being taken (see chapter six). What is not acceptable is that a policy of drift, or worse, epitomise government policy.

Later in this report, there will be an examination of some of the options open to policy makers. It seems that there are certain government initiatives that offered real potential for addressing poverty, social exclusion, and community alienation, but which appear to have run

into the sand. Two obvious examples of positive initiatives that have been allowed to 'drift' off the political agenda can be cited.

For example, the DTZ study argued that moving people from economic inactivity to employment can be complex and often requires intermediate steps.³¹ The study commends the report of the Taskforce on Employability and Long Term Unemployment (2002), and notes that the taskforce had proposed a number of specific sub-regional targets relating to economic inactivity rates and employment and unemployment rates. This taskforce was an inter-departmental initiative established under the then Northern Ireland Executive's Programme for Government, and chaired by a government minister. It recommended a series of integrated actions across government departments and agencies, and addressed many of the barriers to employment - such as benefits issues, childcare provision, education, transport, essential skills, and others. Yet little is heard of the work carried out by the Taskforce, and recent ministerial announcements have made no reference to it.

Another initiative that seemed to offer a lot of hope to some of the poorest communities in Northern Ireland lay in the work of the West Belfast and Greater Shankill Taskforces, but this work appears similarly to have fallen off government's agenda. Yet this initiative brought together political representatives and communities in republican and loyalist west Belfast and they developed a powerful shared agenda for change. Apart from its economic potential, this work offered a cross-community approach to poverty. Why is it being ignored?

More worryingly again, as subsequent chapters in this report will argue (chapter five), government seems not simply to be allowing important initiatives to fall by the wayside. They also seem wedded to policies that, in our view, offer nothing like the same potential for change. Indeed, the report will argue that the approach being taken by government to Targeting Social Need, to the Taskforce on Protestant Working Class Communities, and to A Shared Future is entirely misguided. Instead of reducing inequalities both between and within the two communities, the latter two programmes in particular are being pursued in a way that could seriously exacerbate the kinds of problems highlighted in this and earlier chapters.

ENDNOTES FOR CHAPTER THREE

¹ 2003 Labour Force Survey Religion Survey Update, NISRA, OFMDFM, June 2005. The "unemployment differential" also features in a range of other documents produced by the Northern Ireland Affairs Committee, SACHR, the Equality Commission and others, where these organisations have recommended that government set targets for reducing the unemployment differential.

² Good Friday/Belfast Agreement, Page 19.

³ Fair Employment, A Generation On, Edited by Bob Osborne and Ian Shuttleworth, Blackstaff, 2004. P.14.

⁴ According to the 1971 Census [13.8%] of Catholics were unemployed, compared with [5.5%] of Protestants. The highest level of unemployment in Northern Ireland was recorded in 1981, with [25.5%] of Catholics and [11.4%] of Protestants being unemployed. By 1999, the rates were [8.8%] for Catholics and [5.0%] for Protestants, while the latest figures are [7.2%] for Catholics and [4.8%] for Protestants. Undoubtedly government ministers are correct when they claim that the Northern Ireland unemployment figures are at a record low level.

⁵ The International Labour Organisation (ILO) measure of unemployment used here refers to people without a job who were available to start work in the two weeks following their LFS interview and had either looked for work in the four weeks prior to interview or were waiting to start a job they had already obtained. This definition used by government is in accordance with that adopted by the 14th International Conference of Labour Statisticians and promulgated by the ILO IN 1987 (2003 Labour Force Survey Report Update, June 2005, P.6).

⁶ Among those included as "economically inactive" are students, those retired, those looking after the home, unemployed teenagers (not yet on the unemployment register) and those registered as long-term sick and disabled. The "economically active" includes all those aged 16 or over who are in paid employment, (both employees and the self-employed), those on Government training or work schemes, those doing unpaid family work and also all those classed as unemployed and seeking work. 2003 Labour Force Survey Report Update, June 2005, P.6.

⁷ Fair Employment in Northern Ireland, A Generation On, Edited by Bob Osborne and Ian Shuttleworth, Blackstaff, 2004, P.93.

⁸ Ibid. P. 14.

⁹ *Donnison, D. Long-term Unemployment in Northern Ireland, published by the Northern Ireland Council for Voluntary Action, page 17.*

¹⁰ Department of Enterprise, Trade and Investment, Monthly Labour Market Report, Statistical Press Release, March 15 2006, NISRA (It should be noted that none of the data in this report is broken down by religion).

¹¹ Ibid.P.1.

¹² Positive Employment and Output Levels for Northern Ireland, Department of Enterprise, Trade and Investment, News Release, 12 October 2005.

¹³ 2003 Labour Force Survey Report Update, published in June 2005. This update presents information from the 2003 Labour Force Survey (LFS) on the labour market characteristics of Protestants and Roman Catholics in Northern Ireland. The LFS is a sample survey conducted in all member states of the European Union (EU). Its main purpose is to obtain comparable data on the characteristics of the workforce in each country and region of the EU. DETI is responsible for conducting the survey in Northern Ireland. Analysis of the survey by religion was introduced in 1990 and is undertaken by statisticians in the Northern Ireland Statistics and Research Agency (NISRA). The day-to-day management of the fieldwork, including data collection and database creation, is undertaken by the Central Survey Unit (CSU) within NISRA. The survey was first carried out in Northern Ireland in 1973 and was repeated biennially from 1973 to 1983. From 1984 to 1994 an annual survey was conducted and results referred to the spring months each year. Since December 1994 the LFS has been conducted on a quarterly basis in Northern Ireland. For the purposes of this study, working age is defined as ages 16-59 for females and 16 to 64 for males.

¹⁴ Because the LFS is a sample survey, results are subject to sampling error, i.e. the actual

proportion of the population in private households with a particular characteristic may differ from the proportion of the LFS sample with that characteristic. Accordingly, although percentages in tables are quoted to the nearest decimal point, they should not be regarded as having this degree of accuracy.

¹⁵ 2003 Labour Force Survey Religion Survey Update, NISRA, OFMDFM, June 2005, P. 2.

¹⁶ An economic activity rate (or labour force participation rate) expresses the number of economically active persons as a percentage of all those economically active or inactive.

¹⁷ Ibid. P. 3.

¹⁸ Report on Labour Market Dynamics, Phase Four: Equality of Opportunity Considerations, Eric Hanvey, Richard Marsh, Sara Quigley and Fabian Zuleeg, DTZ Pieda Consulting, November 2005, Office of the First Minister and Deputy First Minister.

¹⁹ Report on Labour Market Dynamics, Phase One: A Descriptive Analysis of the Northern Ireland Labour Market, Eric Hanvey, Richard Marsh, Sara Quigley and Fabian Zuleeg, DTZ Pieda Consulting, November 2005, Office of the First Minister and Deputy First Minister, P.1.

²⁰ Ibid. P. 9.

²¹ Ibid. P. 5.

²² Ibid. P.25.

²³ Ibid. P.27.

²⁴ Ibid. P.27.

²⁵ Ibid. P.28.

²⁶ Ibid. P.29.

²⁷ Ibid. P.29.

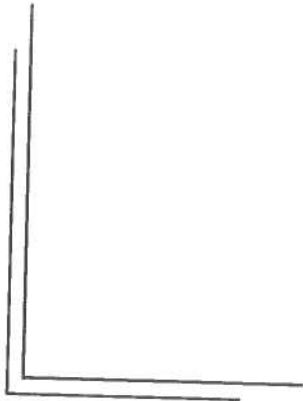
²⁸ Ibid. P.9.

²⁹ Ibid. P.2.

³⁰ Ibid.

³¹ Ibid. P.15.

CAJ



Chapter Four

Inequality in Housing

The realm of workplace integration and employment equality is the focus of a raft of legislation and data gathering. For a variety of reasons, other important areas such as housing, health, and education are somewhat less amenable to close statistical study.

This chapter focuses on one of these areas only – housing – and highlights that, on the face of the available data, there are serious inequalities that need to be tackled. As elsewhere, one is led to conclude that legal and policy tools introduced in the late 90s, and especially in the context of the Agreement, are not being implemented as envisaged.

In turn, the chapter will examine:

1. historical and institutional context for the debate
2. current housing inequalities:
 - 2.1 Housing Selection Scheme EQIA regarding:
 - 2.1.1 overall waiting lists
 - 2.1.2 waiting lists by household types
 - 2.1.3 ineligibility by way of unacceptable behaviour
 - 2.1.4 intimidation and hate crime
 - 2.1.5 waiting times
 - 2.2 Additional data regarding:
 - 2.2.1 waiting lists across NI as a whole
 - 2.2.2 waiting lists and housing awarded in East, North, South and West Belfast
 - 2.2.3 differentials in waiting time
 - 2.3 Homelessness strategy
3. Equality proofing and tackling housing inequalities
 - 3.1 a new departure
 - 3.2 gathering equality related information
 - 3.3 interpreting equality data properly
 - 3.3.1 interpreting impact
 - 3.3.2 adverse and differential impacts

4. Shared Future & Good Relations
5. Conclusions

1. Brief historical and institutional context

Complaints of religious discrimination and inequalities in housing provision in Northern Ireland have a long pedigree. The official inquiry established by the then Northern Ireland government into the cause of the disturbances that broke out in the late 1960s concluded that a crucial source of tension derived from:¹

“A rising sense of continuing injustice and grievance among large sections of the Catholic population in Northern Ireland, in particular in Londonderry and Dungannon, in respect of (i) inadequacy of housing provision by certain local authorities (ii) unfair methods of allocation of houses built and let by such authorities, in particular; refusals and omissions to adopt a ‘points’ system in determining priorities and making allocations (iii) misuse in certain cases of discretionary powers of allocation of houses in order to perpetuate unionist control of the local authority”.

As part of the reforms introduced by the British government in the early 1970s, the Housing Executive Act (Northern Ireland) 1971 set up the Northern Ireland Housing Executive as a Non-Departmental Public Body.² Under the terms of the Act, the Housing Executive assumed the housing responsibilities of some 65 separate authorities, and became Northern Ireland’s single comprehensive regional housing authority.³

The Housing Executive’s primary responsibilities are to: regularly examine housing conditions and housing requirements; draw up wide ranging programmes to meet housing need; effect the closure, demolition and clearance of unfit housing; effect the improvement of the condition of the housing stock; encourage the provision of new houses; establish housing information and advisory services; consult with District Councils and the Northern Ireland Housing Council; and manage its own housing stock in Northern Ireland.⁴

In terms of accountability, the organisation reports to the government minister responsible for Social Development, through the Department for Social Development (DSD). The Housing Executive's general policy, management and operation is controlled by a 10-person Board, with members appointed through the public appointments process by the department, following ministerial approval.⁵

2. Current housing inequalities

A useful starting point for any discussion of the nature of the current problem lies in a close study of the NIHE Housing Selection Scheme Equality Impact Assessment, issued in March 2006.⁶

2.1 Housing Selection Scheme EQIA

Housing tenancies are allocated by the Housing Executive and Registered Housing Association tenancies from a common waiting list on the basis of a Common Selection Scheme (CSS). The CSS was introduced on 6 November 2000 and was devised to be fair and open, to give applicants greater freedom to choose the areas in which they preferred to live, and to ensure that housing more closely matched their needs. The CSS provides for the award of points to applicants on the basis of housing need grounded in factors such as insecurity of tenure, housing conditions, and health/social well being with an overall accumulation of points determining the position and ranking of an applicant on the waiting list.

Since the introduction of the CSS, a number of amendments have had to be introduced to reflect changes in legislation.⁷ Accordingly, the recent EQIA provided an opportunity to review the policy more comprehensively for its equality outcomes and potential. The assessment found that there were a number of important differential impacts between Catholics and Protestants.



2.1.1 overall waiting lists

The EQIA, for example, provides the percentage breakdown by community of those on the waiting list as follows:

Waiting list applicants by religion v. population in general

Religion	Applicants ⁸	Applicants	Census 2001 % general pop.
Protestant	13,222	44.68	53.13
Catholic	12,182	41.17	43.76
Undisclosed/None	2,529	8.55	2.72
Other	1,659	5.61	0.39
Total	29,592	100	100

So, while Protestants account for 53.13% of the population, they make up 44.68% of those on the waiting list. There is therefore an under-representation of (8.45%) between the percentage of Protestants in the population as a whole, and the percentage of Protestants seeking housing.

Equally, while Catholics make up 43.76% of the population, 41.17% of those on the waiting lists are Catholic - a gap of 2.59%. This shows a differential, and greater, level of need within the Catholic community. This worsens if the "undisclosed" are assumed to be roughly equal between Protestant and Catholic communities.⁹

As with the ECNI employment figures examined in earlier chapters, however, the community differentials become even more pronounced when disaggregated in more detail. This is due, in no small part, to the different demographic patterns of the two communities (highlighted in the following table), and therefore their differential needs.

2.1.2 waiting lists by household types

Waiting List Household Size by
Religion of Position 1 Applicant at March 2005

Household Type	Catholic	Other	Protestant	Undisclosed	Total
Older	1301	231	3364	647	5543
Large Adult	99	17	148	38	302
Large Family	724	91	566	132	1513
Single	6073	837	5767	1079	13756
Small Adult	551	121	914	130	1716
Small Family	3434	362	2463	503	6762
Total	12182	1659	13222	2529	29592

Note: “Older” householders” includes males or females aged 60+, either husband or wife aged 60+, two adults aged 60+, or 3+ pensioners. “Large Adult” includes 3+ adults and 0-1 child. “Small Adult” includes husband and wife aged 16-59, or households with two adults aged 16-59. “Large Family” includes one parent with 3 children, 1 parent with 4+ children, 2 adults with 3 children, 2 adults with 4+ children, or 3+ adults with 2+ children. “Small Family” includes 1 Parent with 1 child, 1 parent with 2 children, 2 adults with 1 child, or 2 adults with 2 children. “Single” includes single males or females aged 16-59.

Clearly, these figures show significant differences between housing needs across the two communities. For example, there are over two and a half times as many Protestants (3364) in need of housing for “older” households as Catholics (1301). Equally, there are one and a half times as many Protestant households in need of housing as compared with Catholics in the “large adult” category, although the numbers for both are relatively few – at 148 and 99 respectively. There are also almost twice as many Protestant households in the “small adult” household category on the waiting list, whilst there are significantly more Catholic than Protestant “small family” and “large family” households on the waiting list, and slightly more “single” Catholic households.

Yet, despite these clear differences in community profile, there is no acknowledgement, still less analysis, provided in the EQIA about the

varying patterns of housing need. Decisions about the kind of housing to be constructed ("older", "large family" or "small adult" households), and where it is constructed, will clearly have a major equality impact in terms of housing provision. So, more housing construction for "older households", assuming it is constructed in those areas where older householders live, would particularly benefit the Protestant community. The construction of more family dwellings (both large and small) would particularly benefit the Catholic community - again, provided the construction takes place in areas where Catholics on the waiting list are willing to live. There is no exploration of these differentials in the Equally Impact Assessment.

The EQIA does refer to the fact that additional points are awarded for overcrowding, and that the *"census indicates an average household size differential with regard to Catholic households compared to Protestant households"*, but there is no elaboration of what this differential might be. Nor is there any indication of the impact on the waiting/allocation list of the additional points system for overcrowding.

2.1.3 ineligibility by way of unacceptable behaviour

Another area where community differentials are reported in the EQIA of the Housing Selection Scheme, but insufficiently explored, relates to applicants who have been deemed ineligible for housing allocation, due to unacceptable behaviour.¹⁰

According to the EQIA, (page 12), at the end of December 2005, 91 cases from a total of 31,320 applicants on the waiting lists were deemed to be ineligible due to unacceptable behaviour. This obviously represents a very small percentage of the overall number of applicants for housing. Yet, despite the small number of cases, there is a clear community differential. The figures show that of these 91 ineligible applications, 49 were Catholic, 27 were Protestant, and 15 were recorded as unknown/other. So, of those for whom a community could be determined, 64% were Catholic - which is much higher than their proportion of the overall population, or their proportion of those on the housing waiting list.

The report states that: *"It is important to note that this is a response to anti-social behaviour and the differential is purely coincidental. The Housing Executive's response to anti-social behaviour reflects its responsibility to all tenants. In this regard the application of rule 9A does constitute a differential impact but it is not considered adverse"*. The NIHE appear to be concluding that a much higher proportion of Catholics have a tendency to be anti-social, thereby inevitably excluding themselves from the waiting list for housing. Such individuals are not being excluded on grounds of their community origin, but their behaviour, and therefore the differential impact is not deemed by the NIHE to be adverse – since it is solely due to the behaviour of the groups identified.

The issue of the approach taken by the NIHE to questions of "adverse/differential impact" is addressed later. For now, it is worth noting the parallels between the NIHE approach to anti-social behaviour, and the starkly different approach being pursued in Britain in a related sphere. Since the Inquiry into the killing of Stephen Lawrence in London, the assumption has been that the authorities should explore thoroughly *why* higher proportions of certain ethnic groups are represented within the criminal justice system. The learning from Lawrence was that statistics showing community differentials of any kind should be examined closely, not disregarded, nor accepted unquestioningly as a reliable indicator of the behaviour of the over-represented group.

2.1.4 Intimidation and hate crimes

The Housing Selection Scheme EQIA notes that hate crime legislation introduced in 2004¹¹ provides for increased sentences for crimes committed against a person or property, when such crimes are motivated by hate towards a person because of their race, religion, disability or sexual orientation. The passage of the legislation led to an amendment by the NIHE to Rule 23 as follows:

"An applicant will be entitled to intimidation points if any of the following criteria apply in respect of the application

the applicant's home has been destroyed or seriously damaged (by explosion, fire or other means) as a result of a terrorist, racial or sectarian attack, or because an attack motivated by hostility because of an individual's disability or sexual orientation;

the applicant cannot reasonably be expected to live, or to resume living in his/her home, because, if he/she were to do so, there would, in the opinion of the Designated Officer, be a serious and imminent risk that the applicant, or one or more of the applicant's household, would be killed or seriously injured as a result of terrorist, racial or sectarian attack, or an attack which is motivated by hostility because of an individual's disability or sexual orientation."

Yet, inexplicably, the EQIA gives no statistics to show the numbers of people who have had to be re-housed as a result of sectarian (or other hate motivated) intimidation. It does, however, conclude that: "*There are no significant differentials or adverse impacts in respect of religion*".

2.1.5 Waiting times

The data provided by the NIHE in relation to waiting times is shown in the next table, but the NIHE seems unwilling to acknowledge the significance of its own findings.

For example, the EQIA states that: "*there are some indicators that Catholic households spend greater time on the waiting list than Protestant households, although this is not definitive*". Yet the data provided in the same EQIA, and reproduced here, seems very clear. Protestants wait an average of 9.53 months, while the average wait for Catholics is 13.2 months. In other words, based on the NIHE figures, Catholics are spending, on average, almost one and a half times as long on the housing waiting list as Protestants.

Mean Average Months on Waiting List at Point of Allocation by Religion of Position 1 Applicant* 1/1/05-31/03/05¹²

	Catholic	Other	Protestant	Undisclosed	Total
Mean No. of Months	13.2	11.43	9.53	12.07	10.95
Number	455	72	828	109	1464
Standard Deviation	16.991	18.891	12.423	21.050	15.155

2.2 Additional data

In an attempt to be more definitive about any problems in this area, and absent such data in the published EQIA, CAJ sought to analyse data available by way of the census, in response to Freedom of Information Act requests, and via Parliamentary Questions. The following ten charts were provided by government in response to a Parliamentary Question,¹³ and they set out (by religion) the numbers of people waiting for housing, and awarded housing, at the NI level, and in the four parliamentary constituencies of East, North, South and West Belfast.

2.2.1 Waiting lists for Accommodation - NI as a whole

	March 2002	March 2003	March 2004	March 2005
Catholic	9401	10512	10983	12182
Protestant	11407	12237	12512	13222

These figures show an increase over the past four years in the number of both Catholics and Protestants waiting for housing. As noted earlier, the overall figures show that the waiting list is approximately 45% Protestant and 41% Catholic, with 8.5% undisclosed (the last census recorded Protestants as making up 53% of the population; Catholics 44%). Whilst the absolute numbers of those on the waiting list has

increased for both communities in the four years, the increase for the Catholic community has been almost double that for Protestants (30% and 16% respectively).

AWARDED ACCOMMODATION (across NI as a whole)

	March 2004	March 2005
Catholic	580	455
Protestant	978	828

In relation to those awarded accommodation, the figures provided in the Parliamentary Question¹⁴ only relate to the last two years. However, again, the figures highlight inconsistencies. Thus, while Catholics in 2005 made up 41% of those on the NIHE waiting list, they accounted for only 35.5% of those awarded accommodation. While Protestants made up 45% of those on the waiting list, they accounted for 64.5% of those awarded accommodation.

It seems that, as with employment, unemployment, under-employment and a range of other indices (see chapters two and three), a geographical breakdown of the overall figures shows even more marked community disparities. The following tables relate to the four Belfast parliamentary constituencies, and highlight important differences across the four areas of the one city.

2.2.2 Waiting lists for Accommodation in Belfast

East Belfast	March 2002	March 2003	March 2004	March 2005
Catholic	99	109	95	101
Protestant	1267	1237	1250	1242

The figures in the table for East Belfast show a fairly steady level of housing demand over the past four years, with the current waiting list made up of 101 Catholics and 1242 Protestants. This gives a community breakdown for the waiting list of 7.5% Catholics and 92.5% Protestants. The religious breakdown of the area is predominantly Protestant, so

the community differentials are not particularly surprising. An EQIA would however allow for a fuller examination of these figures to verify whether concern is merited or not.

AWARDED ACCOMMODATION (East Belfast)

	March 2004	March 2005
Catholic	8	1
Protestant	62	90

An EQIA is not however needed to show that there is a serious problem in terms of housing awarded in East Belfast; the figures are stark. Only one house was awarded to someone from a Catholic background, while 90 houses were awarded to someone from a Protestant background. Though Catholics make up 7% of the housing list in East Belfast, they represent 1% of those allocated housing.

Waiting List for Accommodation North Belfast

	March 2002	March 2003	March 2004	March 2005
Catholic	1062	1149	1157	1332
Protestant	386	420	451	473

These figures show that in North Belfast, over the past four years, Catholic housing need has grown by 25.4%, and Protestant housing need over the same period has increased by 22.5%. So, the level of housing needs for the two communities seems to be growing at about the same rate. However, there appears to be a significant difference between the levels of need for the two communities, with the Catholic community representing 73.8% of those on the waiting list, with a corresponding figure for the Protestant community of 26.2%.

AWARDED ACCOMMODATION (North Belfast)

	March 2004	March 2005
Catholic	44	30
Protestant	64	54

Yet, despite representing 73.8% of those on the waiting list for the area, Catholics represent only 35.7% of those awarded accommodation. Protestants represent 26.2% of those on the waiting list and represent 64% of those awarded accommodation. The gap between the proportion of Catholics on the waiting list, and the proportion of Catholics allocated housing, is some 38%.

WAITING LIST FOR ACCOMMODATION (South Belfast)

	April 2001 to March 2002	April 2002 to March 2003	April 2003 to March 2004	April 2004 to March 2005
Catholic	528	497	512	555
Protestant	889	858	836	868

In South Belfast, the proportion of Catholic households on the housing waiting list is 39%, with a figure of 61% for the Protestant community. Over the last four years, there has been a slight (5%) growth in terms of housing need for the Catholic community in South Belfast, while there has been a slight drop (2%) in terms of the level of Protestant need for the same period. The situation is, again, quite different when looking at housing allocated.

AWARDED ACCOMMODATION (South Belfast)

	March 2004	March 2005
Catholic	15	0
Protestant	50	44

Catholics were awarded no housing in South Belfast in the year March 2004-March 2005, despite representing 39% of those on the waiting list.

WAITING LIST FOR ACCOMMODATION (West Belfast)

	March 2002	March 2003	March 2004	March 2005
Catholic	1414	1432	1570	1735
Protestant	529	612	632	661

In West Belfast, the figures show that Catholics represent 72% of those on the waiting list, with Protestants at 28%. Again, this presumably reflects the demography of the area, but the statistical comparisons need to be done if one is to assess the extent to which housing lists fairly reflects local community profiles. The two communities appear to show similar rates of growth in demand (with Catholic housing demand increasing by 22.7%, and Protestant housing demand increasing by 24.9% over the same period).

AWARDED ACCOMMODATION (Belfast West)

	March 2004	March 2005
Catholic	19	37
Protestant	79	55

Yet again, however, there are significant community differences in terms of houses awarded. In 2005, Catholics represented 72% of those on the NIHE housing waiting list in West Belfast, and 40% of those allocated housing; Protestants represented 28% of those on the waiting list, and 60% of those allocated housing.

2.2.3 Differentials in waiting times

At the time of final editing of this report, CAJ received further information from the NIHE in response to a Freedom of Information Act request. This chart (included as Appendix 3) confirms rather than contradicts most of the information provided above in terms of clear community differentials.

CAI

The chart also highlights the risk of relying overmuch on aggregated figures for Northern Ireland as a whole. As noted in the HSS EQIA earlier in this chapter, the Northern Ireland average waiting time is one where Catholics wait 13.2 months on average, and Protestants wait 9.53 months. However, the regional breakdown provided in appendix 3 clearly shows that there are even greater community differentials in waiting times at the local level. The Belfast statistics, for example, are much worse than the NI average. Of the seven NIHE areas of Belfast, two have insignificant levels of Protestants (Belfast 3) or Catholics (Belfast 5) on the waiting list, so differential waiting times are not an issue. The same conclusion is true for Belfast NIHE region 2, where both Catholics and Protestants are waiting roughly the same amount of time. But in the other four areas, Catholics are spending nearly two to three times as long on waiting lists as their Protestant counterparts. Indeed, with one or two exceptions – most obviously Carrickfergus where Protestants have to wait almost three times as long as Catholics to be housed – Catholics have to wait longer than Protestants to be re-housed everywhere in Northern Ireland.

There are obviously many reasons for such differentials in waiting times, not least some of the demographic reasons explored earlier, regarding the different household needs of both communities (“family homes” versus “older” etc). However, it is for precisely this reason that EQIAs, and the data that they analyse, are so crucial to ensuring equality for all (see on).

2.3 Homelessness Strategy

The Homelessness Strategy and Services Review consultation document, circulated by the NIHE in September 2001,¹⁵ concluded that there were clear differences in the experiences of families and of singles when “presenting” and being “accepted” as homeless.¹⁶ Of the families that presented themselves as homeless (41% of the total), a somewhat higher percentage (52.5%) were formally accepted as such. Singles have a lower representation in terms of acceptance, when compared to presentations - 33.2% and 50% respectively.

Regarding all the other Section 75 categories¹⁷ the report concluded that *'other groups have broadly similar percentage representations for both presentation and acceptance'*. This seems, however, to be contradicted by the finding that *'from the statistics available, currently approximately 38% of presenters declared themselves to be Catholic and only 19% declared themselves as Protestant'*.¹⁸ Yet despite the clear religious and political differentials highlighted by the finding, the EQIA determined that *'this is not considered an accurate breakdown of religious belief and it is considered that homelessness affects both communities in much the same way with no disproportionate impact on one community over the other'*. No reasoning is given for this finding which seems, on the face of it, to contradict NIHE's own figures.

This paradox deepens further when one considers that under the section on permanent re-housing, the report states¹⁹ *"that the average time to permanently re-house accepted homeless households can vary. However, in broad terms, the areas with the longest delays cover North, West and South Belfast, Dairyfarm, Downpatrick, (London)Derry and Strabane"*. Most if not all of these areas would be considered to be predominantly Catholic, yet the NIHE makes no reference to this fact in its EQIA.

In the final report on the homelessness strategy the NIHE noted that:

"In considering the equality dimension, it recognised that specific equality based reporting systems are required in relation to homelessness and Section 75 groups. It also recognised that the operation of complementary policies did result in some "adverse impacts" for homeless persons, such as longer waiting times for permanent housing. In all instances however where "adverse impacts" have been identified, they are considered to be outside the remit of homeless policy.

*It is also recognised that 'differential impacts' do exist within homelessness policy, but are as a result of the homeless person's specific needs (ie. elderly, those with dependant children or at risk of violence or having other vulnerability). These impacts are not considered adverse".*²⁰



These conclusions, and the misunderstanding that they highlight regarding the import of the Section 75 equality duty are considered later. However, it is worth noting here that the concerns of several consultees (including CAJ)²¹ were alluded to in the final report into the EQIA -

“Three respondents commented specifically on the equality dimension contained in the consultation document. Respondents centred on the exclusion of certain groups from the Equality Impact Assessment and on the need to develop proper monitoring and information sources. The length of time taken to re-house in certain areas and the potential impact on certain groups was also highlighted. These issues were identified in the consultation report and were deemed to be “intended” disproportionate impacts which reflect the vulnerability of certain groups eg the elderly; or were as a result of other policies such as the Common Selection Scheme, allocations policy or new build planning policy. All of these policies are to be subjected to separate EQIA reviews.”²²

Community differentials brought to the fore in the course of the consultation on homelessness were considered to be more appropriately addressed elsewhere. However, as has been shown already, the EQIA on the Common Selection Scheme, which had also highlighted community differentials, did not seriously address the issue either.

It is difficult to conclude anything other than the equality proofing tools provided by the Agreement and put into legislative effect in Section 75 of the Northern Ireland Act are being side-stepped, and serious housing inequalities are being ignored.

3. Equality proofing and its role in tackling housing inequalities

Discrimination in housing provision was found by Lord Cameron, DSC, to have fuelled a “continuing sense of injustice and grievance”, to have contributed to the serious civil disorder of 1969, and arguably

subsequent violent conflict.²³ Like in so many other areas of public life in Northern Ireland, there is a general assumption that those problems of direct discrimination are now a thing of the past. What the foregoing analysis highlights, however, is that there are clear and stark continuing community differentials in the housing arena, and that these need to be urgently addressed.

The passage of the Section 75 of the Northern Ireland Act, together with the Fair Employment and Treatment Order 1998, should – if properly implemented – target exactly these kinds of community differentials, but clearly there is a long way to go.

3.1 A new departure

Before 1998, the NIHE, like all other public bodies, had to gather and publish data regarding the community background of those *employed* within the organisation. Despite the fact that the work of the Housing Executive involves allocating and maintaining housing, there was no legal requirement to monitor housing provision across the two communities, akin to the fair employment regulations. This changed with the passage of the Northern Ireland Act 1998, and the requirement for monitoring contained within Section 75 of that Act.²⁴ Under Section 75, the NIHE is a “designated public body”, which means that the organisation is required to produce an Equality Scheme, and carry out Equality Impact Assessments, in order to determine the impact of the key functions of the organisation on the promotion of equality across nine dimensions.

At approximately the same time, housing was formally brought within the remit of broader anti-discrimination and equality legislation when the Fair Employment and Treatment (Northern Ireland) Order was passed in 1998. Redress for those complaining of discrimination by the NIHE in relation to employment had been in place from 1976; the new departure in 1998 was to make it possible to complain to the Equality Commission about discrimination, or a failure to promote equality of opportunity, in terms of allocation of housing. The general functions of the organisation could now be subject to the same level of legislative control and scrutiny as that which had previously existed solely in relation to NIHE’s workforce practices.

3.2 Gathering equality related information

The new departure dates from eight years ago, but it still seems to be facing problems in bedding down.

Firstly, CAJ had many problems in securing even the information that is included herewith. As opposed to the fair employment data of chapter two, housing statistics have had to be gleaned from relatively limited public data, a series of Freedom of Information Act requests, and various Parliamentary Questions. Without reliable data, it is impossible to determine what the problems might be, still less address them effectively. We apologise now for any inaccuracies or mis-interpretations of the data provided that have occurred, however unwittingly, but urge that a greater effort be expended in future by the NIHE itself to supply such material, so that the debate can take place on a fully informed basis.

Secondly, as far as possible, it is vital to ensure that the data gathered is statistically sound and reliable. One of the arguments employed by the NIHE when challenged to provide more public data on its work is that the data is not always sufficient robust. For example, there are clearly problems in assigning "community affiliation" to entire households when there will be many cases of "mixed households" - where the person on the waiting list may be of a different religion to other persons in the household. Yet, there are other methods of gathering data to either confirm or refute the validity of information gathered by means of individual monitoring. One such measure would be the use of geographical postcodes as a proxy to identify community differentials. While clearly not 100% accurate, these postcode allocation patterns provide a useful secondary source of data. Moreover, there are many other data sources that could be included in the EQIAs, to allow for some validation process. The 2001 census provides crucial equality data in terms of overcrowding, elderly people living alone, houses without central heating etc. All of these indices offer useful insights into housing need, and, potentially, community differentials.

A third problem in information terms relates to the publication of data. While the NIHE Equality Unit should rightly be congratulated for its significant output in terms of efforts to implement the equality duty, crucial information about community differentials is not widely or publicly available. In preparing this report, it became evident that the statistics eventually supplied (and presumably there are many more) were in fact available to the NIHE. The problem seems to lie not in gathering the data, but in placing the data in the public domain.

For example, the organisation appears reluctant to acknowledge some housing inequality issues, and the EQIA gives a series of caveats to be used with waiting list data:

“The Housing Executive is developing a monitoring system to comply with the Section 75 equality duties and to provide greater information on how its policies impact on equality groups. Due to the fact that this is very much at a developmental stage the raw data is subject to questions of reliability and validity.

Permission must be sought from the Housing Executive to use this information other than for the purposes for which it is provided in this document, and if quoted outside the developmental system the following caveats must be stated clearly and in their entirety. The breakdowns quoted are based on “self reported” answers to the questions held within the General Housing Application form on the religion of Position 1 respondents. The applicant response rate is approximately 90%. The breakdown of the Waiting List is a snapshot of applicants on the waiting list on the last day of the month shown.”

It is perhaps understandable that the NIHE should be highly sensitive to claims that housing is being allocated on the basis of religion, or that one community is being favoured over another. However, the gathering and publication of factual data is the best safeguard against real or perceived bias. The same fear of politicisation or polarisation pervaded the early debates about introducing formal and public monitoring of the community composition of workforces. Some expressed concerns that publishing data showing community differentials between and within workforces would be highly damaging to community relations. This has not proved

CAI

to be the case. On the contrary, Northern Ireland's workplaces now represent a 'model' for integration when compared with the persistent segregation experienced in so many other aspects of life. Integration and good community relations can only thrive in an equality framework.

Housing authorities should embrace, not shrink from, gathering and publishing data to ensure the best possible policy formulation. It is, moreover, a legal duty on them since the passage of Section 75 of the Northern Ireland Act.

3.3 Interpreting the equality data properly

Once having gathered the data, it is vital to interpret it correctly. A study of the Housing Selection Scheme EQIA and other materials has indicated that there may be some fundamental errors in the approach taken by NIHE to the analysis of the data it has gathered.

3.3.1 Interpreting impact

The purpose of carrying out an Equality Impact Assessment is to determine if there are adverse or differential impacts, and then determine what action is needed. Yet, on occasion, in the face of irrefutable statistics showing differentials, the NIHE fails to draw the obvious conclusions. So, as cited earlier, a finding that on average Catholics wait 13.2 months, and Protestants wait on average 9.53 months, the Executive merely concluded "*there are some indicators that Catholic households spend greater time on the waiting list than Protestant households, although this is not definitive*" (emphasis added, EQIA, page 27).

In the homelessness strategy also cited earlier, the review found that there was a clear differential between the proportions of Protestants and Catholics presenting themselves as homeless. But this finding was set aside with the statement that "*this is not considered an accurate breakdown of religious belief and it is considered that homelessness affects both communities in much the same way*" (Review, para 3.22, page 27).

In other instances, the NIHE determined there was an adverse or differential impact, but then appeared to set the finding aside as not relevant to the project at hand. For example, the EQIA into the Housing Selection Scheme recognised that some of the community differentials in the composition of the waiting lists, or in the lengths of waiting times, might “*be a consequence of external factors affecting the supply of housing in areas of choice and is not related to the Housing Selection Scheme. This is regarded as having a differential impact but one which is not necessarily adverse. However, consideration is given to this differential in Section 8.2: Mitigation*”. The subsequent examination of mitigating factors offered little help.²⁵

It is (and was) open to the NIHE, if they are unsure about the validity of certain findings, to carry out further analysis. The findings of this EQIA necessitated the Executive exploring further *why*, for example, Catholics were spending longer on the housing waiting lists than Protestants. If, as implied, the problem might be one of housing supply, they had a legal obligation to explore what should be done about that (particularly in this instance, where the NIHE is directly responsible for housing supply as well as administering housing allocation fairly).

The NIHE appears both unwilling to acknowledge community differentials when discovered, still less commit itself to remedying them.

3.3.2 adverse and differential impacts

The NIHE has created another problem for itself in tackling housing inequalities, by drawing a clear distinction between impacts it considers “adverse” and those it considers “differential” – even though no such distinction exists in Section 75 or Schedule 9.

For example, the Housing Selection Scheme EQIA recognises that there will be some variation in the level of need (which is of course true) but then deviates from the approach laid down in law by stating:

“The difference is as a consequence of the applicant’s needs (i.e. household needs) and not of their equality status. In this respect the Housing Executive notes in the remainder of this report where the

CAJ

impacts are different and explains this, but in the context of a household's (or "group's") needs being the determining factor, it is considered that such impacts are not adverse".

This is problematic, and indeed a curious interpretation of the law. By this rationale, differential impact only becomes an issue if the motive behind that difference is based on direct discrimination – e.g. if there were an overt policy not to give houses to Catholics. This is completely contrary to the Guidelines and the law that states that “differential” or “adverse” impact be examined – without regard to the reasons behind the differential. Under the law, if one religion predominates in terms of a waiting list, or waiting time, then that is an issue that requires attention. The NIHE interpretation appears to assume that such differentials are acceptable, as long as they are not rooted in direct prejudice or discrimination.

Section 75 moved the debate from one of “discrimination” (direct and indirect) to the promotion of equality; in the post-1998 scenario, differentials are a problem to be addressed, regardless of the motive. Professor McCrudden addressed this topic at an Equality Coalition conference in 2003, when he said:

“it is important to recognise that discrimination has multiple forms, and it is very significantly linked to disadvantage. Discrimination is one example of lack of equality of opportunity and - since the Section 75 duty articulates equality of opportunity, or lack of it, as a problem - the duty clearly encompasses discrimination. Moreover, and very importantly, Section 75 addresses the legacy of discrimination that traditional anti-discrimination measures cannot easily tackle....it can be that on occasion naming ‘discrimination’ as the problem means that one addresses only one part of a bigger problem.”

The equality duty goes beyond discrimination and questions of motivation. The statutory Guidelines produced by the Equality Commission advising public bodies about equality impact assessment explain that the body in question must use the available data to “*decide whether there is, or likely to be, a differential impact, whether direct or indirect, upon the*

relevant group (or groups)".²⁶ The Guidelines go on: "If an adverse effect on any of those groups can be identified, policy makers will need to assess whether the policy is unlawfully discriminatory taking into account that some policies are intended to increase equality of opportunity by requiring or permitting affirmative or positive action, or action to redress disadvantages. They will then have to decide how to ensure that the public authority acts lawfully."²⁷ The text continues - "Even if the policy is not unlawful, policy makers need to consider what to do in light of the adverse impact identified. The following is provided as guidance by the Commission:

a policy intended specifically to address the needs of a particular group may well be justifiable, indeed necessary, in order to promote equality of opportunity for that group; and

If this is not the case, policy makers must consider whether there is any alternative measure that would achieve the aim desired without the differential impact identified. In this context, the Commission re-emphasises the importance of very careful consideration of policies which adversely impact on those categories defined by age (both younger and older people), and persons with dependants which are not currently covered by anti-discrimination legislation".

The statutory Guidelines use the terms "differential" and "adverse" in the same context and draw no distinction between the two; the NIHE should do the same.

4. Shared Future and Good Relations

In Chapter Five, there is a fuller examination of the "Shared Future" initiative, since it has been cited as one of three current government measures aimed specifically at tackling social exclusion and disadvantage. However, it has a particular relevance to the housing discussion, and is briefly discussed in this context.



The NIHE would obviously have a particular interest in the development of a Shared Future and in promoting good community relations, since the highly segregated nature of residential accommodation in Northern Ireland both reflects and reinforces other social, economic and political divisions. As a major public authority, the Executive has an important role to play in facilitating greater social cohesion and integration.

The Housing Executive published its overall approach to promoting good relations in its Good Relations Strategy in April 2004 -

“To respond quickly and effectively to the needs of people in danger as a result of community conflict; to work in partnership with others to address the complex needs of a divided society; to respect the rights of those who choose to live in single identity neighbourhoods; and to facilitate and encourage integrated housing as far as this is practicable, desirable and safe.”

A Community Cohesion Unit was formed in September 2004 to deliver the Housing Executive's Good Relations Strategy, and the Unit's role is to translate community relations into action on the ground through community led partnership approaches. One particular initiative referred to is the “Shared Future – Housing by Choice Schemes”, which are designed to support people who choose to live in single identity or mixed-community neighbourhoods. The document states that work to develop a shared future-housing scheme with key stakeholders is progressing. It does not however refer to the housing inequalities and community differentials discussed earlier in this chapter. So, although there is reference to the “equality dimension” being incorporated into the various good relations strategies, it is far from clear if the housing differentials identified in this chapter will be addressed. This is worrying given the concerns raised earlier about the extent to which the NIHE is willing to openly acknowledge that there are community differentials, and that they need remedying. Yet, engaging with such differentials is surely a basic prerequisite for building good community relations?

Whilst the Shared Future discussion of flags and emblems, and mixed housing, is welcome, it is insufficient on its own. It will be particularly problematic if such measures are pursued *instead of* rather than

alongside measures to tackle the housing inequalities highlighted earlier. Yet, this is exactly what seems to be being proposed.

In an effort to encourage mixed/integrated housing – a very worthwhile goal in and of itself – it is being proposed in the Shared Future Triennial Plan that equality legislation be set aside:

“As an example of OFMDFM’s strategic leadership and challenge role in 2006/2007 the Department will engage with...the Equality Commission and others on the OFMDFM’s proposals to amend the Fair Employment and Treatment Order (Amendment) Regulations (Northern Ireland) 2003 to assist the introduction of mixed housing schemes.”²⁸

Clearly the authorities have decided that the allocation of housing on a religious (quota) system would promote the goal of integrated/mixed housing. Currently, such allocations would fall foul of the anti-discrimination and equality legislation, so it is being proposed to modify existing equality legislation. If there were an equal playing field in terms of waiting lists and waiting times, many might consider that the 50:50 allocation of housing could be beneficial.²⁹ In the current climate, with such obvious community differentials in housing provision, such a move could only have a highly detrimental impact on those who most need the services of the Housing Executive. It is quite difficult to think of an initiative that would more surely undermine the very principle it is seeking to promote – good relations and social inclusion.

5. Conclusions

The statistics show serious housing inequalities. These inequalities need to be analysed and tackled urgently.

Over the past few years, the statistics show that the numbers of people on waiting lists for housing has steadily increased in Northern Ireland, and that the percentage of Catholics has risen by 30%, while the percentage of Protestants over the same period has risen by 16%. In the figures available, there are also clear community differentials in waiting times – with Catholics spending on average one and a half



times as long (13.2 months) on the housing waiting list as Protestants (9.53 months). This aggregated data however also obscures the fact that waiting times are much worse at local levels.

The reasons for these differentials can be numerous, not least the different kinds of housing needs of the different communities. These community differences, and others that may not have surfaced in the debate to date, are precisely the reason why it is necessary to equality impact assess policies. The main problem with the current system seems to be that the EQIA tool is mis-understood and/or being mis-used.

The NIHE has essentially argued that greater housing disadvantage experienced by the Catholic community has arisen not as a result of direct religious discrimination, but because of differential supply and demand for housing. The NIHE has introduced a concept of “differential” but not “adverse” impact (which has no basis in legislation) to absolve itself from responsibility for addressing the housing differentials.

Clearly, a new approach to carrying out impact assessments, in line with the requirements of the legislation and the Equality Commission’s statutory guidelines on impact assessment, is required from the NIHE. The Equality Commission stated some years ago that it would produce guidelines on the monitoring of policies for all the public bodies covered by Section 75, but this has not yet happened. Such guidelines could be very helpful to a body like the Housing Executive, which has a major role to play in ensuring that housing provision and housing policy undermines the legacy of inequalities and past divisions.

Some time ago, the Chief Executive of the NIHE gave an interview to the NICVA magazine *Scope*, explaining why the organisation had decided for the first time in its 30-year history to make an open declaration of support for improved community relations.³⁰ Outlining the background to the policy he said that the change had been “*helped along by signals from above*” that community relations is now a key issue. Good community relations are vitally important; they will, however, prove short-lived if not built on a solid foundation of equality and human rights. By tackling the housing issues raised in this chapter, the NIHE will play a vital role in promoting both equality and good relations.

ENDNOTES FOR CHAPTER FOUR

¹ Report of the Commission Appointed by the Governor of Northern Ireland, 1969, (Cameron Report), Disturbances in Northern Ireland, Cmnd. 532, HMSO, London.

² "5 Year Review of Equality Schemes", Northern Ireland Housing Executive, 2006, P. 4.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Equality Impact Assessment of the Housing Selection Scheme, Northern Ireland Housing Executive, March 2006.

⁷ Relevant legislation included - the Housing (NI) Order 2003 which introduced eligibility criteria in relation to "Persons from Abroad" and "Unacceptable Behaviour"; the Criminal Justice (No. 2) (Northern Ireland) Order 2004 (the "hate crime" legislation) relating to crimes committed against a person or property that are motivated by hate because of race, religion, disability or sexual orientation; and the Civil Partnership Act 2004 which enabled same-sex couples to obtain legal recognition of their relationship by forming a civil partnership.

⁸ The figures in this and the next column relate to "Position 1 applicant" ie the individual appearing first on the General Housing Application Form

⁹ If the "undisclosed" numbers are divided equally among the Protestant and Catholic communities, then the corresponding waiting list percentages are 48.95% for the Protestant community, and 45.44% for the Catholic community (ie giving Protestants a positive position of 4.18% in comparison to their position in society as a whole; whereas Catholics have a negative position of 1.68% in comparison to the situation of the population overall).

¹⁰ The restriction on housing eligibility on the grounds of unacceptable behaviour was introduced to the Housing Selection Scheme through an amendment to The Housing (NI) Order 1981 and a new Article 7A in the Housing (NI) Order 1988, and an amendment to the Housing Selection Scheme with the introduction of a new Rule 9A.. This involves determining whether the applicant or a member of their household has been guilty of unacceptable behaviour.

¹¹ Criminal Justice (No.2) (Northern Ireland) Order 2004.

¹² Equality Impact Assessment of the Housing Selection Scheme, NIHE, March 2006, Table 7.

¹³ Response from David Hanson M.P., Minister for Social Development, to Parliamentary Question from Mark Durkan, M.P. 3 May 2006. A problem highlighted by these tables is that the figures relate only to the NIHE and do not include Housing Associations or others who may be providing housing. Indeed, concerns have been expressed in a number of quarters about the rise in the number of private landlords who are providing accommodation to those in need of social housing. Again, this is emblematic of the problems that can arise from having to seek information in this relatively ad-hoc way. The purpose of an EQIA is to gather *all relevant* data. Until such time as government and the NIHE publish the full range of information available, the figures provided here can only be considered reasonably indicative of housing need and allocations.

¹⁴ Ibid.

¹⁵ Homelessness Strategy and Services Review September 2001, NIHE.

¹⁶ Ibid. Page 7. "Presentation" in this respect means presenting oneself as homeless; "acceptance" refers to being formally accepted as statutorily homeless under the legislation.

¹⁷ The legislation covers nine equality categories: dependants, religious belief, political opinion, marital status, sexual orientation, gender, disability, race, and age.

¹⁸ Ibid Page 27.

¹⁹ Ibid Page 9.

²⁰ The Homelessness Strategy, NIHE, September 2002.

²¹ CAJ Submission to NIHE Consultation Homelessness Strategy and Services Review, January 2002 – we asked the NIHE to reconsider its conclusions.

²² Homelessness Strategy Equality Impact Assessment – Final Report, NIHE, December 2002.

²³ See footnote 1 for full reference.

²⁴ The monitoring requirements in relation to Section 75 are not as straightforward as those under the 1989 Act. The former requires that public bodies monitor the impact of policies and gather data in order to carry out equality impact assessments. Clearly this can only happen if there is a robust monitoring system in place to provide that data. Unlike the Fair Employment Act, however, there is no requirement under Section 75 to submit monitoring returns annually to the Equality Commission with penalties against those who fail to comply. The rather more vague requirements of Section 75 have meant that in some cases, those organizations that have been more efficient in getting their monitoring procedures up and running and published, have left themselves more open to criticism than those organizations which have been less robust about monitoring beyond the composition of their workforces.

²⁵ "A possible differential impact is identified in Section 7.0 Allocations; Religion – in relation to the length of time applicants of different religions wait for permanent housing. The fundamental factor affecting the length of time all Applicants wait for housing is the supply of social housing becoming available for allocation and the demand for such housing. Any differential impact on Applicants of different religions in terms of the length of time waiting for housing is not therefore considered to be directly related to the Scheme. (The New Build Strategy is subject to a separate EQIA)." An Equality Impact Assessment of the Housing Selection Scheme, March 2006, para 8.2.2.

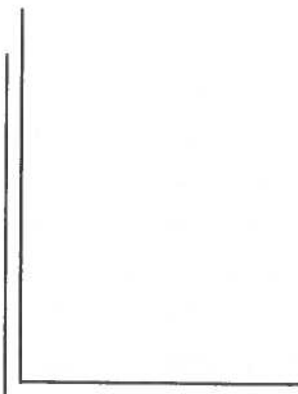
²⁶ Equality Commission Guidelines, P. 73, Para. 3.1.

²⁷ Ibid. Para. 3.2.

²⁸ Shared Future Triennial Action Plan, OFMDFM, 2006, P.18.

²⁹ See also discussion in chapter 2 of the debate around 50:50 recruitment to the police and the pre-conditions that have to be met to secure an EU exception for such measures.

³⁰ Scope, April 2004, NICVA, Interview with NIHE Chief Executive Paddy McIntyre.



Chapter Five

Government responses to poverty and inequality

Government has indicated¹ that the three main policy vehicles by which it is seeking to address issues of poverty, social exclusion, and community cohesion are as follows:

- Targeting Social Need;
- Taskforce on Protestant Working Class Communities; and
- A Shared Future

This chapter will explore each of these measures in turn and explore to what extent, if at all, they can be seen to address the problems highlighted earlier in this report.

Targeting Social Need (TSN) is a long-standing initiative, dating from the early 90s and, as a result of the Agreement, it was decided to create a “new, more focused” TSN initiative. There seems to be widespread consensus (on the part of government and many of its critics) that the policy has not delivered on its potential. This report will conclude that the first of these three measures has not succeeded because it has not been given the statutory basis, and therefore the necessary political commitment, required to give it real effect. In principle, however, it continues to hold enormous potential for responding to poverty, both Catholic and Protestant, and in ensuring that anti-poverty work harnesses cross community support for tackling need on the basis of objective criteria, not a sectarian head-count.

The Taskforce on Protestant Working Class Communities is entirely different. It is a relatively recent initiative, and some of the information relating to the work of the Taskforce has only come belatedly into the public domain. The assumptions on which the Taskforce appears to have been based have been contradicted by empirical research commissioned since its establishment – a fact that has necessitated Freedom of Information requests to ascertain. It is difficult to know how such a taskforce can avoid sectarianising the debate on poverty and inequality.

CAI

Moreover, the very people that it is presumably intended to target – working class Protestant communities – appear to be getting little other than a “re-packaging” of measures already underway. The risk of alienating both disenfranchised Catholic and Protestants is grave.

A Shared Future is also a relatively new government initiative (when compared to TSN). Few would argue that the social and political divisions of Northern Ireland are healthy; so getting consensus for developing a vision for a shared future should have been relatively easy. Here, however, contradictions in government policy seem to come to the fore. Human rights and equality advances do not form the kernel of the approach; if anything, they appear to be side-lined as possibly divisive. Moreover, the starting premise appears to be that the inequalities of the past are of historical interest only. Earlier chapters of this report – based on official government statistics – show that this premise is incorrect. It is difficult to conclude anything other than the fact that, if the Shared Future measure is maintained as currently conceived, it will exacerbate not undermine communal divisions.

Targeting Social Need

Targeting Social Need has its roots in the early 1990s, and is by far the longest established of the three policy vehicles discussed in this chapter. Its genesis can be traced to the kinds of concerns expressed in a civil service memo leaked in 1992 -

“Catholics are more likely to experience long-term unemployment. Catholics are significantly less likely than Protestants to hold professional, managerial or other non-manual positions. More Catholics than Protestants leave school lacking any formal educational qualifications. Significantly fewer Catholic pupils follow science subjects to ‘A’ level. There is a greater provision of grammar school places for Protestant than Catholic children. Significantly more Catholics than Protestants live in public sector housing and experience overcrowding. Catholic households have a lower gross household income than Protestant households. Almost double the proportion of Catholic households are dependent on social security than are Protestant households. Catholics

*suffer from higher levels of disability and ill-health". The memo concluded that: "an analysis of the key area of employment suggests that the unemployment differential is unlikely to alter significantly over the next decade in spite of strengthened fair employment legislation."*²

It was the fact that such structural inequalities persisted despite anti-discrimination measures on the statute book that led the government of the day to attempt something new and innovative.

The then Secretary of State for Northern Ireland, Peter Brooke, announced that "Targeting Social Need" (TSN) was to be one of three government expenditure priorities. At a conference in February 1991, Peter Brooke announced the new government measure in the following terms:

*"I must stress that we recognised that there are problems of disadvantage and need within both sides of the community. We have to examine carefully the impact of existing major policies and programmes. I intend to pursue the scope for targeting these policies and programmes even more sharply on areas and people in greatest need. To achieve this I have now decided that Targeting Social Need will be the third public expenditure priority in addition to the existing priorities of law and order and strengthening the economy... We are seeking to address deep rooted problems. Solutions must, therefore, involve a long-term commitment in order to ensure that real and lasting changes are achieved. This will not be quick nor an easy process. But it does make sense that, if we genuinely wish to address the issue of social need that we have identified and achieve a reduction in community differentials, we must target our resources in the way I have outlined."*³

Embedded within the definition of TSN from the outset were therefore the dual concepts of addressing community differentials *by way of* addressing "areas and people in greatest need" (ie regardless of the religious or political community concerned). In this approach, objective need was in the "driving seat". The logical assumption was that in targeting need as and when it existed (regardless of community divisions), community differentials would be also be lessened and eventually eliminated.

Measuring the impact of TSN

In 1996 (five years after the announcement of the policy), a study carried out for the Standing Advisory Commission on Human Rights by McLaughlin and Quirk concluded that:

'the research reported here found very little evidence that TSN, as it was initially framed politically, has had a substantial influence on the spending and decision-making of departments. This is not surprising, given the reluctance of most departments to monitor or research expenditure, programmes and policies in terms of their impacts on the Catholic and Protestant communities in Northern Ireland. TSN had not been, in our view, a public expenditure priority – rather it is a principle awaiting definition, operationalisation and implementation.' (SACHR, 1997 p. 183)

Criticisms of this kind were implicitly accepted by government, since the Good Friday/Belfast Agreement of 1998 contained a commitment to 'a new more focused Targeting Social Need initiative and a range of measures aimed at combating unemployment and progressively eliminating the differential in unemployment rates between the two communities by targeting objective need'.⁴ (emphasis added)

In March 1998, just before the Agreement was concluded, the government had heralded a new initiative on TSN in the Partnership for Equality White Paper (HMSO, 1998). Later that year, the government launched what it called 'New TSN' (CCRU, 1998):

"New TSN will therefore seek to tackle disadvantage by directing efforts and resources towards individuals, groups and areas objectively defined as being in greatest need, irrespective of community background. However, evidence collected over many years has shown that the Catholic community, on the whole, is more disadvantaged than the Protestant community...While not discriminating in favour of one community and against the other, therefore, New TSN should contribute, over time, to the erosion of differentials between the communities."

The dual goals of tackling community differentials and tackling need on an objective 'religion-blind' basis are clearly retained, though it is somewhat clearer in this formulation that the primary goal is to target need on an objective basis.

More than eighteen months later, in November 1999, the government issued a detailed consultation document setting out draft TSN action plans for the existing local departments and the Northern Ireland Office.⁵ Final action plans were published, after a considerable delay, in March 2001 in an 268-page document entitled *Making it Work* (OFMDFM 2001). This grouped the action plans into the 11 new departments of the devolved assembly, but did not cover the NIO itself.

In June 2002, a report carried out by Paul McGill for the Northern Ireland Council for Voluntary Action into the operation of New TSN concluded that "*the case that New TSN has had little impact remains strong*".⁶ Following further criticisms of the operation of New TSN, government agreed to carry out a review, and the work on this is still underway. An initial consultation document⁷ was launched in April 2004 to widespread criticism from the community and voluntary sectors, particularly in relation to the lack of specifics in terms of commitment to action on the part of government. In response, a redrafted document "New TSN: the way forward – a consultation document phase 2" was issued in August 2005. The outcome of this consultation is still awaited.

The pattern is clear. TSN was introduced in 1992; was adapted and re-launched in various guises over a ten year period; was the focus of a variety of evaluations and research studies; but no adequate action has been taken. Instead, alternative untried and questionable approaches are being proffered (see on for discussion of Shared Future etc).

Certainly government seems willing to lay claim to some TSN or New TSN related successes, but this view is not widely shared. Paul Murphy, at the time Secretary of State for Northern Ireland, said "*While New TSN has undoubtedly influenced the overall reduction in the employment differentials between the two main communities...*".⁸ This theme was developed further in the report itself, but some of the statements made

CAJ

run counter to the information provided elsewhere in the same document. Thus, it is claimed that -

“socio-economic differentials between the two main communities in Northern Ireland have decreased, reflected particularly in relation to unemployment levels which have decreased by a much greater extent for Catholics than for Protestants in recent years.”⁹

Yet the figures provided in the very same government report (Annex 1) refute this assertion. Statistics for the unemployment rate for Catholics in 2001 was 8%, half of what it was in 1990, at 16%. The unemployment rate for Protestants had also been halved in the same period - with 8% unemployment in 1990 falling to 4% in 2001. These figures clearly do not however bear out the statement that unemployment levels “have decreased to a much greater extent” for one community rather than another.

Moreover, claims that the reduction in unemployment came about as a result of New TSN was challenged at the time by a briefing paper produced by NICVA. The paper concluded that

“in the case of employment, there is little evidence that government initiatives have made a difference to disadvantaged areas. Unemployment has fallen greatly in Northern Ireland over the last decade or so but this is because of general economic growth. If TSN had worked, we would expect the number of people on the dole in disadvantaged areas to fall more than in other areas. In fact, the decline in unemployment has been roughly equal in TSN and non-TSN wards. Improvement has not been evenly shared across Northern Ireland. The TSN districts of Cookstown, Dungannon and Magherafelt have fared well, but Derry, West Belfast, Strabane and Fermanagh have had smaller declines in unemployment.”

Measuring Inequality

While it is difficult to pinpoint whether TSN or New TSN has had any positive impact on either objective need, or community differentials, it

has at least obliged government to gather the kind of detailed data that is needed to underpin such objectives. At the time of the announcement that TSN was to be a third spending priority, and indeed for the first three years of its existence, the necessary objective indicators of need, at a relatively small spatial level, were not available. To redress this, the Policy Planning and Research Unit (PPRU), in 1993 and 1994, commissioned and published a study on relative deprivation in Northern Ireland (Robson *et al*, 1994). Drawing on the 1991 census, Robson *et al* produced a matrix of deprivation at three spatial levels: District Council, Electoral Ward and Enumeration District.¹⁰ Since then, much more detailed work has been undertaken. 2001 Noble indicators of deprivation were updated in 2005 and these indicators, published by NISRA, are comprehensive and authoritative.

Deprivation is defined using 43 different indicators, such as receipt of benefit, unemployment rates and sickness levels. These indicators are collected into seven “domains” and given different weights in building the composite scores, known as the measure of multiple deprivation.¹¹ Now the data can be retrieved not only on the basis of the 582 electoral wards, but even smaller geographical entities – called Super Output Areas (SOAs). Altogether, there are 890 SOAs in Northern Ireland with an average population of 1,900.

One of the advantages of the level of detail now available is that community activists, researchers, and most importantly policy-makers, can use the indicators to determine how resources should best be allocated. There is no longer any excuse for not effectively targeting resources – and yet this does not appear to be happening.

Attached in Appendix One to this report, there is a list of the top twenty most deprived super output areas. It is striking to observe the extent to which North and West Belfast dominates the “poverty chart”, followed closely by parts of Derry. Indeed, in the poorest 20 super output areas, only one of them, Ballymacarett in inner East Belfast, is outside North and West Belfast or Derry. This trend continues even if one examines the fifty super output areas scoring highest on the multiple deprivation index. Of the top 50 most deprived super output areas of Northern Ireland, only seven super output areas are outside North and West Belfast



or Derry. Nor does the pattern change dramatically thereafter, with over 50% of the next 50 entries also comprising super output areas from North and West Belfast, and Derry. At the other end of the scale, the least deprived, or wealthiest, parts of Northern Ireland are to be found in North Down, Castlereagh, and the Jordanstown area of Newtownabbey. Also included are parts of Lisburn, Coleraine and Ballymena.

The level and sophistication of the data currently available provides, at the very least, a highly scientific approach to measuring deprivation. But the key issue of course is how this information is used to inform policy making and resource allocation. Unfortunately, there has been a marked reluctance on the part of government to utilise the data in a productive and meaningful way. Moreover, government has resolutely refused to carry out an equality impact assessment of TSN, or New TSN, on the grounds that the policy overall is too high-level, complex and strategic to be subjected to such a procedure. This prevents any serious analysis of why TSN is clearly not delivering change on the ground, and what could be done to remedy this problem.

TSN and the New Deal programme

Government does, however, allow that it is possible to equality impact assess the specific programmes that flow from major initiatives like TSN. One such "New TSN" type programme, which is focused on getting the unemployed into work, is New Deal - launched in April 1998, throughout the United Kingdom. New Deal was presented as a flagship project for addressing unemployment differentials between the two communities.¹² Government claimed that the programme would meet many of the objectives of SACHR's recommendations on affirmative action for the unemployed,¹³ and that it would reduce the levels of long-term unemployment and, with them, the percentages of unemployed Catholics and Protestants.

While giving a commitment that New Deal would be the government's most direct strategy for tackling long-term unemployment, there was also a commitment that New Deal would be monitored closely to see whether

it needed to be supplemented by further action in Northern Ireland. The Northern Ireland Affairs Committee concurred with the view of the Northern Ireland Economic Council that it was insufficient to *assume* that the New Deal would contribute to a reduction in the unemployment differential, and that empirical evidence should be gathered to determine if this was in fact the case.

In their 1998 report into the operation of the Fair Employment Act, the Committee recommended¹⁴ that “*monitoring of the effects of the New Deal by religion be carried out as suggested to us by the Northern Ireland Economic Council, in order to estimate whether, and to what extent, the New Deal helps to reduce the unemployment differential*”.

Public resources are limited; it is crucial to routinely assess what is and is not working and adapt accordingly. The concept of testing and assessing whether policies are actually delivering greater equality is central to the operation of Section 75 of the Northern Ireland Act. Indeed the entire *raison d’etre* of an equality impact assessment is to establish whether or not a policy or programme is having a positive impact on the promotion of equality. The existence of data that enables policy-makers to assess the impact of New Deal on the promotion of equality has therefore been a benefit arising from the Section 75 process. Unfortunately, the conclusion of the impact assessment process is that whilst there was a general belief or assumption that New Deal would lead to a reduction in the unemployment differential between the two communities;¹⁵ it is now apparent that this has not happened and is worsening the situation.

Given the positive role that EQIAs could and indeed should play in a range of other domains, it is worth using the EQIA into New Deal as a short case-study.

The New Deal – a case-study of worsening inequalities

The Equality Impact Assessment of the New Deal for 18 to 24 year olds and New Deal 25+ was initiated on the 27 November 2003 stating that data for 2002 showed a difference between the percentage of Catholics

and Protestants finding employment within 3 months of leaving New Deal. The numbers entering employment were 29% Catholic and 33% Protestant from New Deal 18 to 24 year olds, and 15% Catholic and 17% Protestant from New Deal 25+.¹⁶

Percentage of New Deal leavers in 2002 by religion who found work within 3 months of leaving New Deal 18-24

	Leavers	Number Found Work	% Found Work
Catholic	3172	932	29%
Protestant	1962	657	33%
Other	328	101	31%
Unknown	1820	552	30%
Total	7282	2242	31%

Percentage of New Deal leavers in 2002 by religion who found work within 3 months of leaving New Deal 25+

	Leavers	Number Found Work	% Found Work
Catholic	4540	701	15%
Protestant	2927	512	17%
Other	419	99	24%
Unknown	2360	356	15%
Total	10246	1668	16%

In seeking to explain this clearly differential impact as between the two communities, the EQIA consultation document, notes that the differences in the percentage of Protestants and Catholics entering employment from New Deal

“may be due to the availability of employment opportunities within the areas where they live. In addition Catholics on the New Deal 25+ may have experienced longer durations of unemployment in the past and therefore now find it more difficult to find employment. An evaluation of New Deal showed that those groups who are more likely to have

been unemployed for longer periods of time, are less likely to have left New Deal having found work”.

A final report on the EQIA was issued in June 2004 acknowledging that a key feature of responses to the consultation was the “apparent”¹⁷ differential impact between Catholics and Protestants entering employment after leaving New Deal. The final EQIA report acknowledged that the Equality Commission had stated in their submission that it could be concluded that Catholics were affected by the New Deal policy in a way that amounted to adverse impact. Indeed, it would be difficult to imagine how any other conclusion could have been reached. The Department, however, concluded that difference in success rate was merely due to a series of complex local labour market conditions and was not a result of New Deal policy *per se*.

For example, the report recognised that geographical disparities played their role in the adverse impact, pointing to the findings of the Taskforce Report on Employability and Long-Term Unemployment.¹⁸ Using the claimant count, this report had highlighted high rates of unemployment in the parliamentary constituencies of West Belfast, Foyle, West Tyrone and parts of North Antrim and East Antrim. For instance, the report had shown that the unemployment rates in three overwhelmingly Catholic constituencies of Moyle (9.4%), Derry (8.1%) and Strabane (9.5%) was twice or nearly twice the NI average, while the rate in the parliamentary constituency of West Belfast was 12.7%, almost three times that of the Belfast City Council area (4.3%). The report concluded that a greater number of New Deal participants were Catholic, and resided in areas where there is high unemployment and social deprivation, and this was the reason that there was a differential impact between numbers subsequently entering employment. This seems to disregard entirely the fact that the New Deal is meant to be tackling and ending these inequalities, not merely recording them.

Perhaps most problematic is the fact that contrary to all the evidence gathered, the EQIA concludes with the statement that¹⁹ *“the findings of this New Deal EQIA indicates that there is no adverse impact on the equality of opportunity for the nine groups identified in Section 75 of the Northern Ireland Act”* is deeply problematic. Clearly the author of this



EQIA has decided that since the disadvantage and adverse impact experienced by Catholics arose as a result of structural inequality, rather than discrimination, nothing needed to be done. This is not what the law requires.

As pointed out previously, the *raison d'être* for carrying out an equality assessment exercise is to determine the nature and extent of any adverse impact, and then take steps to address it. While it is welcome that this particular public policy document reported in some detail the nature of the challenge posed, the references to the extent of Catholic disadvantage seem not to be designed to assist in problem-solving – since the New Deal was not re-evaluated. The failure of public bodies to address differentials that have been identified, and the willingness to use the EQIA to justify inaction is not only an inappropriate way for any organisation to implement an Equality Scheme, it is also a breach of its legal obligations under section 75.

Furthermore, such an approach is a far cry from that envisaged by commentators like Osborne and Shuttleworth, who had clearly anticipated that policies like New Deal would positively promote equality.

Yet, significantly, many of these problems were predicted as far back as 1998, in a study carried out by the Falls Community Council. This identified a range of problems with New Deal, including the fact that in many cases, what was required was an increase in the number of available jobs, not a change of attitude with respect to work. The Falls Council report found:²⁰

“In the final analysis, it must be pointed out that creating the expectation among the unemployed that they will receive jobs at the end of New Deal, is actually counterproductive if the jobs do not exist. In a study of young people on government training schemes in Britain, Breakwell (1984b) found that after leaving the schemes the young people responded even more negatively to unemployment. Similar findings have been reported by other researchers who warn that the beneficial influence of participation in such schemes soon fade if work is not found and a “psychological backlash” occurs. The relevance of these

findings to New Deal is that to attempt to sloganise around the "right attitude" to work and yet to fail to create the real jobs promised to participants through New Deal, is futile and harmful".

So, some eight years ago, the key problem with New Deal was identified – namely, trying to train and prepare people for non-existent jobs. These concerns were ignored. The problem was also ignored when many groups contributed to the EQIA in due course. Still no action was taken. Consultees are left wondering why government wishes to expend resources in carrying out an extensive EQIA, receiving empirical evidence that the policy is not delivering on its stated goals, and then carries on regardless.

The final EQIA report on New Deal was published in June 2004. In November 2005 an article in the NICVA magazine pointed to the fact that the numbers holding down jobs for at least 13 weeks was 3,000 per year in 2005 compared with more than 6,000 in 1999/2000. New Deal was proving most successful in those areas where jobs were plentiful, and less effective in areas where fewer jobs were available, and that the differential success rates between the two communities continued.

Conclusions - TSN

TSN, in principle, should be a powerful tool for tackling inequalities, community differentials, poverty and disadvantage. If properly implemented it should ensure that poverty is addressed on the basis of objective need rather than addressed by way of some kind of sectarian head-count. Over the nearly fifteen years since TSN was announced as a major government priority, the key advance in operationalising the initiative has been the gathering of detailed, reliable and statistically sound information regarding areas of need and differentiated need (both geographically, and in sectoral terms).

In practice, however, TSN policy is not a government spending priority, and it can claim credit for few positive advances. Indeed, in the relatively limited assessment of its operation to date, it has emerged that in a

CAJ

time when unemployment has fallen dramatically, TSN areas have had smaller declines in unemployment than in more prosperous neighbouring areas.

The gap between rhetoric and reality is well exemplified in the New Deal programme. Structural inequalities, highlighted before New Deal was even introduced, continue to operate. Worse still, on the basis of the government's own figures, New Deal is in fact exacerbating rather than tackling those structural inequalities.

Public bodies appear to be seeking to explain away the weaknesses in TSN and New Deal measures, rather than using the powerful tool of equality impact assessment to address and remedy the problems that have become apparent. It was always envisaged that the tools developed since the early 90s (to promote equality and target need on an objective basis) would work in combination. This is not happening. Change is needed.

Taskforce on Protestant Working Class Communities

As explained above, Targeting Social Need has been stated government policy since the early 1990s. It requires that resources are skewed according to detailed criteria about objective need. In tackling need in this way, policy-makers could assure themselves, and others, that everyone was being treated fairly, regardless of their religious or political beliefs. In a highly divided society, with many fundamental inequalities between the two communities, it was vital that resource allocation be protected, as much as possible, from sectarian wrangling. This has been the approach for nearly 15 years.

In March 2004, there was an overt departure from this approach when the then Minister for Social Development, John Spellar, established a "Taskforce to Address the Needs of Protestant Working Class Communities", hereafter "the Taskforce". The Taskforce, chaired by the Permanent Secretary at the Department of Social Development (Alan Shannon), was composed of senior civil servants from across the Northern Ireland Civil Service, with representation from all those

departments having significant service delivery responsibility, including the PSNI. A list of members past and current is provided at Appendix Four to this report. According to the Taskforce report issued in 2006, its establishment was a response *“to concerns that, in many areas, Protestant working class communities appeared to be less likely or less able to engage with the wide range of Government policies and programmes available to them”*.²¹

The chair's foreword to the report stated that

*“While the evidence continues to point to deprivation across Protestant and Catholic communities, through the work of the Taskforce it has also become clear that working class Protestant communities are, for a variety of reasons, often less able to tackle problems in their neighbourhood. I am confident that this Taskforce Report will prove to be a valuable resource for Government in helping to understand the priority issues within Protestant working class areas and how they may be managed by Government and by communities themselves. I hope that it will also have a role in shaping Government's future engagement with these communities, particularly in improving the delivery and effectiveness of public services.”*²²

In response to the publication of the Taskforce report, government published an Action Plan with more than 60 programmes designed to address the problems identified by the Taskforce.²³ By this stage, David Hanson had replaced John Spellar as Minister for Social Development. However, the ministerial pronouncements continued in the same vein:

“The most deprived areas; no matter where they are, have one thing in common – the burden of disadvantage. But, it has become clear, that much of the work Government has supported to tackle disadvantage does not have the same overall impact in many Protestant communities. Whilst disadvantage and poverty are still greater in Catholic communities, there is a better developed capacity at community level to take advantage of the opportunities offered by Government funded programmes and services to support those communities. Worryingly too, evidence on educational attainment and skills acquisition shows Protestant disadvantaged communities lagging behind. Of the 15 wards

CAI

performing worst in educational attainment as identified under the Noble indices, 13 are predominantly Protestant. If the problems in disadvantaged Protestant communities are not addressed, we will see those communities deteriorating further, exacerbating poverty and disadvantage. This could have adverse consequences for the future in terms of political stability and establishing good relations between the two main communities."

The minister added that it was not just a question of resources, given that a recent audit had shown that £450 million of public spending goes each year to north and west Belfast. Instead, Mr Hanson argued that efforts to tackle disadvantage had to become more focused, developing strategies that are responsive to the particular needs of communities and considering carefully whether current spending is being used to maximum effect.

High priority was given to the work of the Taskforce, and its follow-up, and the minister reported that, in order to test the initial findings of the Taskforce against the views and opinions of the Protestant community, he had held more than 50 meetings across Northern Ireland.²⁴ In due course, responsibility for implementing the Action Plan was assigned to a delivery Team, made up of senior officials from all key departments, led by Nigel Hamilton, Head of the Civil Service,²⁵ clearly showing the top level commitment being given to this programme.

The report also stated that while the Action Plan reflected government's response to the Taskforce Report, disadvantage across Northern Ireland would continue to be tackled wherever it appeared, and that the centre of efforts for this would be the Neighbourhood Renewal Strategy (NRS). The NRS is aimed at tackling disadvantage and deprivation in communities suffering the highest levels of multiple deprivation as measured by the Noble Index.²⁶ The Action Plan is apparently designed to complement the efforts of Neighbourhood Renewal through new programmes focusing on improved public service delivery and outcomes, building both the social and physical infrastructure of those communities, and supporting a growing civic leadership. While Neighbourhood Renewal was a long-term approach, working towards outcomes that may take up to ten years to achieve, the emphasis in the Action Plan was on

prioritising the improvement of education as a way of addressing the needs of certain disadvantaged communities.

Coping with Poverty

Presumably the fact that government had not simultaneously created a "Taskforce on Catholic Working Class Communities", explains why it was considered necessary to engage in extensive media coverage of the initiative explaining the particular needs and specific problems facing the Protestant community, once the Taskforce had completed its work. The minister, for example, argued that *"a pound of Government money on Belfast's Shankill Road will not buy the same output as a pound spent in nationalist areas like the Falls Road"*.²⁷

The foreword to the Taskforce report conveys the same message:

"While the evidence continues to point to deprivation across Protestant and Catholic communities, through the work of the Taskforce it has also become clear that working class Protestant communities are, for a variety of reasons, often less able to tackle problems in their neighbourhood." ²⁸

It seems that, at very senior levels, government has concluded that there is a better coping mechanism within the Catholic community for dealing with the problems of poverty and social exclusion.²⁹ However, despite it being a view presented by many commentators over the years,³⁰ and indeed being a fairly commonplace myth, it is precisely that - a myth. Clear evidence has been adduced from a number of reports over the last year or two that challenge some of the basic assumptions of government policy. What is less easy to understand is why the reports available to, and in fact commissioned by, government did not change the public pronouncements.

For example, last year, the Department for Social Development commissioned a report from Deloitte MCS to develop indicators of weak community infrastructure and to identify the areas affected³¹. This report found that Catholics are much more likely to live in wards with weak

CAJ

community infrastructure than Protestants. While Catholics make up 57% of the population of these "weak community infrastructure" areas, they make up only 44% of the total population. Moreover, Protestants comprise 41% of the residents in "weak community infrastructure" wards compared with their 53% share of the population.

Another piece of research – available to government and the Taskforce in advance of the pronouncements reported above – was commissioned by the Special European Union Programmes Body (SEUPB) from PriceWaterhouseCooper. Protestants were found to be no less likely than Catholics to get EU peace monies to strengthen community infrastructure. The research shows that more rejected applications were from Catholic communities (36%) than from Protestant ones (29%), with mixed areas making up (35%) of rejected applications. Protestant areas put in 61 bids, of which 37 were successful (61%), whereas Catholic areas put in 60 applications, of which exactly half (50%) were funded. Moreover, Protestant areas were more successful than Catholic ones in winning both large and small grants. Of the £5.17 million that could be identified, just over £2.93m targeted beneficiaries in Protestant areas, (57%) of the total; while £2.24m went to benefit people in Catholic areas (43%).

A third report (also produced by the SEUPB) undertook a "Community Uptake Analysis" of EU monies under the Peace II programme³². This report concluded that there had been a substantial shift in funding towards Protestant communities (4.4 percentage points) in Peace II compared with Peace I, despite a 2% growth in the Catholic community in the meanwhile. The report found that Catholics had 51.4% of all resources from Peace II and Protestants 48.6%. This differential was however considered to be objectively justifiable, since Targeting Social Need was an important principle in Peace II. The monies were found to have properly followed need, rather than community origin *per se*.³³

The SEUPB report also showed that the proportion of Catholics is directly related to how deprived the area is. For example, Catholics make up only 19.5% of the population in the 500 most affluent census output areas and 72% of inhabitants in the 500 most deprived areas. These 500 most deprived areas accounted for more than 1600 applications

for Peace II funding (and were therefore likely to be made by groups from the Catholic community), whereas the most affluent areas made 250 applications. Significantly though, the number of applications per 1,000 population in the 10% most deprived areas is 13 for Protestants and 9 for Catholics, and funding received per head is £462 for Protestants and £314 for Catholics. This shows that the most deprived Protestant areas have been successful in making applications and in winning resources from Peace II, compared with either equally deprived Catholic areas or more prosperous Protestant areas.

A fourth piece of research, commissioned by OFDMFM, into the levels of social capital between the two communities found no differences between Protestants and Catholics in the extent to which they operated as individuals or collectively.³⁴ The authors concluded that : *“Based on the survey results we conclude that there is no evidence of Catholic/ Protestant differences in social capital”*.³⁵ They stated that their survey supports those who challenge simplistic notions about the relative strengths of Catholic community infrastructure and capacity for self-organisation compared with Protestants.

Another report published in May 2006 by OFMDFM found that in terms of religion³⁶ *“Protestants have stronger bridging social capital. However, the two communities were similar in terms of bonding, linking and overall social capital.”*

So, all the research evidence is clear. What is not clear is why this evidence has been so totally disregarded by government both in recent public pronouncements (when the research base was already available to ministers) but also in continuing to argue the rationale of a taskforce to look at the needs of one of the two communities only?

Needless to say, one can speculate. Allocating money on the basis of religious affiliation is unlawful under the Fair Employment and Treatment Order 1998. Accordingly, if government had decided that there was a need/value in providing additional resources to either Catholics or Protestants it would need to find ‘objective’ reasons to do so. Commissioning research in the expectation that it will provide an objective basis for decision making is not uncommon (and even to be

encouraged). The problem for government is however that in this instance the research did not provide the expected results.

This does not however appear to have caused any re-think in the original premises underlying the creation of the Taskforce, or to the plan of action arising from its work. It is symptomatic of government's embarrassment that the various research reports were not widely disseminated but came to light in large part because of a series of Freedom of Information Act requests.³⁷

Sectarianising the debate on educational attainment

Awkward facts are disregarded with regard to the educational attainment and community differentials also. The minister, in his foreword to the Action Plan responding to the Taskforce, stated that³⁸:

"Worryingly too, evidence on educational attainment and skills acquisition shows Protestant disadvantaged communities lagging behind. Of the 15 wards performing worst in educational attainment as identified under the Noble indices, 13 are predominantly Protestant. If the problems in disadvantaged Protestant communities are not addressed, we will see those communities deteriorating further, exacerbating poverty and disadvantage. This could have adverse consequences for the future in terms of political stability and establishing good relations between the two main communities."

This point about educational attainment has featured prominently in the subsequent public debates about whether the Taskforce was an appropriate vehicle for addressing disadvantage.³⁹ Across a variety of media outlets, the "13 out of the worst 15" wards has been a recurrent theme, used by government to justify the Action Plan in response to the Taskforce report,⁴⁰ yet these statistics are both inaccurate and selective.⁴¹

More generally, the Minister's assertion that there is greater educational under-achievement among Protestants does not stand up to scrutiny. The latest published Department of Education statistics show Catholics are worse off on the most extreme measure of under-achievement i.e.

leaving school without any GCSE passes at all. Among leavers from Catholic schools, 6.7% of pupils do not have any GCSE passes and among those leaving other schools, it is substantially less, at 4.7%. In other words, there are almost half as many pupils again leaving Catholic schools without any GCSE passes as there are pupils leaving other schools.⁴² Broadening the analysis to cover all pupils leaving without acceptable qualifications (defined as two or more A levels, or five good GCSE grades), there is no difference between the sectors: 41.5% of those leaving Catholic schools and 41.5% from other schools (Protestant and integrated).

It is also noteworthy, out that in terms of educational attainment and success in the labour market, Protestants are still better off when it comes to finding a job for every level of qualification. According to a 2004 study by Osborne, Catholic males in particular, have higher rates of unemployment, *regardless* of their level of qualification.⁴³ For those with no qualifications, the Catholic unemployment rate is 20%, while the corresponding figure for Protestants with no qualifications is 12.4%. Equally, for Catholics in possession of "A level and higher qualifications" the unemployment rate is 4.9%, while for Protestants the corresponding figure is 2.3%. It is difficult to resist the conclusion that there was an examination of a range of statistics in order to identify an area where Protestant advantage outweighed Catholic disadvantage. This was then used as the basis for a whole package of measures, in an effort to be seen to be doing something to address Protestant alienation.

Furthermore, it is highly significant that neither the Taskforce report nor the Action Plan say anything about the selection system in Northern Ireland, which arguably does most to exacerbate inequalities in education, and to disadvantage working class Protestants. An analysis by NICVA of 2004/05 school census data shows that Northern Ireland's selective education system is grossly unfair to disadvantaged children.⁴⁴ As shown below, less than 4% of students in Protestant grammar schools are eligible for free school meals compared with six times more, or 24% of pupils in Protestant secondary schools.

Type of School	% of Pupils Entitled to Free School Meals
Grammar (Total)	7%
Secondary (Total)	30%
Grammar (Protestant)	4%
Secondary (Protestant)	24%
Grammar (Catholic)	11%
Secondary (Catholic)	36%

Will the Taskforce deliver on its promises to the Protestant working class?

While the idea of a Taskforce to address the disadvantage of one community but not another, and the setting aside of the principle of targeting on the basis of objective need, raises grave worries, there is no doubt that serious disadvantages are faced by many in working class Protestant communities. But will the Taskforce address these genuine needs?

A clue to the government's intentions in this regard is provided in the foreword which states that⁴⁵: *"the implementation of this Plan requires action which is not necessarily about providing more money. It is vital that we deliver better public services by working together across Government as a whole"*.

It is clear from this, and from reading the Action Plan, that government rhetoric around the need to address Protestant disadvantage was not matched by actual allocation of funds. However the Action Plan was launched as part of a package that included measures valued at £33 million,⁴⁶ with the clear implication of course being that the £33 million would go specifically to address the Protestant deprivation that the Taskforce had identified. The reality however is somewhat different if one looks at the programmes that are included in the Action Plan - most of which are already underway, or which have no particular relevance for Protestant working class areas. Having raised hopes and expectations in Protestant working class areas about how they

might expect to benefit in future (and simultaneously alienated Catholics by disregarding their needs), there is a grave risk that those hopes will be dashed.

Under the topic of "raising educational attainment" for example, the Action Plan mentions benefits that will be derived from the Children and Young People's funding package announced by the Secretary of State in March 2006 and worth £100m. However the location of the initiative is given as "all areas of Northern Ireland". Protestant areas will be among those that will benefit from the money, since many controlled schools in working class areas are performing poorly, but that has always been the case with the school improvement programme. Nothing new is on offer for Protestant communities particularly.⁴⁷ Other initiatives listed include "vocational training through flagship developments". It is claimed that this project (£80,000 funding) will prepare local unemployed people to take up employment opportunities in the construction sector arising from the construction of large retail-led regeneration schemes in Belfast City Centre, including the Victoria Square development. The location of this programme is in central Belfast, and would of course be open to anyone who was unemployed, whether they were Catholic or Protestant.

There is also reference to "part-time nursing training", and the Action Plan states that if the posts are filled by local people the scheme will provide a subsequent socio-economic benefit to the area. The location of the programme is Belfast, but of course the posts do not have to be filled by people from disadvantaged areas, let alone Protestant ones.

That is not to say that there is nothing new in the Action Plan. The recent NICVA article pointed out that the one Protestant area that should benefit from additional funding was the Shankill, which would benefit from a raft of no less than 22 initiatives totalling about £1.7 million per year for the next two years. The same article however also went on to point out that the Action Plan contained few commitments beyond 2008, and was almost completely bereft of any kind of targets. In a scathing editorial in the same edition of the magazine *Scope*, NICVA referred to the Taskforce as a disingenuous initiative, misconceived



from the beginning which offered almost nothing to working class Protestant communities. The editorial continued⁴⁸

“Traditionally and rightly, spending programmes in Northern Ireland have been based on the principle of meeting need as objectively defined. Government has introduced an unfortunate sectarian element into spending plans. It will be difficult to get this evil genie back into the bottle....What makes this worse is that government is losing out both ways. First it has introduced a sectarian funding principle as official policy. Second, having raised expectations in Protestant areas, it is now dashing them by offering these communities almost nothing. It will take the talents of David Blain, not David Hanson, to pull off such a double illusion: that this misguided policy on Protestant working class areas is both lawful and will bring them real benefit.”

Neighbourhood Renewal and the Protestant Taskforce

As outlined earlier, the Permanent Secretary of the Department of Social Development recently stated that there were three priority programmes for delivering government policy, namely the Protestant Task Force, Shared Future and New TSN.⁴⁹ Reading the Taskforce Action Plan however, a somewhat different claim is made, namely, that Neighbourhood Renewal (NR) is government’s main vehicle in the drive to tackle disadvantage.

A 7-10 year strategy, targeting those communities experiencing the worst levels of deprivation, as measured by the Noble Index of Multiple Deprivation, NR was launched in 2003 with a total budget of £56 million⁵⁰. Neighbourhood Renewal actually has an accompanying EQIA which states that⁵¹

“In general terms, the assessment of the impact of the Plan indicates that the combined population of the proposed Neighbourhood Renewal Areas contains higher proportions of females, Catholics and single persons and a lower proportion of households with dependant children as compared to the general population of Northern Ireland. It is considered that this differential impact is a natural outcome of targeting the most acute deprivation and reflects the Strategy’s aim of closing the

gap between the quality of life of the people who live in the most deprived neighbourhoods and the rest of society”.

This statement is in line with what one would expect, given the levels of deprivation outlined in earlier chapters of this report. Clearly, there is a “TSN-type” argument here, with the assumption being that by targeting the most deprived areas, Catholics will benefit, on the grounds that they are disproportionately represented in the areas concerned.

Looking at the indicators laid out in the NR document, it is however clear that there has been an attempt to ensure that there is a greater skewing of resources towards Protestant areas. For example, in relation to physical renewal, the stated target is to stabilise the population of the most deprived areas. The demographics of the two communities are, however, different and the statistics show that in most of the poorest areas of Belfast, the Protestant community is in decline, and the Catholic community is increasing. The action plan does not refer to this reality or explain how - in that scenario - it is expected to ‘stabilise’ the communities? Another target is “to reduce the total area covered by derelict disused sites” while another is to “reduce the number of vacancies”. Again, in deprived Catholic areas of Belfast, the problem is that there are too many people, too few houses, and too little land to build the houses on. Spare capacity, particularly in relation to land, is a feature of the most deprived Protestant areas. Clearly, these indicators are important in addressing disadvantage in Protestant areas, but where are the equivalent indicators for addressing (different) disadvantage in Catholic areas?

The failure to identify targets and acknowledge, let alone reduce inequalities between the two communities in relation to the implementation of NR is yet another failure to comply with the requirements of Section 75 of the Northern Ireland Act. The equality duty, if properly operationalised by way of EQIAs, would recognise the different needs of both communities and would allow for a differentiated approach. In other words, Section 75 is both the legal duty that government imposed on itself as a result of the Agreement, and would deliver a better result in terms of equality and community relations.



Conclusions - Taskforce

The creation of a body entitled Taskforce on Protestant Working Class Communities is totally misconceived. Its creation implies -

- a. that Catholic disadvantage either does not exist or has been adequately addressed and is a historical problem;
- b. that government shares the view of those Protestants who claim that Catholics have disproportionately benefited from government measures to date, and that past injustices need to be remedied;
- c. that government will devote practical resources to tackle these past injustices, leading to serious alienation if additional monies are not made available.

In other words, government is neither effectively addressing the genuine disadvantage experienced by Protestant working class communities, nor encouraging a cross-community approach to poverty reduction. Instead, its approach risks alienating two communities, working class Catholics and Protestants, who have borne the bulk of the conflict (in numbers of deaths and injuries), and who might expect the peace process to bring them some benefits.

Government has not explained why this approach is better than giving serious effect to TSN which, if it had been implemented in the last 15 years, would have made a major inroad into Protestant (and Catholic) disadvantage. The Taskforce offers no solution.

A Shared Future (or A Shared But Unequal Future?)

The third key government initiative currently centre-stage is "Shared Future". While the immediate origins of this measure lie in a community relations review undertaken by Dr. Jeremy Harbison in November 2001, it is not entirely clear why the review itself was established.⁵² The initiative may well have its roots in a concern in some quarters that, although the Agreement had made passing references to issues such as integrated education and mixed housing (page 18), little concrete had

been proposed. There appears to have been a growing consensus in government that the political talks had focused too little on the question of good community relations, and this needed to be redressed. Whatever its motivation, the review tapped into widespread concerns about the highly segregated nature of society, so the idea of developing a 'shared future' was in principle widely welcomed.

In the course of the consultation, several consultees emphasised the importance of human rights to creating right relationships. Dr. Harbison embraced this stance, concluding that *"the review is clear that the protection of human rights and the promotion of equality and social inclusion must be an integral part of overall action to promote better relations within the Northern Ireland community"* (para 7.06).

Government's formal consultation document was issued in early 2003 but very little reference was made to human rights, equality or social justice. Certainly there was no suggestion of human rights being made an "integral" part of action to promote better relations.⁵³ In due course, government published its response to the consultation process and issued a policy framework for the way forward for good relations.⁵⁴

Identification of the problem

Northern Ireland suffers very high levels of community segregation. It is obviously extremely important that people engage together to develop a common vision of a future that can be shared. Unfortunately, the final Shared Future document chooses to identify the problem needing to be addressed as one of personal intolerance and bigotry, rather than the result of any government or structural failures. Disregarding all the information highlighted in earlier chapters in this report - all drawn from official government sources - the document concludes:

"We could argue, alternatively, that the division in Northern Ireland is not a gulf of misunderstanding between Catholics and Protestants, but one of inequality. Yet this would not fit the recent historical record: since the civil rights movement of the 1960s the opportunity gap has, rightly, been narrowed – yet communal polarization remains

undiminished, never mind the harassment of newer minority ethnic people. The underlying difficulty is a culture of intolerance, which we will need to remedy if we are to make Northern Ireland a more “normal” society – the sort of society we would all be proud to live in.’⁵⁵ (emphasis in original)

This analysis is problematic on multiple levels:

- It is resonant of debates of the 70s and early 80s which sought to explain away religious and political discrimination in terms of the individuals involved, rather than the result of structural problems;
- It assumes (wrongly as government statistics and the foregoing report confirm) that community differentials have been resolved;
- It disregards the lessons that might be drawn from the fact that the only places which (by and large) are not segregated are workplaces - and that is thanks to fair employment campaigning.

Indeed, it will become apparent later that a key problem appears to be that government has determined that issues of equality and rights are, or could be, divisive rather than provide the route by which reconciliation between individuals and groups can be genuinely established. This analysis also has the added value from government’s perspective that it places the responsibility for polarization on individuals (implicitly, working class individuals living at interfaces) rather than on its own policies, or lack of them.

Solutions on offer in the Shared Future approach

The one reference to the fact that good relations might require a foundation of equality claims that “*significant progress that has been made on the equality agenda*”, implying that it is now time to privilege community relations. A dichotomy between the two goals, rather than interdependence, is implied. Notwithstanding the references in Shared Future to building on the significant progress that has been made on the equality agenda, there is no reference whatsoever to how the

equality model worked or how it could be applied to other situations. Indeed, when it comes to other policy areas identified in Shared Future, the approach adopted for the way forward is exactly the opposite to the equality model, despite it having been identified as having secured significant progress. In relation to developing shared workplaces, for example, there is a reference to bringing forward proposals to ensure that access routes to places of employment are free of overt sectarian or racist displays. However no reference is made to tackling inequalities in workplaces, or to the measures that have to date made the workplace one of the few places where the two communities do mix.

Instead, the Shared Future document seems to be located in a pre-1989 equality framework, with references to the fact that *"everyone in Northern Ireland deserves to be treated as an individual, equal with every other – not a mere cipher for a community...each of us must mutually recognize our common humanity – rather than engaging in a perpetual and sterile battle for ethnic power"*⁵⁶. The document further endorses the pre-1989 approach by claiming that one of the aims of Shared Future is to *"ensure that all public services are delivered impartially and guided by economy, efficiency and effectiveness."*⁵⁷ Where is the reference to the legal duty imposed on public authorities as a result of the Agreement that they do not merely avoid discrimination, but actively promote equality? Where is the reference to the distinction set out in Sections 75.1 and 75.2 of the Northern Ireland Act between the "regard" and the "due regard" status of the equality and good relations duties?⁵⁸

For example, in relation to housing, Shared Future states that the NIHE should as a priority bring forward pilot schemes on mixed housing, and support relationship building. Obviously, it is important to try and encourage and facilitate integrated housing developments, but there is absolutely no mention of the existence of, let alone the need to address, housing inequalities.⁵⁹ Later, in relation to the Triennial Plan for the Shared Future, it is noted that a proposal is made to amend fair employment legislation to allow for integrated housing. If this is pursued, there will be a highly adverse impact on those Catholics who are currently represented disproportionately on housing waiting lists.

In relation to education, there is a reference to integrated education, and initiatives such as education for mutual understanding, but addressing the kind of educational inequalities discussed throughout this report is ignored. Does government not believe that such work could have an extremely positive impact on ensuring good community relations?

Perhaps the most obvious acknowledgement of community inequalities and the lack of real focus on equality in the document is evident in the section on good relations, community development, and tackling disadvantage.⁶⁰ Here, the document states that OFMDFM and the Voluntary and Community Unit in DSD will increasingly develop linked strategies and identify best practice in the development of coherent community development and good relations practice. According to the document, *“any project, whether single identity or cross community, will in future be tested in relation to the quality of the outcomes and its ability to promote the building of good relationships.”*⁶¹ This formulation could have included the idea of building good relationships (e.g. *“within the context of giving due regard to promoting equality”*), thereby making it clear that good relationships rely on equality, and there is no contradiction between these goals. The same could have been noted when Shared Future states that *“any skills development strategy must have good relations work at its core”*.⁶² It is not clear why these opportunities were not taken. The Section 75 equality duty is clearly being set to one side, and government appears to think that equality and good relations cannot be promoted in combination?

As Appendix One of this report shows, the most deprived areas of Northern Ireland are also the most segregated. Community development has a crucial role to play in addressing disadvantage, but it will presumably not secure government support if there is no cross-community “good relations” aspect. This sets up the pursuit of equality or the creation of good relations as competing goals. Moreover, there is a danger that this requirement could be seen as a way of politically vetting community work to ensure that work which does not suit a wider political agenda will not be funded.

The other interesting aspect of Shared Future is that there is a commitment that in considering the introduction of a new policy, or reviewing an existing policy, policymakers will be asked to consider how it might be best delivered to promote good relations.⁶³ Furthermore,

“a systematic assessment of good relations impacts of new (or reviewed) policies and legislation will be introduced across departments. This will require departments, as part of the integrated impact assessments, to assess the impact of proposed policies on the promotion of sharing, in a similar way to which policies are currently assessed for their impact upon equality and the targeting of social need. It is important that the consideration of good relations is part of the daily focus of staff in departments and agencies, as well as a central theme in their delivery of public services. Detailed guidance on the assessment process will be provided by the Office of the First Minister and Deputy First Minister. This material will supplement ECNI guidance on good relations.”

As indicated above, there is a different status afforded equality and good relations in terms of “due regard” and “regard” respectively in Section 75 of the Northern Ireland Act, and this appears to be being totally disregarded. Why?

When the equality and good relations duty were first introduced, there was extensive parliamentary debate about their significance, their inter-relationship and the government of the day was very clear about the importance of promoting equality in order to ensure good community relations. To cite directly from the Hansard discussions of the time, Secretary of State Mo Mowlam said:

“(W)e regard equality of opportunity and good relations as complementary. There should be no conflict between the two objectives. Good relations cannot be based on inequality between different religious or ethnic groups. Social cohesion requires equality to be reinforced by good relations... I repeat that we see no conflict between these two objectives.”⁵⁴

However, it was determined that should others not agree, priority would be accorded to the equality duty and a legal distinction should be drawn between having “due regard” to the equality duty and having “regard” to the good relations duty. This is further explained in the ECNI guidance on Section 75, which explains:

*“Authorities must appreciate Parliament’s stated assessment that there is a **need** to promote equality of opportunity between the categories of persons specified in Section 75, and a **desirability** of promoting good relations between persons of different religious belief, political opinion or racial group, Section 75.2. Recognition of the interdependence of equality and good relations is crucial.” (emphasis in original)⁵⁵*

In relation to structures to implement Shared Future, the document states that government has decided that following careful consideration, the lead on this should be given to an enhanced and more broadly representative Community Relations Council. The functions of the revamped CRC would include for example, assisting government in the development of its triennial action plan and actions for good relations and delivering on actions falling to it as a result of those plans.

Significantly, however, the document points out that the Equality Commission currently has a statutory remit in respect of enforcing Section 75 (2) of the Northern Ireland Act, which requires public bodies to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. The Commission also has enforcement and advice duties under FETO and the Race Relations (Northern Ireland) Order 1997. However, very little further detail is provided in either the Shared Future document, or the associated triennial action plan, which would clarify the roles and statutory responsibilities of the ECNI and CRC as regards good relations. Clearly, the statutory role of the ECNI in enforcing section 75 in its totality should ensure that equality considerations underpin any good relations activities. Any proposed changes to the structures, therefore, need to reflect the statutory responsibility of the ECNI in this regard.

Monitoring and Evaluating Shared Future

There is a commitment that OFMDFM will establish a group with representatives from relevant departments, other organizations and external stakeholders to develop meaningful, measurable and relevant indicators. It will be the responsibility of the revamped Community Relations Council to prepare a triennial assessment of the status of relationships between and within communities in Northern Ireland. This assessment will include a view on the costs of division in Northern Ireland.

In terms of data however, the document makes no reference to the use of any equality indicators; rather most of the references are to attitudinal surveys. In relation to housing for example there is a reference to the level of community segregation, and a welcome reference to the number of families intimidated from their homes. However, no mention is made of housing inequalities. (see chapter four)

There is also no mention anywhere in relation to the monitoring and evaluation of Shared Future of the need to use equality indicators. Nor indeed is there any mention of the existence of community differentials, let alone any suggestion that they might be addressed. This is all the more surprising given the claim in the outset of the document that Shared Future must build on the significant progress that has been made on the equality agenda. For a document that claims that it is concerned to comply with the Agreement commitment to principles such as partnership, equality and mutual respect, there is scant mention of equality, save for a few references to an outdated anti-discrimination model.

The good practice of placing human rights and equality center-stage in the determination to create a "fresh start" is being side-lined. Government funding to projects in future will not be conditioned on their capacity to ensure good relations **by** promoting equality.

Shared Future Triennial Action Plan

This approach continues throughout the Triennial Action Plan (TAP).⁶⁵ In relation to housing, for example, the document states that as an example of OFMDFM's strategic leadership and challenge role in 2006/2007 the Department will engage with the:

"Equality Commission and others on OFMDFM's proposals to amend the Fair Employment and Treatment Order (Amendment) Regulations (Northern Ireland) 2003 to assist the introduction of mixed housing schemes."

This issue is explored in more detail in chapter four; however suffice to say that amending equality legislation seems an odd way of ensuring that Shared Future *"builds on the success of the equality agenda"*.

Like the Shared Future document, references to equality in the TAP are notable by their absence. The TAP does however include a set of Good Relations Indicators, identified and developed by a "Good relations indicators working group". The group identified and developed a first set of high-level outcomes to help reflect the current state of good relations in Northern Ireland and, over the lifetime of the action plan, to monitor change and developments in the state of good relations over the short, medium and longer terms.

The TAP includes the first set of priority outcomes, indicators and sources of data. There has been no public consultation on the indicators, and the publication of the TAP was the first opportunity afforded to comment on them.

Suffice to say that the indicators fall into a number of groups. The first group would be termed "attitudinal" indicators, and include things like the "% of people who believe that sectarianism in their area has reduced", or "% of people who think flag-flying happens more than it did five years ago".⁶⁶ The second set of indicators relates to actual deaths, incidents etc. but no mention is made of measuring community differentials. While indicators to economic activity are included, reference is made to "all people", "Irish Travellers" and "other ethnic

minority people". The implication here is that there will be a comparison between the percentage of Irish Travellers unemployed as compared with the general population. No mention is made however of comparing rates between Catholics and Protestants for either unemployment or economic activity, even though such information, as chapter three points out, is currently easily accessible in the Labour Force Survey.

The total absence of equality indicators is an indication of absence of an equality framework from the whole Shared Future strategy. The Shared Future strategy document and the triennial action plan both make token references and pay lip service to the importance of equality and the need to build on the success of the "equality agenda". In reality however Shared Future is based on a notion that relationships can be built regardless of the level of inequality that might exist between communities. Indeed Shared Future sidelines problems of inequality, adopting at best a non-discrimination approach that reflects the thinking of the 1980s. The fact that this approach was shown to fail in the past does not seem to have dissuaded government of its likely lack of success in 2006.

Conclusions regarding a Shared Future

The Shared Future initiative as presently constructed is misguided. It is extremely important to develop greater social cohesion in Northern Ireland, break down the historic legacy of segregation, and develop better community relations. This can however only be done on the basis of equality. It is clear that while the Shared Future strategy document and the Triennial Action Plan both make token references to the importance of equality and the need to build on the success of the "equality agenda", the reality is quite different.

It is clear that the only way forward is for the current approach to Shared Future to be radically overhauled, and a new model adopted which actually puts equality and a rights-based approach at the heart of building relationships between the two communities.

ENDNOTES FOR CHAPTER FIVE

- ¹ Speech by Alan Shannon, Permanent Secretary, Department for Social Development, at conference in Dundalk (15 June 2006), on the topic of "The Role of the Community and Voluntary sector in Building Peace and Democracy", organised by Community Workers Co-op.
- ² Confidential memo from the Department of Economic Development – DED, September 3, 1992.
- ³ Peter Brooke, CCRU, Equality Review Conference, February 1991
- ⁴ The Agreement, Page 19.
- ⁵ Vision into Practice, NIO, 1999.
- ⁶ Re-New TSN: Now Let's Target Social Need, Survey Research Series Policy Paper, Paul McGill, June 2002, NICVA.
- ⁷ "New TSN: the way forward towards an anti-poverty strategy", April 2004.
- ⁸ Ibid. P 5
- ⁹ Ibid. P.9.
- ¹⁰ See appendix 1 for further explanation of the history and development of these deprivation indicators, as well as the figures for the top twenty most deprived "super output areas".
- ¹¹ The domains and their weight in calculating the measure of multiple deprivation are: Income - 25%; employment - 25%; health and disability - 15%; education, skills and training - 15%; proximity to services - 10%; living environment - 5%; crime and disorder - 5%.
- ¹² This was a programme designed to assist participants – who were unemployed – in identifying barriers to employment and seeking to address these through accredited training, advice, guidance and jobsearch.
- ¹³ Partnership for Equality, White Paper, Cm 3890, March 1998.
- ¹⁴ NI Affairs Committee, Fourth Report, The Operation of the Fair Employment (Northern Ireland) Act 1989: Ten Years On, Volume 1, Report and Proceedings of the Committee, P.xxxvii.
- ¹⁵ Shuttleworth and Osborne, in their review of the operation of the fair employment legislation. Clearly also view New Deal as operating in a classic "TSN" way, their description of the programme being "*a religion neutral measure which would impact more significantly on the Catholic population because of the continued unemployment differential*".
- ¹⁶ New Deal for 18 to 24 year olds, New Deal 25+, Equality Impact Assessment, Consultative Document, Department for Employment and Learning, 2003.
- ¹⁷ New Deal for 18 to 24 year olds, New Deal 25+, Equality Impact Assessment, Final Report, Department for Employment and Learning, 2004.
- ¹⁸ Taskforce Report, Department of Employment and Learning, December 2002.
- ¹⁹ New Deal for 18 to 24 year olds, New Deal 25+, Equality Impact Assessment, Final Report, Department for Employment and Learning, 2004, P.31.
- ²⁰ Is New Deal a Raw Deal? Falls Community Council, March 1998.
- ²¹ Report of the Taskforce on Protestant Working Class Communities, P.3, April 2006.
- ²² Ibid.
- ²³ Renewing Communities: The Government's Response to the Report of the Taskforce on Protestant Working Class Communities, 2006.
- ²⁴ Ibid.
- ²⁵ Ibid.
- ²⁶ See previous chapter and appendix one
- ²⁷ Comment by David Hanson, Minister of State, Department of Social Development, reported in the Shankill Mirror, January 2006.
- ²⁸ Report of the Taskforce on Protestant Working Class Communities, P.3.
- ²⁹ Speech by Alan Shannon, Permanent Secretary, Department for Social Development, at conference in Dundalk, 15 June 2006, entitled "The Role of the Community and Voluntary Sector in Building Peace and Democracy", organised by Community Workers Co-Op.
- ³⁰ For example the Rev John Dunlop, a former Presbyterian Moderator, commented on "*the fractured nature of the Protestant part of Northern Irish society, which is marked by the existence of many*

churches and mission halls, and of many varieties of unionism. Catholic culture, on the other hand is much more unified and cohesive, more capable of mobilisation, more given to corporate responses and more capable of accommodating diversity. It has consequently been more difficult to organise community development groups in Protestant than in Catholic areas of Belfast. Protestant society is deeply individualistic." (Precarious Belonging: Presbyterians and the Conflict In Ireland).

³¹ Research to develop a methodology for identifying areas of weak community infrastructure, final report by Deloitte MCS Limited, can be obtained from DSD, Lighthouse Building, 1 Cromac Place, Ormeau Road, Belfast BT7 2JB.

³² Community Uptake Analysis of Peace II, SEUPB, 2005, available from 11 Kelvin Road, Omagh.

³³ "It is therefore both predictable and desirable that the Catholic share of funding should be greater than the Catholic share of population. The key point is that this higher share should reflect the degree of deprivation of the areas from which project proposals originate and not merely their religious composition. Further reductions in the Catholic share of funding are likely to be at the cost of effectively targeting social need."

³⁴ Cairns, E. Prof., Van Til J. and Williamson, A. (2003), Social Capital, Collectivism-Individualism and Community Background in Northern Ireland.

³⁵ Ibid

³⁶ Social Capital in Northern Ireland: An Analysis of the 2003/04 Continuous Household Survey, May 2006, OFMDFM.

³⁷ See "Sensitive Issue", Paul McGill, SCOPE, September 2005 for an analysis of government's attempts to find objective criteria to fund in Protestant areas

³⁸ Renewing Communities: The Government's Response to the Report of the Taskforce on Protestant Working Class Communities, 2006.

³⁹ For example, in his foreword to the latest Fair Employment Monitoring Report, the Chief Commissioner of the Equality Commission, Bob Collins stated that "*Educational achievement is not disconnected from employment potential. In this context, it must be a source of considerable concern that educational under-attainment is a real problem in socially disadvantaged areas – particularly for boys and especially for Protestant boys*". Monitoring Report No. 15, A Profile of the Northern Ireland Workforce, Summary of Monitoring Returns 2004.

⁴⁰ "Exclusive £33m funding 'treads dangerous path'", Irish News, Wednesday April 5, 2006.

⁴¹ "Not what it says on the cover...", Paul McGill, Scope, June 2006, NICVA. As a recent NICVA article points out, the data in the Taskforce report, using one indicator, shows that nine of the worst 15 wards are mainly Protestant and six are mostly Catholic. However the Noble domain of education, skills and training is actually made up of eight different indicators and is expressed as super output areas (SOAs). The actual Noble data published by the NI Statistics and Research Agency show that 11 of the 15 worst SOAs are mainly Protestant. As McGill points out in his article however, this is selective in that there is no logical reason to choose 15 areas; as it happens the following five SOAs are all Catholic So, if we look at the worst 20 areas, 11 are Protestant and 9 Catholic.

⁴² Ibid.

⁴³ Fair Employment in Northern Ireland, A Generation On, Edited by Bob Osborne and Ian Shuttleworth, Blackstaff, 2004.

⁴⁴ "What does the 11-plus matter to me?", Scope, April 2006, P. 20.

⁴⁵ Renewing Communities: The Government's Response to the Report of the Taskforce on Protestant Working Class Communities, 2006.,

⁴⁶ See Press Release, "Hanson Invests £33 Million Following Taskforce Report", Department for Social Development, 4 April 2006.

⁴⁷ "Not what it says on the cover...", Paul McGill, Scope, June 2006, NICVA, P. 15.

⁴⁸ Scope, June 2006, P. 4.

⁴⁹ Speech by Alan Shannon, Permanent Secretary, Department for Social Development, at conference in Dundalk, 15 June 2006, entitled "The Role of the Community and Voluntary Sector in Building Peace and Democracy", organised by Community Workers Co-Op.

⁵⁰ People and Place, Neighbourhood Renewal in Belfast, Final Implementation Plan, Department for Social Development, May 2005.

⁵¹ Department for Social Development, Belfast Regeneration Office, Equality Impact Assessment, Urban Regeneration – Neighbourhood Renewal Implementation Plan for Belfast.

⁵² See www.ofmdfmi.gov.uk/communityrelationsunit/ for copy of government paper, A Shared Future: A consultation paper on improving relations in Northern Ireland (January 2003), and the Harbison report, Review of Community Relations (January 2002).

⁵³ Response of the Committee on the Administration of Justice, to the consultation on a Shared Future, June 2003.

⁵⁴ "A Shared Future: Policy and Strategic Framework for Good Relations in Northern Ireland", OFMDFM, March 2005.

⁵⁵ Ibid. P.8.

⁵⁶ Ibid. P.9.

⁵⁷ Ibid. P.10.

⁵⁸ Section 75.1 calls for "due regard to the need to promote equality of opportunity" across the nine listed groups; Section 75.2 calls for "without prejudice to its obligations under subsection (1), a public authority shall.....have regard to the desirability of promoting good relations" on religious, political and racial grounds." For discussion of this, see "Mainstreaming Equality in the Governance of Northern Ireland", Christopher McCrudden, Fordham International Law Journal, Volume 22, April 1999, Number 4; ECNI Guidelines for Implementing Section 75 of the Northern Ireland Act 1998..

⁵⁹ See chapter four for more detailed discussion of this issue

⁶⁰ Ibid. P.39.

⁶¹ Ibid. P.39.

⁶² Ibid.

⁶³ P.49.

⁵⁴ House of Commons, Official Report, vol.317, No.215, 27 July 1998, col 109.

⁵⁵ Section 75 of the Northern Ireland Act 1998, Guide to the Statutory Duties, para 2.14, p. 17.

⁶⁶ A Shared Future, First Triennial Action Plan 2006-2009, Page 6

⁶⁷ Ibid. P.110.

Chapter Six

Investment, Procurement and Equality

Introduction

There is little doubt that the Northern Ireland economy has experienced something of a boom since the mid 1990s. Evidence abounds of substantial investment and job creation across a range of sectors. Understandably, the approach adopted across government and the public service to such growth has been one of accentuating the positive. One such example was a press release issued by the Department of Enterprise, Trade and Investment (DETI) in March 2006, entitled "*Multimillion Investment to Enhance Firms Position as World Leader*" which announced that:

"FG Wilson (Engineering) Ltd is set to receive a £47 million investment boost, making it the global centre of excellence in research and manufacture of diesel and natural gas powered electrical generators for parent company, Caterpillar Inc. The investment, which includes an offer of £12.2m assistance from Invest Northern Ireland, will provide the opportunity for the creation of 155 new jobs at the company's facilities at Larne, Springvale (Belfast) and Monkstown."

Unfortunately, no further details were provided about the 155 jobs, and which of the three facilities would benefit from the investment. This is of more than passing interest, given that according to the latest fair employment monitoring figures,¹ of the 2,345 employees in F.G. Wilson, only [27.4%] of those for whom a community could be determined were Catholic, an under-representation of [15.3%] in terms of their proportion of Catholic employees. Needless to say, the press release issued in March 2006 made no mention of any such under-representation, with the then government minister referring only to the fact that: "*FG Wilson's success shows that Northern Ireland companies can indeed become global leaders in the manufacturing sector*".²

Such an approach is also evident, as chapter three has shown, in relation to announcements that Northern Ireland is currently experiencing record

low levels of unemployment and neglect to mention the large numbers of people economically inactive who want to work but are not considered “unemployed” in the technical sense.³ While there is nothing wrong with “accentuating the positive” it should not be done at the cost of acknowledging that problems in relation to equality continue to exist.

The problem to be addressed by investment and procurement policies

Previous chapters have shown that there is clearly a major problem in that a sizeable proportion of both communities have not shared in this economic success story. This is exemplified in a study by DTZ Pidea Consulting, which concludes that⁴ *“It is likely that recent growth in prosperity has bypassed a significant minority within each community particularly those living in workless households”*.

Moreover, the same study notes that the influence of the labour market performance of older or previous generations has on younger and future generations, may lead to an increasing polarisation of work-poor and work-rich households.⁵ Around one third of young people from workless households, across all communities, held no qualifications, just 15% of young people from working households held no qualifications - less than half the rate of those from workless households.

What this shows is a need to acknowledge that there is a significant minority, in both communities, who are being left behind, and that there is a generational aspect to this process. Fair employment legislation and economic growth has facilitated and particularly benefited the Catholic middle class, but one of the biggest problems in Northern Ireland is the fact that workless households, both Catholic and Protestant, are becoming relatively more disadvantaged.⁶

For this significant minority of both communities, post-ceasefire Northern Ireland has meant that they are relatively worse off than in the early 1990s. Moreover, this significant minority, as the Noble index of deprivation shows (see Appendix One), is most likely to live in North

and West Belfast, Derry, Strabane, and rural parts of Northern Ireland.⁷ Many of the areas that experience the most deprivation are the same areas that were seriously deprived more than 30 years ago, and are also the areas that experienced violence and death related to the conflict (see *Lost Lives*, McKittrick, Kelters, Feeney & Thornton 1999, tables 8, 9, 13, 14 and 15). The fact that such areas are relatively worse off than previously should be of concern to all policy makers, and yet the previous chapter highlights some of the failed government responses to these problems.

At best, lip service is occasionally paid to the problems of the most disadvantaged in Northern Ireland, though rarely is there any acknowledgement of the resources required to remedy the situation. Yet it is imperative that public policy be geared towards ensuring that the workless households in Northern Ireland *begin* to benefit from the economic upturn that is currently being experienced by the rest of Northern Irish society.

Such an approach will require a radical departure from current government policy, and require a series of actions across all areas of public policy. This will in particular require the effective harnessing of inward investment and public procurement policies to equality objectives to ensure that progress is achieved. Such an approach will also require input from the international community, particularly international investors. Fortunately, there is a track record of success in this area. The international community played a key role in ensuring that advances were made in addressing inequality in the mid-1980s (see chapter 2). They continue to play a role, and it is hoped that this interest will be maintained and built upon (see visit in 2005 to Northern Ireland by Alan Hevesi, NY State Comptroller).⁸

Social Objectives in Investment : the context

There has long been a recognition of the need for, and value of, investment programmes and policies aimed at promoting equality in Northern Ireland.

For example, during the passage of the Fair Employment Act in 1989 the then Opposition tabled amendments which aimed to impose on the Industrial Development Board⁹ and government departments more generally a duty to “*secure that their various functions are carried out with due regard to the need to promote equality of opportunity*”.¹⁰

In its Second Report in 1990, SACHR returned to this issue, arguing that government should establish machinery that would monitor the impacts of legislation, policy, and administration on equality of opportunity and on relations between the two sections of the community¹¹. This machinery effectively became the Policy Appraisal and Fair Treatment (PAFT) Guidelines, which in turn formed the basis for Section 75 of the Northern Ireland Act.

It is important to note, therefore, that there is a direct link between the current requirements of Section 75, and early recognition that government policies, particularly inward investment, had a key role to play in promoting equality of opportunity between the two communities.

SACHR further returned to this issue in their report of 1997¹² which recommended that there should be a public review of IDB strategy in order to reconsider targets based in District Councils and Travel-to-Work areas, given the existence of strong chill factors within such areas (the discussion of workforce composition in District Councils in chapter two notes the extent and pervasiveness of those problems). SACHR recommended that the then Local Economic Development Unit (LEDU) should be required to set targets for job creation and investment location.

In addition, SACHR recommended that the possible merits of additional special incentives for industry and business to locate in areas of very high unemployment should be researched. This research should be comparative and focus, in particular, on the potential for attracting companies which would employ workers from the local labour market¹³.

This issue also featured in the 1999 deliberations of the Northern Ireland Affairs Committee, which recommended that the IDB Equality Scheme should “*in particular consider the extent to which its operations might*

better serve to contribute to the policy goal of reducing the unemployment differential".¹⁴

The impact of Section 75 on investment processes

Following the passage of the Northern Ireland Act 1998 both the Department of Enterprise, Trade and Investment (DETI) and Invest NI were made designated public bodies for the purposes of Section 75 of that Act. Both organisations were therefore required to draw up Equality Schemes, and carry out Equality Impact Assessments in order to determine how their policies impacted on the promotion of equality between the two communities.

Unfortunately, like the NIHE (see chapter four), both Invest NI and DETI, while producing quite a range of material pertaining to Section 75, have yet to address the question of how their operations as a whole impact on equality between the two communities. Both DETI and Invest NI have followed many of the procedural requirements of Section 75. Both organisations have approved Equality Schemes, and have outlined in those Schemes procedures for carrying out their duties under Section 75. In addition, both organisations have carried out a number of Equality Impact Assessments as part of their duties under Section 75.

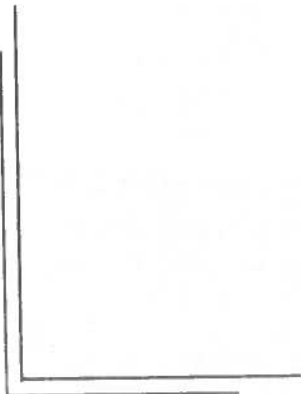
While these analyses have certainly been useful and worthwhile, the key question in terms of both organisations' overall activities, and the consequent impact on community differentials, has not been addressed.

As long ago as June 2001, CAJ wrote to DETI - *"the acid test of the success of the process (equality screening of policies) will be the extent to which it addresses the unemployment differential between the two communities. It is therefore imperative that the DETI map out how this is likely to occur through the operation of the equality scheme."*¹⁵ The organisation is, however no wiser as to DETI's plans in this area. Instead, our experience has been that both DETI and Invest NI are not assessing the impact of their policies at a strategic enough level. Instead, consultees find themselves in a vicious circle. In this vicious circle, consultees are informed that "high level policies" are excluded from assessment,

CAI

since they are too complex and strategic, and do not lend themselves to an EQIA. Instead, consultees are reassured that they will be able to participate in assessing the individual programme measures which flow from the high level policy. Of course, by this late stage, many crucial decisions have already been made, and the EQIA process is relatively worthless.

For a particular example of how the system works (and does not work) from the perspective of consultees see the box opposite which sets out how Section 75 was applied to the procedures for amalgamating the various job creation agencies into Invest NI.



The vicious circle: a case-study

Government decided to merge the various public agencies responsible for various aspects of economic development and inward investment. In March 2001, DETI published the necessary draft legislation for restructuring, and attached an Equality Impact Assessment (EQIA).

CAJ responded in June 2001, indicating amongst other things that any eventual relocation of premises for the new organisation would have to be subject to its own separate full EQIA. In particular, CAJ highlighted the need for any future relocation to include consultation with *"potential as well as existing stakeholders"*.¹⁶

CAJ was invited to testify before the relevant NI Assembly Committee later in 2001, and drew attention to the fact that: *"Moreover, our comment about the need for the new structures to outline whether they will lead to the promotion of equality of opportunity or not has also not been adequately addressed. The response being merely that there is an obligation to safeguard the employment of staff working in the existing agencies."*¹⁷

Nothing further was heard by consultees about the amalgamation and the location of the new offices until a press release (April 2003),¹⁸ announcing that the headquarters of the new agency was to be the first Strategic Investment Board (SIB) - supported Public/Private Partnership (PPP) project in Northern Ireland. The new economic development agency was to be named "Invest NI", and a formal notice was to be placed in the Official Journal of the European Community the following week seeking expressions of interest. The minister¹⁹ had apparently requested that the project be included on a list of early priority PPP projects for the newly established SIB.

CAJ wrote²⁰ again in May 2003 to ask about progress on an EQIA on the appropriate location for the agency. Questions were asked about how this project (worth over £20m) might contribute to the promotion of equality, in particular:

contd. overleaf

- whether this major construction project would be used as one of the pilot schemes to target recruitment from the unemployed; and
- how the *location* of the new investment headquarters could contribute to greater equality?

As a Belfast venue seemed likely, we proposed that special consideration be given to the Springvale site: in West Belfast (major area of deprivation); accessible to both republican and loyalist communities; easily accessible from the city-centre and all transportation; and a site, which had previously been considered for a new university campus which had not materialised. It was argued that locating such a high-profile economic development agency in this area would provide not only an important economic and morale boost to a very deprived area, which had been sorely disappointed about the campus decision, but would also show to international investors, visiting the office, that the area was not "out of bounds".

The reply from Invest NI²¹ stated that the headquarters project proposal could not be included as a pilot scheme to recruit from the unemployed as this had not been included in the original contract notice.²² It also indicated that Springvale would not be being considered as a potential site, as none of the bidders had chosen to put forward this option. The letter did however state that the project would be subject to a full EQIA.

A further letter was sent to Invest NI from CAJ²³ noting the requirement in the Equality Commission's statutory guidelines that public authorities engage with equality issues at an early stage of policy development, and noting that, in this case, *"from the approach adopted, consultees are likely to be presented with something of a fait accompli with regard to many of these key issues when formal consultation of the EQIA commences"*²⁴.

This is in fact precisely what happened, and the subsequent EQIA effectively sought views from consultees on the choice between two possible city centre locations.

This case-study exemplifies a number of problems, not least, the difficulties that consultees have faced in relation to implementation of Section 75.

In one sense, DETI and Invest NI complied with the letter of the law, by carrying out a full EQIA of the siting of the new headquarters. For CAJ, however, as one of many consultees who were raising issues about the amalgamation, our main concerns in relation to the equality implications of the new headquarters siting were never addressed. It is difficult to know what else a consultee might have done to convey its concerns – correspondence and interventions (including testimony before an Assembly committee) in June, August and September 2001, and then again in 2003 (May and July).

The project also highlighted the problem of applying Section 75 to the PPP contracting process, where legal obligations in one area (EU), were cited as responsible for undermining opportunities elsewhere to promote equality. That need not have been the case however. If those drafting the original specification been made aware of the import of Section 75, and indeed the nature of the pilot projects for the unemployed, and had included considerations of TSN and equality from the outset (as they are obliged in law to do), the outcomes could have been entirely different.

Guidance on how Section 75 can be applied in the PPP context is awaited. While much can and should be being done in the interim; the guidance will be useful in further clarifying how to ensure that the legal equality duty condition policy making in this area.

Is Invest NI undermining or exacerbating inequalities in Northern Ireland?

No EQIA having been carried out into the work overall of Invest NI, it is impossible to properly assess the impact that Invest NI has made on the promotion of equality between the two communities. One is left having to examine a range of materials in order to determine what “proxy” measures can be used to make this determination.

Looking at the latest Invest NI annual report, there is little reference to the impact of Section 75 on the work of the organisation, apart from a reference to "increased staff awareness of Section 75 issues", and reference to a number of specific initiatives involving migrant workers, and attempts to engage with ethnic minority community business leaders.²⁵ There is also a mention of work that Invest NI has carried out in conjunction with the Employers Forum on Disability to raise awareness around the new provisions of the Disability Discrimination Act – something that might have happened even in the absence of Section 75.

No reference is made anywhere in the report to specific actions involving the promotion of equality between the two communities. There is however one reference to New TSN within the context of foreign direct investment (FDI) secured. The report claims that against a competitive background²⁶:

"Invest NI had its most successful year to date, winning 17 new FDI projects offering the potential of 1,905 jobs and representing a total investment of £58.2 million. In line with Invest NI's commitment to supporting New TSN areas, 71 per cent of the new inward investment projects secured was promoted in these areas."

The question remains as to what is the aggregate impact on New TSN areas, as opposed to non-TSN areas, of the work of Invest NI. It is good that the organisation promotes investment in TSN areas, but are these promotional efforts successful; if not, why not; and, where the investment into a TSN area is secured, does it deliver any measurable impact for local people.

The same problem arises in relation to the information provided in the report on regional activity, with the report pointing out that: *"follow-up work on the West Belfast and Greater Shankill Taskforces included the processing of proposals for Integrated Development Fund Support. The first project to receive such assistance, workspace units at Lanark Way, was announced in February 2005."*²⁷

No mention is made of the proportion of resources allocated to this project in relation to the overall expenditure of the organisation, however.

One therefore has no way of knowing if this work is merely paying lip service to equality and TSN, or actually delivering real change.

Nor is it easy to determine the "equality profile" of the Invest NI client companies. A laborious process of examining the list of client companies in the Invest NI annual report, and comparing these with the monitoring figures from the Equality Commission is needed.

For example, according to the Invest NI annual report, one of its largest client companies in terms of share investments is Randox Laboratories Limited, with Invest NI currently holding 4,000,000 shares in the company.²⁸ Looking at the ECNI monitoring report for Randox Laboratories Limited however reveals that of those in the workforce for whom a community could be determined, [32.2%] were Catholic.²⁹ This is over [10%] below that which would be expected from the population as a whole. Clearly there might be variations in relation to the location of Randox and its travel-to-work area, and it would therefore be important for Invest NI to publish such equality profiles as a matter of routine. How else will anyone, inside or outside Invest NI, determine the extent to which equality – which it has a *legal* duty to promote - is in fact being complied with in its work with client companies.

Another measure of Invest NI's work to promote equality would be to compare spending across geographic areas.

While not perfect, it is clearly better than no analysis at all. As Appendix One shows, the Noble model provides a very sophisticated model for mapping deprivation in Northern Ireland by geographic area. In addition, the maps attached in Appendix six to the report also indicate changes in the pattern of economic activity, and job density across Northern Ireland. Looking at this data, a key question therefore arises as to the extent to which the investment agencies have contributed to increasing jobs in those areas of most need and those regions experiencing the highest levels of economic inactivity?

Again, it is worth considering Appendix five which shows levels of assistance from Inward Investment over the last number of years. On the face of it, the figures would certainly give cause for concern. Looking

at the assistance offered by parliamentary constituency 2002/03 to 2004/05, the totals show that the figures for South Belfast were £208.6 million, East Belfast £103.22 million, West Belfast £70.42 million, and North Belfast £56.9 million. In other words, those parts of Belfast in greatest need, were offered least assistance. As Appendix One shows, all but three of the top twenty most deprived super output areas in the whole of Northern Ireland are in North and West Belfast. However, looking at the breakdown of assistance offered by parliamentary constituency, North and West Belfast received just 8.3% of the £1537.54m total assistance offered over this period. In other words, the two parliamentary constituencies with 17 of the most deprived super output areas, got a mere 8.3% of assistance between them. In terms of inward investment by parliamentary constituencies, the figures again show significant levels of disparities, with North Belfast doing particularly poorly.

Those constituencies “west of the Bann” (namely West Tyrone, Foyle, Fermanagh and South Tyrone, Mid Ulster and Newry & Armagh and South Down) collectively were offered £465.66 million, or 30.2% of all assistance. These would be areas which, as shown in the maps at the back of the report, are progressively getting worse in relative terms compared with the rest of Northern Ireland. As these figures show, Invest NI appears to be contributing to increasing inequality in Northern Ireland – by replicating the pattern of general spending which sees those areas in most need receiving least by way of government intervention.

Invest NI very much markets itself as an organisation that contributes to growth in the Northern Ireland economy by creating jobs. As the data above also shows however, the increase in number of jobs created in Northern Ireland from the mid-1990s onwards had little or no overall impact on the proportion of workless households, with 19% of Catholic households and 16% of Protestant households workless. This would indicate that the new jobs did not go to those people who most needed them – and that the division between the work-rich and work-poor is increasing.

Of course if Invest NI is to play a positive role in addressing the problems of inequality, and the damage they create to the economic, social and political fabric of this society, it has to acknowledge those problems, and its potential role in addressing them. Avoiding carrying out EQIAs, failing to gather and analyse equality data, or to effectively engage those directly affected by their decision-making (ie failing to comply with their Section 75 legal duties), is unacceptable. The lost opportunity presented by the choice of site for their own headquarters should not be repeated.

The Strategic Investment Board, Public Procurement and Equality

The extent to which public procurement can influence equality has been a concern for campaigners for some time in Northern Ireland. In 1996, the then Northern Ireland Equal Opportunities Commission published a report³⁰ which identified the adverse impact that certain contracting processes were having on gender inequality. In their 1997 report, the Standing Advisory Commission on Human Rights (SACHR) recommended that within public contracts, targets should be set for the recruitment of long-term unemployed people, based on increasing the proportion of such people who obtain work with the employer who wins the contract.³¹ Government noted the SACHR recommendation in the White Paper 'Partnership for Equality', but rejected extending legislation beyond the measures that existed in the 1989 Fair Employment Act.³²

Significantly, the NI Affairs Committee, in its 1998-1999 session, highlighted the particular importance that procurement could play in relation to furthering equality objectives. The report recommended that:³³

"the Government look again at the potential contribution of contract compliance to achieving fair employment objectives, taking account of the full extent to which this may be compatible with EU law and drawing fully on the experience of the United States Federal Government...public bodies award contracts on behalf of the

communities they serve. It is not therefore, in our view, unreasonable that these communities might expect that public contracts should, all other things being equal, go to contractors who further such a basic policy aim as fair employment”.

Significantly, the report also noted that the Committee did not

*“consider the award of public contracts as simply an economic activity by the Administration, in which the Administration can consider itself as equivalent to a private sector organisation. We find it difficult to see how public purchasing activity can in principle be regarded as a separate area of state activity in which equality criteria are ignored that are considered self-evident in other areas of state activity, such as public sector employment”.*³⁴

The Committee went on to recommend that government departments and public bodies review the position that they have taken with regard to public procurement in the context of the preparation of their Equality Schemes under Section 75 of the Northern Ireland Act.

The Review of Public Procurement subsequently set up by the Northern Ireland Executive was widely welcomed and CAJ made a submission to the public consultation.³⁵ As a result of this review, a procurement policy was approved for Northern Ireland which contained as one of its central principles the concept of integration between procurement and other policies. The new policy states that: *“in line with the Executive’s policy on joined-up government, procurement policy should pay due regard to the Executive’s other economic and social policies, rather than cut across them”.*³⁶

The Review also led to the establishment of a Central Procurement Directorate, which resulted from the merger of the Construction Service and the Government Purchasing Agency.³⁷ Another recommendation of the Procurement Review was the initiation of a pilot scheme of 20 projects to evaluate the potential for the use of public procurement contracts to assist the unemployed into work.³⁸ Within these projects, contract provision required contractors to bring forward and implement an employment plan for utilising the unemployed in work on the contract.

An independent evaluation of the projects by the University of Ulster showed that they had been a success.³⁹

In light of the successful evaluation of the pilot projects, it is clear that that there should be an immediate move to establish a general and permanent scheme to ensure that public procurement contracts generally assist the unemployed into work. While the private sector is unlikely of its own volition to include social objectives within its proposals, it is bound to comply with such objectives, if the government inserts them formally into any contract. Accordingly, government must ensure that all its contracts actually specify social and equality objectives, and should recognise that any voluntarist approach in relation to this issue is wholly inadequate. The legal and policy tools exist; we should be implementing them.

Equality and the Investment Strategy for Northern Ireland (ISNI)

Perhaps the best example of the need for equality to be linked to both procurement and investment is exemplified by the new Investment Strategy for Northern Ireland (ISNI). Worth £16 billion over the period 2005-2015, this strategy represents a significant opportunity to address, through the use of government investment and procurement, existing problems of inequality and disadvantage. One must consider however that data has shown that the jobs created between the mid-1990s and 2004, by and large had little impact on those experiencing most disadvantage. It is vital therefore that this pattern is not repeated in relation to the ISNI.

Unfortunately, when the draft ISNI was issued for consultation, the draft document made little more than a passing and inadequate reference to social objectives. The document stated that: *"The investment programme will deliver direct social benefits through the provision of new and upgraded schools, healthcare facilities and transport. There will be additional benefits through improved employment prospects in the construction of new facilities and in their operation and maintenance"*.⁴⁰

Given the scale of the problems highlighted in earlier chapters of this report, any investment programme to deliver upgraded schools, healthcare facilities and transport is highly welcome. However, there are many other social benefits that can be built into such a major funding programme. Yet, if sufficient care is not taken to ensure that the most excluded benefit from the employment opportunities thereby created, many of the social benefits of increased employment will be lost. To provide greater employment prospects, without ensuring that they will be available to those excluded from the labour market, will merely increase existing inequalities in Northern Ireland. There are too many examples of this happening in the past: so action is needed urgently if Northern Ireland is to fully benefit from the ISNI.

Yet, early signs are not good. It is clearly imperative that there be a detailed outline of how the contracting process associated with the ISNI can deliver on promoting greater equality. An EQIA needs to be carried out, but to date this not happened. Instead, it is being argued that the strategy (worth £16 billion and estimated to create 16,000 jobs potentially) does not "lend itself"⁴¹ to an equality analysis. The "vicious circle" is in operation again.

It is precisely because a strategy is important that it must be equality impact assessed as a whole. Currently it seems as though government is arguing that equality cannot be applied to the big decisions, but only – belatedly – to the small ones.

Failure to equality impact assess high level proposals means that opportunities to undermine current inequalities will be lost. It is vital that when all the key players making the decisions are in the room together discussing such high-level strategies, equality is at the heart of those strategic discussions. That, after all, was the intention of imposing the Section 75 duty on all public policy makers, and any attempts to avoid this duty are in breach of that legislation.

It is therefore vital that there is a high-level EQIA of the ISNI in order to determine the impact of the £16 billion investment on equality and on community differentials. As mentioned earlier, the growth in employment and the economic benefits that have been evident in

Northern Ireland over the last decade have largely by-passed the poorest members of society. This pattern must be challenged and reversed; if no action is taken, it is likely to get worse.

Conclusions

Investment and public procurement policies can effect major change (both positive and negative).

Earlier chapters in this report have shown that a significant minority of both communities are relatively worse off than in the early 1990s. It is vital therefore that organizations charged with managing inward investment and procurement carry out high level impact assessments in order to establish the extent to which their operations are either contributing to a reduction in, or actually reducing differentials between the two communities, rather than exacerbating existing inequalities.

This exhortation is not merely a CAJ recommendation to the organisations concerned, it is a legal statutory requirement on the public sector. Moreover, it makes good economic sense (see earlier reference to speech by Alan Hevesi, NY State Comptroller).

By ignoring equality considerations, economic planners risk replicating and deepening the patterns of the past. At the local level, there are many attempts to tackle economic inactivity, regenerate deprived areas, and work on a cross-community basis to develop models for change (see reference elsewhere to the ground-breaking work of the West Belfast and Greater Shankill Taskforces). These initiatives need to be supported and encouraged by high-level policy making; this is clearly not happening at the moment.



ENDNOTES FOR CHAPTER SIX

- ¹ Monitoring Report No. 15, A Profile of the Northern Ireland Workforce, Summary of Monitoring Returns 2004, Equality Commission for Northern Ireland, December 2005,
- ² News Release, Department of Enterprise, Trade and Investment, 30 March 2006.
- ³ For a fuller discussion of this problem see chapter three.
- ⁴ Ibid. P. 12.
- ⁵ Ibid. P.19.
- ⁶ Ibid. P.20.
- ⁷ See appendix six for a series of maps that show serious regional disparities in terms of economic benefits over the last decade.
- ⁸ Report of seminar hosted by Equality Coalition, July 2005, at which Mr Hevesi, who was in Belfast to announce an investment in Crescent Capital Ltd said: *"I believe our involvement investing in Crescent today has to be in the context of fairness, equality, inclusion of communities and recognition of disparities"*. As sole trustee of the second largest pension fund in the USA with over \$100billion to invest, Mr Hevesi brings a lot of influence to bear on the local debate, and is convinced that *"you can do well financially and do good at the same time"*.
- ⁹ The Industrial Development Board, the Industrial Research and Technology Unit, the Local Economic Development Unit, the Department of Enterprise Trade and Investment's Business Support Division and the business support functions of the Northern Ireland Tourist Board were all replaced in April 2002 by Invest NI, see Industrial Development Act, 2002.
- ¹⁰ "Mainstreaming Equality in the Governance of Northern Ireland", Christopher McCrudden, Fordham International Law Journal, Volume 22, April 1999, Number 4, P.1708.
- ¹¹ Ibid.
- ¹² "Employment Equality: Building for the Future", Standing Advisory Commission for Human Rights, Cm. 3684, June 1997.
- ¹³ Ibid.P.31.
- ¹⁴ The Operation of the Fair Employment Act 1989: Ten Years On, Fourth Report, Volume 1, HC Session 1998-99, p. xxxviii
- ¹⁵ CAJ Submission to DETI consultation on the screening of policies, June 2001.
- ¹⁶ Ibid.
- ¹⁷ CAJ letter to Committee for Enterprise, Trade and Investment, 1 August 2001; letter from Committee Clerk, 5 September 2001; Letter to Committee from CAJ, 18 September 2001; Northern Ireland Assembly, Committee for Enterprise, Trade and Investment, Report on the Industrial Development Bill, Second Report, Session 2001/2002.
- ¹⁸ Press Release, Office of the First Minister and Deputy First Minister, 25 April 2003.
- ¹⁹ By this stage the Assembly had been suspended and Northern Ireland had Direct Rule.
- ²⁰ Letter from CAJ to Invest NI, 30 May 2003.
- ²¹ Letter from Invest NI to CAJ, 23 June 2003.
- ²² EU contracting rules require that all conditions are included from the outset rather than at a late stage which could put different contractors at a competitive disadvantage.
- ²³ Letter from CAJ to Invest NI, 9 July, 2003.
- ²⁴ Ibid.
- ²⁵ Invest NI, Annual Report and Accounts, 2004-05, P.56.
- ²⁶ Ibid. P.42.
- ²⁷ Ibid. P.28.
- ²⁸ Ibid. P.124.
- ²⁹ Monitoring Report No. 15, A Profile of the Northern Ireland Workforce, Summary of Monitoring Returns 2004, Equality Commission for Northern Ireland, December 2005, P.147.
- ³⁰ Report on Formal Investigation into Competitive Tendering in Health and Education Services in Northern Ireland, EOC (NI), 1996.

³¹ Employment Equality: Building for the Future, Standing Advisory Commission on Human Rights, 1996.

³² "Partnership for Equality", White Paper, Cm 3890, 1998.

³³ The Operation of the Fair Employment Act 1989: Ten Years On, Northern Ireland Affairs Committee Fourth Report, Volume 1, HC Session 1998-99

³⁴ Ibid.

³⁵ CAJ Submission to the Procurement Review, CAJ, see www.caj.org.uk

³⁶ Department of Finance and Personnel, Public Procurement Policy, May 2002.

³⁷ www.cpdni.gov.uk/

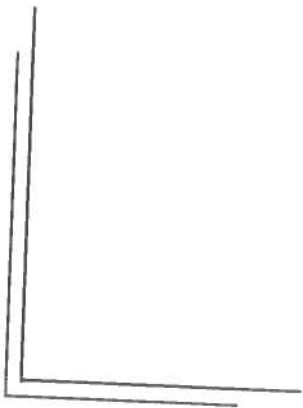
³⁸ See "vicious circle" case-study earlier in the chapter.

³⁹ Evaluation of Pilot Projects, Andrew Erridge, University of Ulster, 2005

⁴⁰ Draft Investment Strategy for Northern Ireland, Para. 57.

⁴¹ According to the draft document, "*the ISNI is a high level summary of government priorities and therefore does not lend itself to the full procedures for the conduct of equality impact assessment as set out in ECNI guidance. However, recognising their statutory obligations under Section 75 of the Northern Ireland Act 1998 and the overarching government policy New Targeting Social Needs (NTSN), departments and the SIB have sought to ensure that equality, good relations and targeting social need were mainstreamed throughout consideration of investment priorities*", ISNI, p. 87.

CAJ



Chapter Seven

Conclusions & Recommendations

Introduction

The Good Friday/Belfast Agreement and the Northern Ireland Act 1998 provided a framework by which the rights of all could be protected. The framework puts equality at the heart of public policy decision-making.

The equality provisions of the Northern Ireland Act derived not just from the peace negotiations around the Agreement, but from more than three decades of experience of the measures required to produce real change, to challenge discrimination, and to promote equality.

This report shows that unfortunately the “fresh start” offered in 1998 is being undermined in a number of areas.

Sometimes policies are not being adequately implemented; sometimes new policies are being introduced that risk running counter to the advances already made. This report documents many instances where inequalities appear to have been exacerbated, or remain unresolved. The report documents many examples of initiatives where people have come together from different political traditions to ensure a fairer society for all and yet shows where these initiatives have been side-lined.

Inequality makes no moral, political, social or economic sense. Northern Ireland, out of necessity, has developed innovative and powerful tools to promote genuine equality. Those tools have been given the force of law and must be actively used to tackle the kinds of problems outlined in this report.

Conclusions

Employment

Commenting in the foreword to the latest monitoring report, the Chief Commissioner of the Equality Commission claimed that: *"The imbalances in employment recorded in the early 1990s have in effect disappeared."* This statement is accurate when looking at the overall aggregate figures for the monitored workforce, which shows the composition of the workforce at Protestant [57.7%] and Catholic [42.3%] with the respective proportions of those available for work around [57.3%] and [42.7%]. Looking more closely at the data however, imbalances become much more apparent across all sectors of the workforce.

Employment in the Private Sector

For example, significant differentials across the private sector still exist. Looking at the current composition of the monitored private sector workforce full-time employees, there are some interesting disparities in terms of the proportions of communities represented. A cursory examination of monitoring figures for the largest employers would give cause for concern (see Appendix two).

- The largest private sector employer in Northern Ireland has 7,731 employees, of whom [32.9%] of those for whom a community can be identified are Catholic giving an under representation of almost [10%].
- Overall, there are four employers with more than 1000 employees who have an under representation of [20%] or more in relation to Catholics.
- There are a further four employers where the level of Catholic under representation is between [10%] and [20%].
- For a further three workforces, the level of Catholic under-representation is between [5%] and [10.0%].
- Overall, there are two employers who have an under representation of [20%] or more in relation to Protestants.

- There is one employer where the under representation of Protestants is in double figures, and one further employer where the level of Protestant under representation is between [5%] and [10%].

In some cases, these patterns of under-representation exist within industries and organizations where there has been historical under representation. However, it is particularly worrying that some newer organizations, and ones that have undergone significant expansion in recent years, also exhibit significant levels of under representation. Belfast City Airport is a prime example, with over 300 staff, but only [19%] of whom is Catholic. The fact that newer high profile businesses which have undergone significant expansions and do not face the prospect of a decline in their business - contain such unbalanced workforces, shows that much remains to be done to ensure that "fair participation" is delivered across the private sector. Likewise, the high levels of Protestant under representation in major retail stores such as Dunnes Stores, shows that continued vigilance on the part of the ECNI is required as regards private enterprises where recruitment is likely to be an ongoing process. The need for continued monitoring, along with affirmative action agreements and a strong, well-financed ECNI to support complaints of individual acts of discrimination, is clearly evident.

Employment in the Public Sector

One of the features of the Northern Ireland economy is the disproportionate size of the Northern Ireland public sector, which accounts for 63% of the economy. The enlarged public sector is clearly yet another legacy of the conflict of the last thirty years. Changes planned to the sector in the coming period – such as the overhaul of public administration - will need to ensure that current workforce inequalities are effectively undermined and not further exacerbated.

- In relation to the civil service it is worth noting that at SOC Grades 1, 2, and 3 (ie Managers and Senior Officials, Professional Occupations, and Associate Professional and Technical Occupations), which represent almost one third of

the whole NICS workforce, there is a Catholic under-representation of almost [7%]. This under representation at the higher and professional and technical grades of the civil service is then offset by a significant over-representation at SOC 4 (Administrative and Secretarial Occupations), where Catholics have an over representation of [7.1%].

- In relation to the security sector, based on current figures, and the percentage increases over the last two years, it would be 2029 before Catholic representation in this sector is in line with that which would be expected from their representation in the population as a whole.
- In District Councils, Catholic representation at SOC 7 (Sales and Customer Service Occupations) is just over [10%] above that which would be expected, however Catholics are under-represented at almost every other grade. In relation to individual Councils, under representation for both communities is very marked.
- In the health sector, overall, among those for whom a community could be determined, there is a Protestant under representation of [6%]. This under-representation increases at professional grades i.e [7%] and [8.7%] at SOC 2 and 3 respectively.
- The pattern of representation in the education sector is also problematic, with no Protestant under representation at the highest level SOC 1 (Managers and Senior Officials), but under representation at the next two levels SOC 2 (Professional Occupations) and SOC 3 (Associate Professional and Technical Occupations) of [8.1%] and [6%] respectively. Elsewhere in the education sector, the level of Protestant representation is slightly below that which would be expected, except for SOC 5 (Skilled Trades Occupations) where Protestant representation is [5.5%] above that which would be expected.

All of these findings have clearly important ramifications for the Review of Public Administration currently underway. The problems of under-representation cited here would be much better understood and could be remedied, if the appropriate public authorities conformed to their Equality Schemes and carried out Equality Impact Assessments.

Those outside the labour market

The situation with respect to community differentials as they affect those outside the workplace is summarized well in the DTZ Pineda report - *“The gap in employment rates between Catholics and Protestants has dropped slightly, and the gap in unemployment rates has dropped significantly....There remains nevertheless evidence of continuing inequality in the two communities’ labour market outcomes. Catholics have continued to experience persistently higher rates of unemployment compared to Protestants, to experience higher rates of economic inactivity, particularly those inactive but wanting work...”*. (see page 65)

Moreover, Catholics continue to have lower levels of employment, lower levels of economic activity, and a higher proportion of Catholics live in workless households.

But the challenge for government policy is not merely one of tackling community differentials more effectively. Economic policies also need to address the issue that large numbers of both Catholics and Protestants are falling outside the active labour force entirely.

Northern Ireland currently has the highest number of people in employment on record, and a record low level of unemployment. Nevertheless, the traditional method of counting those “in employment” and the registered “unemployed” hides the fact that 40,000 persons want employment but are considered “economically inactive”. This means that over half of those people who currently do not have a job but wish to work are ignored in government policy in relation to employment and job creation. Unemployment, under-employment (which is hardly addressed in this report but is clearly a serious problem also), and the existence of workless households need to be tackled, not obscured by re-definition.

The increase in the proportion of Protestant workless households in a period of economic growth is particularly troubling. So, although community differentials in the proportions of workless households are decreasing, this seems to be solely because the poorest Protestant households are moving closer towards the same level of exclusion as their Catholic counterparts, rather than a sign of any general improvement in the situation.

Overall, one of the problems is that the jobs that have been created in Northern Ireland since the mid-1990s have been of little benefit to those poorest members of society. Clearly, these jobs are going to those already in employment, or those living in houses where someone else is already working. This finding has major implications therefore for investment and job creation policies for the future, in particular, how future inward investment and job creation initiatives can benefit workless households.

Housing

Over the past five years, the statistics show that the numbers of people on waiting lists for housing has steadily increased in Northern Ireland, and that the percentage of Catholics has risen by 30%, while the percentage of Protestants over the same period has risen by 16%.

- In North Belfast alone, while Catholics represent 73.8% of those on the waiting list for housing, they represent only 35.7% of those awarded accommodation.
- Aggregate data from the NIHE shows that Catholics are spending on average one and a half times as long (13.2 months) on the housing waiting list as Protestants (9.53 months).
- However, in most parts of Belfast, for example, Catholics are spending two to three times as long on waiting lists as their Protestant counterparts.

The reasons for these differentials can be numerous, not least the different kinds of housing needs of the different communities. These community differences are, however, precisely the reason why it is necessary to equality impact assess policies. The main problem with the current system seems to be that the EQIA tool is mis-understood and/or being mis-used.

The NIHE has essentially argued that greater housing disadvantage experienced by the Catholic community has arisen not as a result of direct religious discrimination, but because of differential supply and demand for housing. The NIHE has introduced a concept of "differential" but not "adverse" impact (which has no basis in legislation) to absolve itself from responsibility for having to intervene to address the housing differentials.

Clearly, a new approach to carrying out impact assessments, in line with the requirements of the legislation and the Equality Commission's statutory guidelines on impact assessment, is required from the NIHE.

Government Responses

Targeting Social Need

Unfortunately, the response from the government to the problems identified above has been inadequate. TSN, in principle, should be a powerful tool for tackling inequalities, community differentials, poverty and disadvantage. If properly implemented, the policy should ensure that poverty is addressed on the basis of objective need rather than addressed by way of some kind of sectarian head-count. Over the nearly fifteen years since TSN was announced as a major government priority, the key advance in operationalising the initiative has been the gathering of detailed, reliable and statistically sound information regarding areas of need and differentiated need. In practice, however, TSN policy is not a government spending priority, and it can claim credit for few positive advances.

CAI

The unwillingness of government to equality impact assess the overall contribution of the policy to reducing community differentials is undermining the value of TSN.

Nor is it sufficient to carry out EQIAs into individual TSN programmes, though they do provide useful information. So, for example, the New Deal EQIA showed that the programme - despite the fact that its objective was to get the unemployed into work - worked best in areas where there were more jobs, and worked least well in the poorest areas with fewer available jobs.

Of course, once the EQIA is carried out, its findings are intended to inform decision-making. The EQIAs purpose is to determine if there are structural or other inequalities, and to address them. Some policy makers are assuming that if the differentials are due to structural inequalities, no action is necessary - when the opposite is the case.

Taskforce on Protestant Working Class Communities

The creation of a body entitled "Taskforce on Protestant Working Class Communities" is totally misconceived. Its creation implies that Catholic disadvantage either does not exist or has been adequately addressed and is a historical problem. It also implies that government shares the view of those Protestants who claim that Catholics have disproportionately benefited from government measures to date, and that past injustices must now be remedied. Last but not least, it implies that government intends to devote resources to tackle these past injustices, when this is clearly not the case.

Government has a programme in place - TSN - which, if it had been implemented in the last 15 years, would have made a major inroad into Protestant (and Catholic) disadvantage. The Taskforce offers no solution. Worse still, the likelihood is that this approach only succeeds in sectarianising the debate - alienating both Catholics and Protestants. The fact that government appears to be putting little extra monies to the service of disadvantaged Protestant communities can only serve to exacerbate communal tensions.

All the research that has been commissioned to assist the work of the Taskforce has shown that the premises on which it was established are ill-founded. In a scathing editorial NICVA rightly referred to the Taskforce as “*a disingenuous initiative, misconceived from the beginning which offered almost nothing to working class Protestant communities*”.³ CAJ can only concur.

As this report shows, Protestant disadvantage is real, and must be addressed, but not in this way.

Shared Future

The Shared Future initiative is also misguided. It is extremely important to develop greater social cohesion in Northern Ireland, break down the historic legacy of segregation, and develop better community relations. This can however only be done on the basis of equality. It is clear that while the Shared Future strategy document and the Triennial Action Plan both make token references to the importance of equality and the need to build on the success of the “equality agenda”, the reality is quite different.

Shared Future, as currently conceived, is based on a notion that relationships can be built regardless of the level of inequality that might exist between communities, sidelining equality issues and adopting at best a non-discrimination approach that reflects the thinking of the 1980s. The fact that this approach was shown to fail in the past does not seem to have dissuaded government of its likely lack of success in 2006. It is clear that the only way forward is for the current approach to Shared Future to be radically overhauled, and a new model adopted which actually puts equality and a rights-based approach at the heart of building relationships between the two communities.

The role of investment and procurement

Investment and public procurement policies can effect major change (both positive and negative). This report shows that a significant minority of both communities are relatively worse off than in the early 1990s. It is

vital therefore that organisations charged with managing inward investment and procurement carry out high level impact assessments in order to establish the extent to which their operations are either contributing to a reduction in, or actually reducing differentials between the two communities, rather than exacerbating existing inequalities.

This exhortation is not merely a CAJ recommendation to the organisations concerned, it is a legal statutory requirement on the public sector. Moreover, it makes good economic sense.

By ignoring equality considerations, economic planners risk replicating and deepening the patterns of the past. At the local level, there are many attempts to tackle economic inactivity, regenerate deprived areas, and work on a cross-community basis to develop models for change. These initiatives need to be supported and encouraged by high-level policy making; this is clearly not happening at the moment.

The way forward

This report paints a depressing picture of the level of inequalities that continue to persist in Northern Ireland, and the failure of government policies to address them. Most disturbing is the failure to honour the spirit and letter of the Good Friday/Belfast Agreement, particularly as it finds legislative effect in Section 75 of the Northern Ireland Act.

A number of key problems emerge as a theme running through many of the chapters:

- Firstly, there is a clear reluctance to acknowledge, let alone address, the community differentials that are evident from the government's own data.
- Secondly, there is a failure to use section 75 to address these inequalities.
- Thirdly, there appears on occasion to an overt manipulation of data to obscure realities on the ground.

- Fourthly, there is a failure at the highest levels to equality impact assess overall strategies and policies that could significantly impact upon these differentials.
- Fifthly, this failure is exacerbated by the fact that when EQIAs are carried out at programme level, and an inequality is identified, it is blamed on structural or other factors supposedly outside the scope of the policy being assessed.

Overall, this approach results in government abdicating its responsibilities in relation to equality, and instead putting the blame for problems that may exist on those who are most disadvantaged and least able to address them themselves. This picture is all the more distressing in light of the fact that figures show that the investment and growth experienced in Northern Ireland in the last decade has essentially by-passed those people who were in most need. In fact, figures would indicate that these people are relatively worse off than previously.

The success of the equality framework has been proved in the area of employment. However, not only are the lessons from this success not being adopted in other areas, a regression in the principles of fair participation and equality of opportunity can be observed. CAJ believes that this is not only unacceptable, but that it is also illegal. Section 75 of the Northern Ireland Act is a legally binding obligation on government in all its forms to effectively address inequality. If government is not to find itself subject to legal challenge as regards many of the issues identified in this report, CAJ would urge that the recommendations outlined in the following pages be adopted as a matter of priority.

Recommendations

As a result of the issues identified and conclusions reached in this report, the Committee on the Administration of Justice (CAJ) has set out the following recommendations which we believe offer the possibility of delivering on greater equality. Essentially, these recommendations could be summed up by simply stating “implement section 75”.

It is recommended:

Structures

- that a high level team consisting of all the permanent secretaries, the head of the civil service, representatives of the ECNI and independent experts be established to implement and oversee the programme of equality actions outlined here.
- that the ECNI issue guidance on Equality Impact Assessment clarifying that an EQIA is required to examine how differential impacts can be addressed regardless of whether they are caused by direct discrimination or structural factors.
- that the head of the civil service confirms that there is no distinction in law between “high-level” and other policies, so that in future all policies will be subject to the equality duty and, as appropriate, Equality Impact Assessments.
- that high level EQIAs be carried out in order to determine how spending priorities, the Review of Public Administration, and the Northern Ireland Investment Strategy can contribute to a reduction in the differentials between the two communities outlined above.
- that continued monitoring, along with affirmative action agreements and a strong, well-financed Equality Commission, able to support complaints of individual acts of discrimination, be retained and strengthened.

Employment

- that high level EQIAs be carried out in order to establish the impact of public sector reform, particularly the Review of Public Administration, on employment equality in the public sector between Catholics and Protestants generally.
- that an EQIA examine the general differential concentrations of both communities across the various SOC grades of the public sector and what measures can be put in place to reduce these differentials.
- that an EQIA examine the particular concentration of Catholics in the NICS at one grade, SOC 4, in order to establish whether there is evidence of lack of equality of opportunity in the organisation at SOC grades 1, 2, and 3. Such an EQIA would also outline mitigating and alternative measures which would be introduced in order to ensure greater equality within the NICS and reduce the existing differentials across the various grades.
- that an EQIA examine in particular the fact that Protestants are under represented at SOC 2 and 3 in the health and education sectors. Such an EQIA would examine what measures could be taken to ensure that the under representation of Protestants in these areas is reduced. Targets and timetables for the reduction of the current levels of under representation would be set.
- that an EQIA examine the serious levels of under representation for both communities within a number of District Councils. This EQIA should outline measures to ensure that such under-representation is addressed.
- that the EQIA of the District Councils examine in particular the impact that the new Council structure outlined in the Review of Public Administration is likely to have on employment patterns. Such an EQIA would ensure that the new District Council structures result in less, rather than greater community imbalances in the Councils concerned.



- that in relation to the security sector, an EQIA examine how significant Catholic under representation can be reduced across the range of organisations in this sector. Such an EQIA would include targets and timetables for reducing community differentials.
- that the ECNI carry out an investigation as to why there is such a degree of under representation of both communities among some of Northern Ireland's biggest employers.
- that, notwithstanding the reduction in overall rates of unemployment, high level targets, and a programme of action, be adopted for the reduction in the differential rates of unemployment between the two communities.
- that independent research be carried out immediately to assess the extent to which those economically inactive in Northern Ireland are in effect "hidden unemployed" and to propose actions accordingly.
- that independent research be carried out in order to establish whether the difference in economic activity rates between the two communities of [9%] is as a result of demographic factors, or a result of inequality. Where any differential is found to be a result of inequality, targets for the reduction of that differential should be established.
- that high level targets and a programme of action be adopted to reduce the proportion of workless households in both communities.

Housing

- that the NIHE publish all existing data in relation to housing differentials.
- that independent research be commissioned in order to establish why the proportion of Catholics overall across Northern Ireland on the NIHE waiting list since March 2002 has risen by 30%.
- that in particular this research would examine what implications the increase in these and other differentials has for those responsible

for implementing the NIHE and DSD Equality Schemes, and the Neighbourhood Renewal initiative. Why were these patterns not being picked up as they ought to have been, and addressed accordingly?

- that the NIHE, in conjunction with DSD, establish targets, and a program of action, for a reduction in the differential waiting times for allocation of housing between the two communities.
- that targets be set for reducing the differentials between the percentage of Catholics on the NIHE waiting lists and those allocated housing (if subsequent research shows that this is a problem for Protestants in any area, that also would need to be addressed).
- that the NIHE re-examine the Common Selection Scheme EQIA and in particular examine how the EQIA can address community differentials whether these differentials are caused by direct or indirect discrimination or other structural factors.
- that consideration be given as to the consequences of these findings for longer term decisions regarding the reform of local government administration (the Review of Public Administration) and housing provision.

Targeting Social Need

- that the government establish a statutory anti-poverty initiative to give the TSN initiative the necessary weight.
- that the new statutory anti-poverty initiative be complemented with institutional and financial support within government.
- that the new anti-poverty strategy establish high-level targets for the reduction of community differentials.
- that New Deal be subject to another EQIA which would in particular examine how New Deal can reduce community differentials in



unemployment and whether these differentials are caused by direct discrimination or other structural factors.

Protestant Taskforce

- that government tackle disadvantage in Protestant working class areas by giving proper effect to the Targeting Social Need commitment made over a decade ago, and that it abandon policies that succeed solely in sectarianising the work to tackle poverty.

Education

- that the government move immediately to abolish academic selection.
- that timetables be set for reducing and ending the reality of students from both communities leaving school with no qualifications.

Neighbourhood Renewal

- that new targets and indicators be established for Neighbourhood Renewal, in consultation between DSD and the NIHE. These new targets should be based on eliminating inequalities in line with Section 75 of the Northern Ireland Act
- that new targets should include a reduction in the differential waiting times for housing allocation between the two communities.
- that new targets for Neighbourhood Renewal include well established and recognised poverty indicators such as a reduction in overcrowding, or a reduction of those living in unfit housing.
- that Neighbourhood Renewal also establish realistic and ambitious targets for reducing the differential between the proportion of those in employment in the 10% most deprived super output areas and Northern Ireland as a whole. Such an approach would be linked to ensuring that any employment differentials between the two communities are also eliminated.

Shared Future

- that the current approach to Shared Future be set aside and a new vision be developed which places equality and a rights based approach at the heart of building relationships between the two communities.
- that targets be set for reducing the levels of deprivation between the most deprived and the least deprived parts of Northern Ireland.
- Given that the workplace is a sphere of public life in which there is greater interaction between Catholics and Protestants now than there was 30 years ago, it is recommended that independent research be commissioned to examine how the equality lessons from “fair employment” can be applied to other spheres of public policy.

Investment and Procurement

- that Invest NI carry out a high level EQIA which examines in particular, the extent to which its activities as a whole over the past five years have impacted on:
 - the employment levels of the two communities.
 - the regional variations in economic deprivation as published by the Noble Index of deprivation.
 - the top 10% super output areas of multiple deprivation as published by the Noble Index.
- that in particular a high level EQIA of ISNI clarifies how the proposed Investment Strategy, worth £16 billion, will reduce the current inequalities identified in this report.
- that the EQIA of the ISNI outlines how the ISNI will redress the current regional imbalance in economic activity in Northern Ireland outlined in the maps in Appendix six of this report.
- that in particular the EQIA examine to what extent the Investment Strategy will address the needs of the ten most deprived Super Output Areas (SOAs) in Northern Ireland.

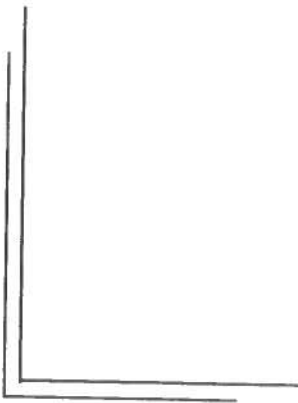
- that independent research be commissioned to investigate how procurement measures can ensure that the £16 billion investment strategy contributes to reducing differentials between the two communities.
- that all procurement contracts over the EU threshold contain targets for recruitment of the unemployed.



Appendix One

Measuring Deprivation in Northern Ireland

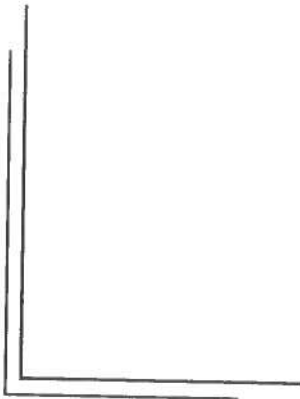
CAJ



**20 MOST DISADVANTAGED SUPER OUTPUT AREAS ON
MULTIPLE DEPRIVATION MEASURES**

Rank of MDM	Super Output Areas	District	Score	Percentage Catholic	%Protestant & Other Christian
1	Whiterock 2	Belfast	83.06	99	1
2	Shankill 2	Belfast	81.92	3	94
3	Falls 2	Belfast	81.52	97	3
4	Crumlin 2	Belfast	80.36	5	92
5	Whiterock 3	Belfast	77.75	99	0
6	Falls 3	Belfast	77.09	98	2
7	Shankill 1	Belfast	74.94	3	95
8	New Lodge 2	Belfast	74.09	99	1
9	New Lodge 1	Belfast	73.50	95	4
10	Ballymacarrett 3	Belfast	72.94	3	94
11	Creggan Central 1	Derry	71.72	99	1
12	Upper Springfield 3	Belfast	70.52	97	3
13	Ardoyne 3	Belfast	70.32	98	1
14	Falls 1	Belfast	69.50	96	3
15	New Lodge 3	Belfast	68.76	98	2
16	Brandywell	Derry	67.10	99	1
17	Duncairn 1	Belfast	67.05	6	90
18	Woodvale 3	Belfast	66.00	4	94
19	Crumlin 1	Belfast	65.89	2	96
20	Ardoyne 2	Belfast	65.89	96	3

CAJ

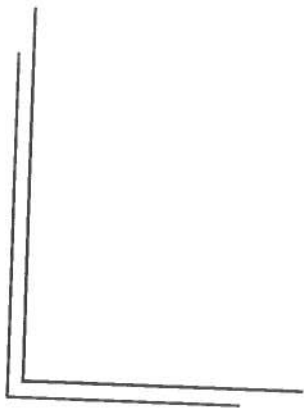


APPENDIX TWO

Individual Private Sector Concerns

(Over 1000 employees)

CAI



APPENDIX TWO

Individual Private Sector Concerns Over 1000 Employees

Company Name	[%P]	[%C]	Total Number of Employees	<u>Level of Under Representation</u>
Co-operative Group	[74.7%]	[25.3%]	1,062	[17.4%] C
Hurst Charles	[78.1%]	[21.9%]	1,021	[20.8%] C
Abbey National	[57.9%]	[42.1%]	1,141	[0.6%] C
Tesco PLC	[67.1%]	[32.9%]	7,731	[9.8%] C
Wilson FG (engineering) Ltd	[72.6%]	[27.4%]	2,345	[15.3%] C
University of Ulster	[62.8%]	[37.2%]	3,534	[5.5%] C
Ulster Bank Ltd	[63.0%]	[37.0%]	2,311	[5.7%] C
Sodexho Ltd.	[53.2%]	[46.8%]	1,034	[4.1%] P
Short Brothers PLC	[85.3%]	[14.7%]	5,573	[28%] C
Safeway Stores (Ireland) Ltd	[53.9%]	[46.1%]	2,160	[3.4%] P
Sainsbury's Supermarkets	[52.7%]	[47.3%]	2,369	[4.6%] P

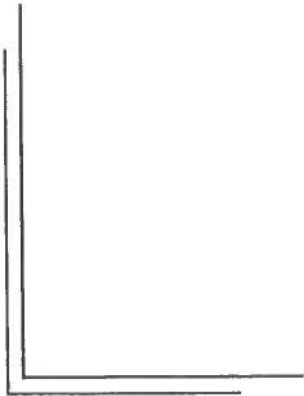
Individual Private Sector Concerns Over 1000 Employees (Contd)

Seagate Technologies (Ireland) Ltd	[29.4%]	[70.6%]	1,771	[27.9%] P
Queen's University Belfast	[55.5%]	[44.5%]	3,874	[1.8%] P
National Australia Group Ltd	[70.0%]	[30.0%]	2,273	[12.7%] C
Moy Park	[53.0%]	[47.0%]	3,146	[4.3%] P
Michelin Tyre PLC	[75.2%]	[24.8%]	1,221	[17.9%] C
Millar Andrew	[80.8%]	[19.2%]	1,252	[23.5%] C
Marks and Spencer Ltd	[59.3%]	[40.7%]	1,571	[2.0%] C
Maybin Property	[73.4%]	[26.6%]	2,842	[30.7%] C
HBOS PLC	[55.4%]	[44.6%]	1,852	[1.9%] P
Farrans Ltd.	[59.3%]	[40.7%]	1,077	[2.0%] C
Grafton Recruitment	[57.6%]	[42.4%]	2,468	[0.3%] C
Dunnes Stores (Bangor) Ltd	[28.1%]	[71.9%]	3,088	[29.2%] P

Individual Private Sector Concerns Over 1000 Employees (Contd)

Compass Group (UK)	[56.3%]	[43.7%]	1,171	[1.0%] P
British Telecom	[54.8%]	[45.2%]	2,468	[2.5%] P
Boots the Chemist	[53.5%]	[46.5%]	1,273	[3.8%] P
Bank of Ireland	[44.5%]	[55.5%]	1,345	[12.8%] P
AIB Group PLC	[50.3%]	[49.7%]	1,657	[7.0%] P
Abbey National PLC	[57.9%]	[42.1%]	1,141	[0.6%] C
B and Q PLC	[52.5%]	[47.5%]	1,188	[4.8%] P

CAJ

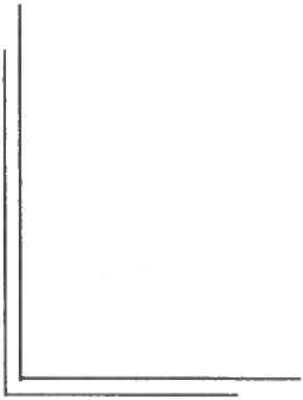


APPENDIX THREE

Housing

- 1. Waiting times by religion***
- 2. Housing Allocations by religion***
- 3. Housing waiting by religion***

CAI



**Time on housing waiting list (mean average months) by Religion
(excluding transfers) at District Level from April 2004 to 31st March 2005**

Mean Average Months On Waiting List At Date Of Housing

District	Catholic	Other	Protestant	Unknown/ Undisclosed	Total
Antrim	10	7.9	8	18	9.4
Armagh	8	*	7.3	6.9	7.6
Ballycastle	10.3	-	6.8	5.3	8
Ballymena	9.9	11.1	11.9	22.7	12.7
Ballymoney	10.1	10	9.5	5.6	9.3
Banbridge	8.4	6.7	7.9	8.5	8
Bangor	10.8	12.5	14.1	19.2	14.4
Belfast 1	25.2	*	13.2	21	23.2
Belfast 2	17.9	10.7	15.5	26.1	15.8
Belfast 3	29.9	-	-	30.7	29.9
Belfast 4	20.1	15.2	7	17.7	14
Belfast 5	*	*	10.2	51.5	12.3
Belfast 6	19.8	9.1	8.6	31.9	14.8
Belfast 7	22.3	13.8	12.8	24.9	14.9
Carrickfergus	5.7	17.8	15.2	20.9	15
Castlereagh	*	12.2	12.8	8.7	12.6
Coleraine	9.3	7	9.8	6.8	9.2
Cookstown	9.3	*	4.7	3	7.1
Downpatrick	13	13	10.1	8.7	12.2
Dungannon	7.3	3.1	8	5.3	6.9
Fermanagh	14.5	11.1	11.5	8.9	12.8
Larne	9.7	5	6.5	18.9	8.3
Limavady	8.1	6	7	8	7.5
Lisburn Antrim Street	26.4	23.6	14.8	12.4	16.4
Lisburn Dairy Farm	19.4	*	*	18.1	19.6
Londonderry 1	15.6	27.6	4.4	10.9	14.6
Londonderry 2	12.1	5.3	7	3.5	8.5
Londonderry 3	9.6	*	*	27.3	10.3
Lurgan	10.1	5	5.7	4.5	7.9
Magherafelt	11.1	7.4	10.9	5	10.5
Newry	12.5	7.7	10.3	27.6	13.9
Newtownabbey 1	15	3.2	8.6	9.7	9.3
Newtownabbey 2	7	14.9	13.4	32.4	15.2
Newtownards	13	9.4	11	9.7	11
Omagh	9.4	6.8	5.6	4.3	8.1
Portadown	5.3	3.6	6.1	4.4	5.7
Strabane	13.1	8	9.9	12.5	12.1
Total	13.8	10.4	10.8	15.3	12.2

* Refers to less than five position 1 applicant cases where data is considered sensitive.



Number Of Allocations

District	Catholic	Other	Protestant	Unknown/ Undisclosed	Total
Antrim	68	22	136	21	247
Armagh	90	*	79	15	184*
Ballycastle	25	0	35	6	66
Ballymena	51	14	145	29	239
Ballymoney	19	9	79	10	117
Banbridge	55	13	95	11	174
Bangor	28	8	211	37	284
Belfast 1	104	*	17	2	123*
Belfast 2	13	14	287	12	326
Belfast 3	106	0	0	9	115
Belfast 4	111	6	111	23	251
Belfast 5	*	*	277	12	289*
Belfast 6	128	8	146	19	301
Belfast 7	43	44	245	23	355
Carrickfergus	15	22	174	7	218
Castlereagh	*	18	277	18	313*
Coleraine	63	29	211	38	341
Cookstown	45	*	32	4	81*
Downpatrick	132	20	46	11	209
Dungannon	112	10	53	35	210
Fermanagh	83	14	44	14	155
Larne	29	18	113	20	180
Limavady	53	8	50	12	123
Lisburn Antrim Street	33	23	216	41	313
Lisburn Dairy Farm	165	*	*	8	173*
Londonderry 1	108	5	12	12	137
Londonderry 2	91	19	125	17	252
Londonderry 3	209	*	*	9	218*
Lurgan	130	22	79	13	244
Magherafelt	55	5	50	7	117
Newry	208	9	18	29	264
Newtownabbey 1	23	6	134	22	185
Newtownabbey 2	7	7	140	18	172
Newtownards	32	12	234	28	306
Omagh	117	5	35	17	174
Portadown	45	14	157	12	228
Strabane	111	5	46	8	170
Total	2707*	409*	4109*	629	7854*

* Refers to less than five position 1 applicant cases where data is considered sensitive.

**A Breakdown by Religion of Position 1 Individuals on the Waiting List for
Housing Executive Housing by District Office on 31st March 2005**

	Catholic	Other	Protestant	Unknown/ Undisclosed
Antrim District	268	64	346	58
Armagh District	339	26	184	34
Ballycastle District	161	15	71	28
Ballymena District	204	67	690	121
Ballymoney District	88	18	186	35
Banbridge District	124	22	233	42
Bangor District	127	129	1059	201
Belfast District 1	902	16	18	46
Belfast District 2	101	82	1242	63
Belfast District 3	832	13	10	94
Belfast District 4	510	28	278	91
Belfast District 5	*	*	633	29
Belfast District 6	822	38	195	67
Belfast District 7	555	221	868	142
Carrickfergus District	50	69	684	46
Castlereagh District	30	45	819	95
Coleraine District	214	63	522	114
Cookstown District	178	27	94	11
Downpatrick District	571	72	214	69
Dungannon District	336	50	133	80
Fermanagh District	457	73	169	86
Larne District	102	27	213	47
Limavady District	208	13	125	56
Lisburn Antrim Street District	172	79	1075	161
Lisburn Dairy Farm District	545	*	*	10
Londonderry/Derry District 1	610	15	16	42
Londonderry/Derry District 2	251	27	231	36
Londonderry/Derry District 3	546	11	*	26
Lurgan District	499	45	209	47
Magherafelt District	215	22	129	31
Newry District	1056	49	101	166
Newtownabbey District 1	95	28	455	60
Newtownabbey District 2	26	29	558	61
Newtownards District	110	70	907	107
Omagh District	289	13	117	53
Portadown District	156	64	311	35
Strabane District	432	16	120	39

Key: * Refers to less than 10 Position 1 Applicant Cases where data is considered sensitive.

CAJ



APPENDIX FOUR

LIST OF MEMBERS OF TASKFORCE ON PROTESTANT WORKING CLASS COMMUNITIES

(at November 2005)

Alan Shannon	Dept. for Social Development (Chair)
John McGrath	DSD
Dave Wall	DSD
Frank Duffy	DSD
Angela Clarke	DSD
Russell McCaughey	DSD
Graham Davis	Dept. of Enterprise, Trade and Investment
Mary Bunting	Office of the First Minister and Deputy First Minister
Billy Gamble	OFMDFM
Mike Thompson	Dept. for Regional Development
Roy McClenaghan	Dept. of Agriculture & Rural Development
Andrew McQuiggan	PSNI
Eddie Rooney	Dept. of Education
Mark McCaffrey	Northern Ireland Office
Colin Jack	Dept. of Culture, Arts & Leisure
Robson Davison	Dept. for Employment & Learning
Andrew Elliott	Dept. of Health, Social Services & Public Safety
Bill Pauley	Dept. of Finance & Personnel

Previous members:

Mary Lemon	NIO
Bobby Hunniford	PSNI
Peter Smyth	OFMDFM
Denis McMahon	DHSSPS
Bryan Davis	DCAL

CAJ



APPENDIX FIVE

INVEST NORTHERN IRELAND: INWARD INVESTMENT AND ASSISTANCE

- 1. Inward Investment by Parliamentary Constituency***
- 2. Inward Investment by District Council***
- 3. Assistance offered by Parliamentary Constituency***
- 4. Assistance offered by District Council***

CAJ

Inward Investment by Parliamentary Constituency 2002/03 to 2004/05

Parliamentary Constituency	2002/03			2003/04			2004/05		
	Offers	Assistance (£m)	Investment (£m)	Offers	Assistance (£m)	Investment (£m)	Offers	Assistance (£m)	Investment (£m)
Belfast East	-	0.00	1.00	2	8.80	33.61	4	8.29	10.61
Belfast North	-	0.00	0.00	5	1.26	14.18	2	0.17	0.45
Belfast South	3	1.20	4.05	11	7.81	41.32	13	9.19	34.80
Belfast West	2	0.40	2.96	2	3.58	9.72	1	6.45	21.35
East Antrim	1	1.56	5.39	2	0.20	0.90	2	1.07	7.98
East Londonderry	-	0.00	0.00	1	0.17	1.13	1	0.01	0.01
Fermanagh & South Tyrone	1	2.10	7.88	3	1.44	3.94	2	0.71	3.80
Foyle	2	10.30	92.05	4	3.84	11.69	1	2.50	37.10
Lagan Valley	-	0.00	0.00	-	0.00	0.00	1	0.14	1.05
Mid Ulster	2	0.13	1.39	1	0.01	0.01	7	3.81	23.07
Newry & Armagh	2	0.42	0.91	-	0.00	0.00	-	0.00	0.00
North Antrim	-	0.00	0.00	1	2.72	14.44	1	2.00	6.50
North Down	1	0.22	1.58	1	0.62	1.19	2	0.99	5.33
South Antrim	1	0.00	0.51	1	0.03	0.03	4	3.78	16.44
Strangford	1	0.43	2.83	1	0.01	0.01	2	0.09	0.78
Upper Bann	2	8.99	37.85	1	1.80	12.83	5	6.05	35.95
West Tyrone	1	2.35	9.33	2	1.23	4.38	3	1.17	4.44
Northern Ireland	19	28.10	166.72	38	33.50	149.39	51	46.43	209.67

- Notes:**
1. Figures relate to Invest NI clients only. There may also have been non-invest NI externally owned clients investing in Northern Ireland over the time period.
 2. Figures include both first time inward investments and reinvestments by existing clients.
 3. Total number of offers may exceed the number of projects offered assistance in a particular year, as some projects are located in more than one location.
 4. Some differences between table totals may arise due to rounding.

**Inward Investment
by District Council 2002/03 to 2004/05**

District Council	2002/03				2003/04				2004/05			
	Offers	Assistance (€m)	Investment (€m)	Offers	Assistance (€m)	Investment (€m)	Offers	Assistance (€m)	Investment (€m)	Offers	Assistance (€m)	Investment (€m)
Antrim	1	-	0.51	-	-	-	2	3.78	16.43			
Ards	1	0.43	2.83	1	0.01	0.01	1	0.03	0.06			
Armagh	1	0.14	0.36	-	-	-	-	-	-			
Ballymena	-	-	-	1	2.72	14.44	-	-	-			
Banbridge	-	-	-	-	-	-	1	0.49	2.89			
Belfast	5	1.60	7.01	20	21.44	98.83	19	23.74	66.16			
Carrickfergus	1	1.56	5.39	-	-	-	-	-	-			
Castlereagh	-	-	-	-	-	-	2	0.42	1.77			
Coleraine	-	-	-	-	-	-	1	0.01	0.01			
Cookstown	2	0.13	1.39	-	-	-	5	3.70	22.62			
Craigavon	2	8.99	37.85	1	1.80	12.83	4	5.56	33.06			
Derry	2	10.30	92.05	4	3.84	11.69	1	2.50	37.10			
Dungannon	-	-	-	1	0.03	0.06	2	0.80	4.21			
Fermanagh	1	2.10	7.88	2	1.41	3.89	1	0.01	0.02			
Larne	-	-	-	1	0.20	0.90	2	1.07	7.98			
Limavady	-	-	-	1	0.17	1.13	-	-	-			
Lisburn	-	-	-	-	-	-	1	0.14	1.05			
Magherafelt	-	-	-	1	0.01	0.01	1	0.01	0.02			
Moyle	-	-	-	-	-	-	1	2.00	6.50			
Newry & Mourne	1	0.28	0.55	-	-	-	-	-	-			
Newtownabbey	-	-	-	2	0.03	0.03	2	0.00	0.01			
North Down	1	0.22	1.58	1	0.62	1.19	2	0.99	5.33			

District Council	2002/03			2003/04			2004/05		
	Offers	Assistance (£m)	Investment (£m)	Offers	Assistance (£m)	Investment (£m)	Offers	Assistance (£m)	Investment (£m)
Strabane	1	2.35	9.33	2	1.23	4.38	3	1.17	4.44
Northern Ireland	19	28.10	166.72	38	33.50	149.39	51	46.43	209.67

Notes:

1. Figures relate to Invest NI clients only. There may also have been non-Invest NI externally owned clients investing in Northern Ireland over the time period.
2. Figures include both first time inward investments and reinvestments by existing clients.
3. Total number of offers may exceed the number of projects offered assistance in a particular year, as some projects are located in more than one location.
4. Some differences between table totals may arise due to rounding.

Published: 2005

Next update due: 2006

Source: Corporate Information Team

Equality in Northern Ireland: the rhetoric and the reality

Parliamentary Constituency	2002/03*			2003/04**			2004/05			Totals	
	Offers	Assistance (£m)	Investment (£m)	Offers	Assistance (£m)	Investment (£m)	Offers	Assistance (£m)	Investment (£m)	Assistance (£m)	Investment (£m)
Belfast East	58	2.1	8.51	153	15.78	59.56	155	17.36	35.15	35.24	103.22
Belfast North	45	7.57	20.07	111	4.49	24.86	109	3.00	11.97	15.06	56.90
Belfast South	137	15.94	38.58	268	25.74	106.57	273	21.00	58.03	63.17	208.60
Belfast West	47	4.15	16.52	96	8.08	26.64	85	8.53	27.26	20.77	70.42
East Antrim	66	6.25	21.21	175	3.9	12.6	175	5.82	23.94	16.50	59.76
East Londonderry	59	4.17	13.95	116	5.52	10.95	188	2.13	8.83	11.81	33.73
Fermanagh & South Tyrone	68	5.37	20.87	211	4.33	16.06	316	4.74	22.64	14.45	59.57
Foyle	94	14.41	105.66	232	7.59	27.31	222	5.65	47.03	27.66	180.00
Lagan Valley	54	1.46	6.68	189	1.7	5.84	197	3.58	17.06	6.86	29.82
Mid Ulster	144	4.41	22.19	318	5.61	25.59	389	8.46	40.73	18.49	88.54
Newry & Armagh	84	6.26	22.32	188	2.13	8.47	226	2.35	9.05	11.18	41.60
North Antrim	72	2.39	14.22	194	5.26	31.31	276	8.24	34.37	15.90	79.91
North Down	44	1.35	6.47	97	5.05	15.22	117	3.38	14.86	9.80	36.58
South Antrim	86	22.88	142.86	216	4.53	15.12	219	7.00	30.94	34.41	188.93
South Down	70	2.44	12.65	160	1.24	4.2	186	4.59	13.46	8.27	30.31
Strangford	62	2.15	9.26	121	1.64	5.43	131	1.23	6.84	5.02	21.53
Upper Bann	78	16.63	73.28	240	70	31.98	211	19.30	77.05	42.98	182.47

by Parliamentary Constituency 2003 to 2004/05

Parliamentary Constituency	2002/03*			2003/04**			2004/05			Totals		
	Offers	Assistance (£m)	Investment (£m)	Offers	Assistance (£m)	Investment (£m)	Offers	Assistance (£m)	Investment (£m)	Offers	Assistance (£m)	Investment (£m)
West Tyrone	52	4.79	20.17	194	7.31	35.66	245	2.66	9.33	491	14.93	65.64
TOTAL	1,320	124.71	575.46	3,281	117.15	468.15	3,720	130.65	493.93	3,720	372.51	1537.54

* an additional £21.2million of assistance was offered, for which this level of detail is not available

** an additional £4million of assistance was offered, for which this level of detail is not available

Published: 2005

Next update due: 2006

Source: Corporate Information Team

Assistance Offered
by District Council 2002/03 to 2004/05

District Council	2002/03			2003/04			2004/05			Total		
	Offers	Assistance (£m)	Investment (£m)	Offers	Assistance (£m)	Investment (£m)	Offers	Assistance (£m)	Investment (£m)	Offers	Assistance (£m)	Investment (£m)
Antrim	51	18.79	133.21	104	2.96	9.36	151	5.96	27.36	306	27.71	169.92
Ard	34	1.19	6.06	48	2.69	9.47	92	0.58	2.13	174	4.46	17.66
Armagh	55	5.2	19.2	107	1.36	4.85	134	1.33	5.44	296	7.89	29.49
Ballymena	48	1.81	10.46	116	4.57	27.67	173	4.68	22.93	337	11.06	61.06
Ballymoney	15	0.48	2.51	54	0.5	3.23	58	1.36	3.24	127	2.35	9.00
Banbridge	25	1.94	8.3	64	0.36	0.89	82	1.55	8.38	171	3.85	17.57
Belfast	273	29.34	83.62	546	53.11	218.6	528	45.03	118.55	1,347	127.73	421.42
Carrickfergus	24	2.16	8.23	67	0.34	0.89	58	0.70	1.45	149	3.21	10.57
Castlereagh	28	0.98	2.91	119	1.33	4.37	99	5.05	17.54	246	7.36	24.83
Coleraine	48	2.4	5.27	80	0.59	1.5	150	1.71	4.19	278	4.70	10.96
Cookstown	53	1.3	8.26	108	2.1	7.67	127	5.37	28.94	288	8.77	44.87
Craigavon	59	16.08	71.04	193	6.73	31.36	175	18.64	73.52	427	41.50	176.09
Derry	94	14.46	105.66	232	7.59	27.31	222	5.65	47.03	548	27.71	180.00
Down	63	1.35	7.15	97	0.61	2.64	98	2.98	3.77	258	4.94	13.55
Dungannon	57	2.44	9.46	163	2.72	14.25	236	3.40	13.31	456	8.57	37.05
Fermanagh	28	3.71	14.54	111	3.23	11.76	162	2.27	13.21	301	9.21	39.51
Larne	23	1.31	5.18	68	2.23	8.31	72	2.38	13.10	163	5.93	26.60
Limavady	18	1.93	9.73	36	4.92	9.46	38	0.42	4.64	92	7.28	23.82

**Assistance Offered
by District Council 2002/03 to 2004/05**

District Council	2002/03			2003/04			2004/05			Total		
	Offers	Assistance (£m)	Investment (£m)	Offers	Assistance (£m)	Investment (£m)	Offers	Assistance (£m)	Investment (£m)	Offers	Assistance (£m)	Investment (£m)
Lisburn	49	1.44	7.01	184	2.08	7.04	187	3.71	17.17	420	7.35	31.46
Magherafelt	63	1.62	8.54	147	1.89	7.99	180	2.16	7.90	390	5.67	24.43
Moyle	10	0.24	0.68	24	0.2	0.41	45	2.20	8.20	79	2.63	9.29
Newry & Mourne	65	2.06	6.42	158	1.57	5.76	176	2.08	9.42	399	6.16	23.36
Newtownabbey	49	6.6	15.95	166	3.1	9.45	125	3.79	13.00	340	14.04	40.41
North Down	38	1.15	6.05	95	3.05	8.27	107	3.35	14.79	240	7.56	29.14
Omagh	33	0.96	3.24	142	1.55	5.47	180	0.97	2.79	355	3.49	11.53
Strabane	17	3.78	16.77	52	5.77	30.2	65	1.68	6.54	134	11.39	53.96
Northern Ireland	1,320	124.71	575.46	3,281	117.15	468.15	3,720	129.03	488.54	8,321	372.51	1,537.54

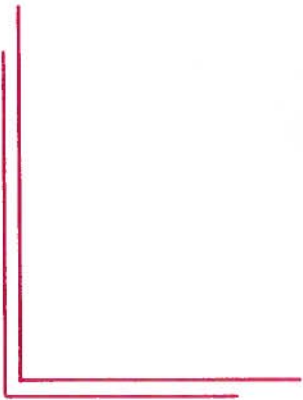
* An additional £21.2million of assistance was offered, for which this level of detail is not available
 † an additional £4million of assistance was offered, for which this level of detail is not available
 ‡ provisional - subject to change

Published: 2005
 Next update due: 2006
 Source: Corporate Information Team

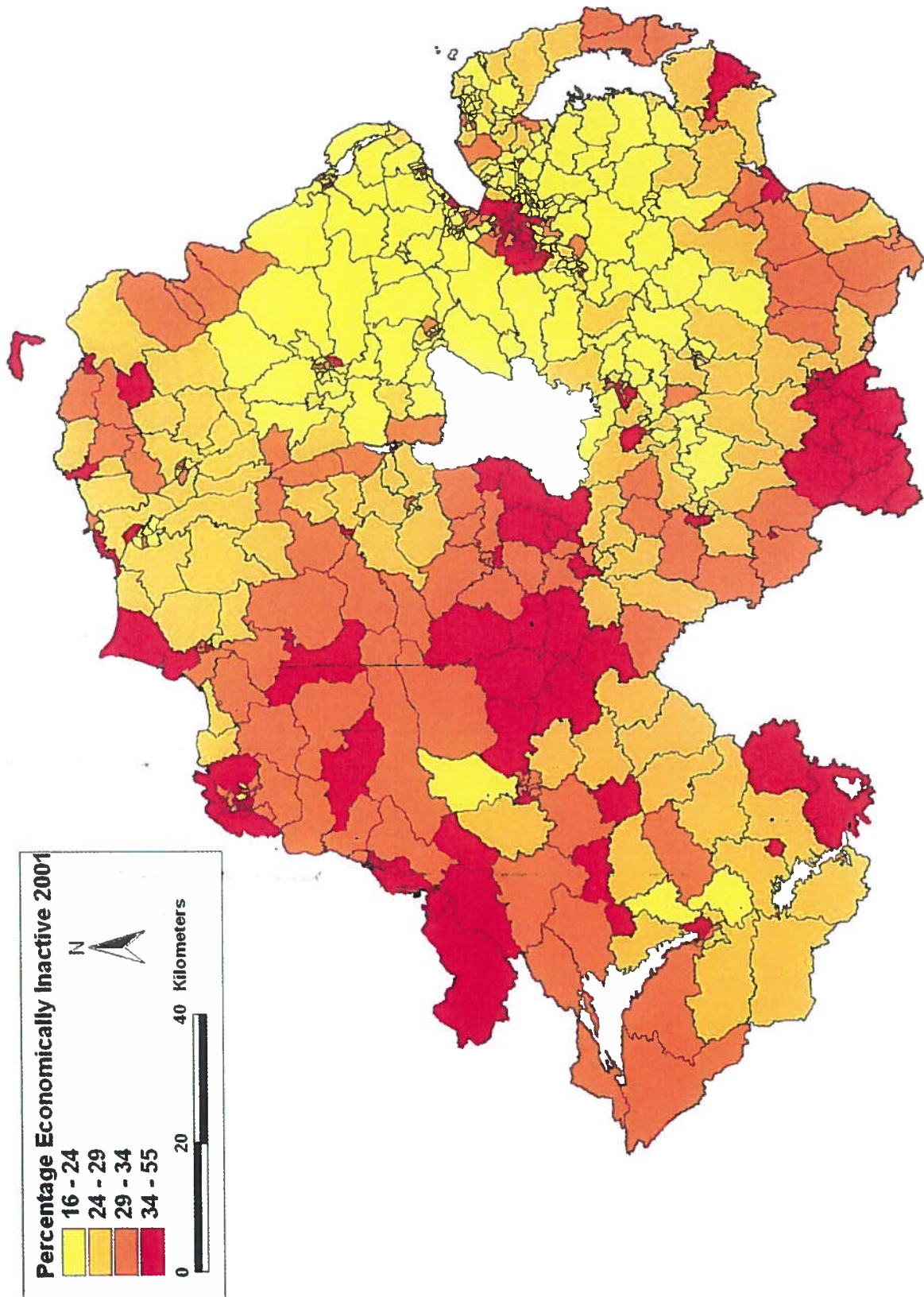
APPENDIX SIX

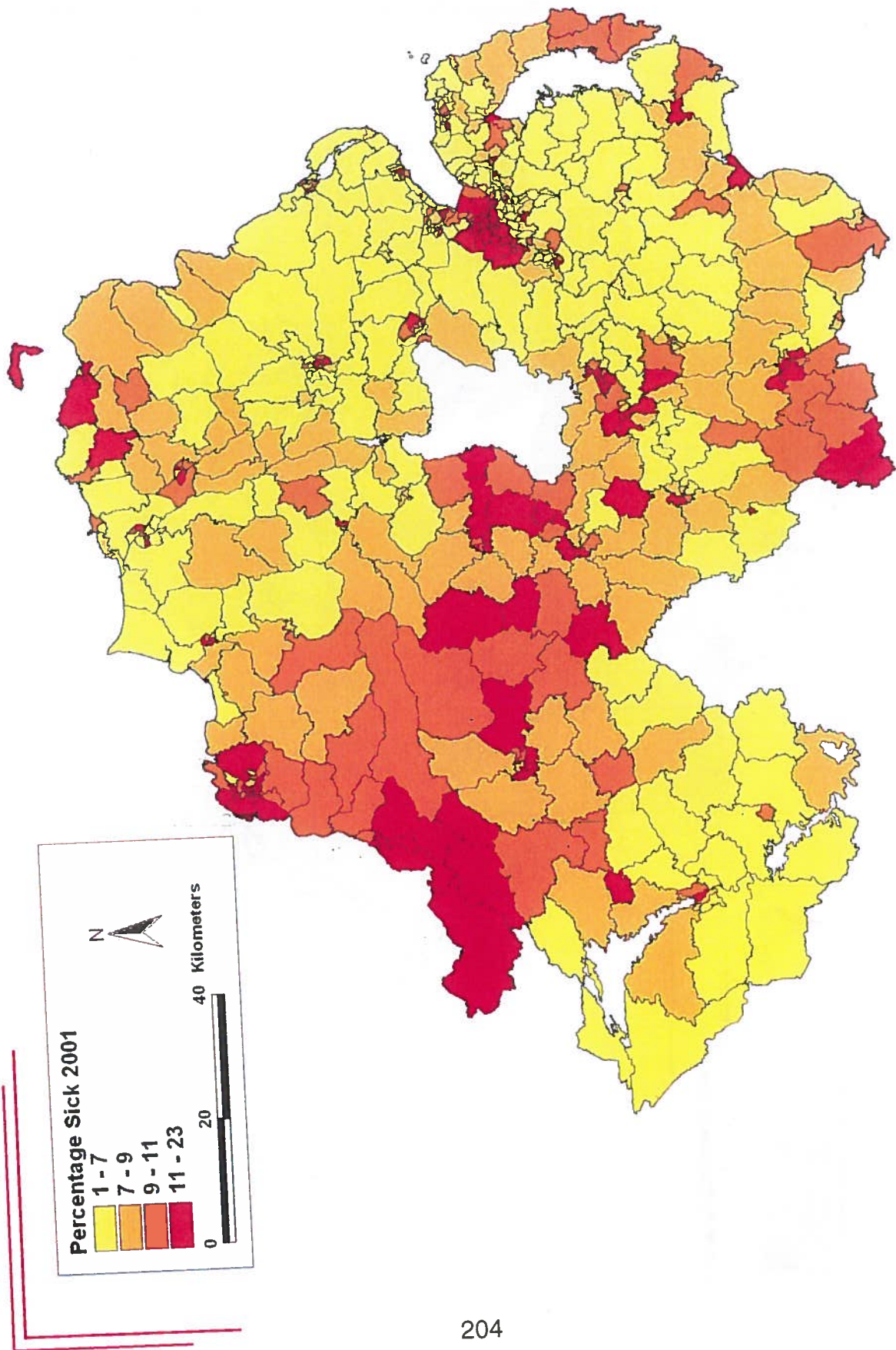
MAPS

- 1. % Economically Inactive 2001***
- 2. % Sick 2001***
- 3. Jobs within 15 km radius 2001***
- 4. Jobs within 5 km radius 2001***
- 5. Change in job numbers 15 km radius 1995 - 2001***
- 6. Change in job numbers 5 km radius 1995 - 2001***

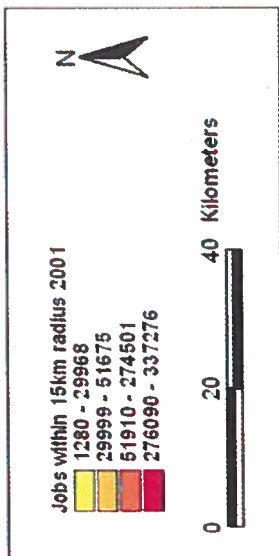
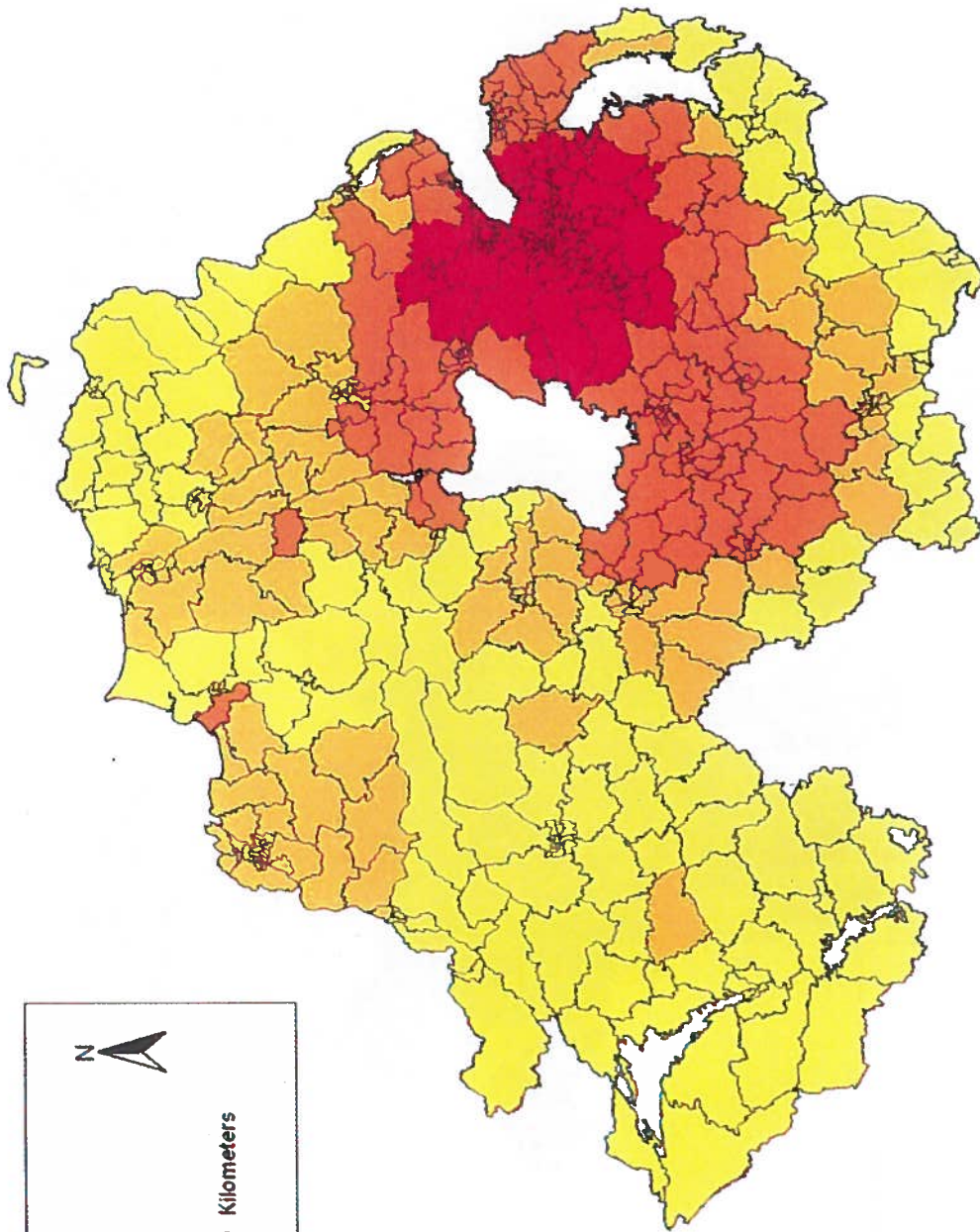


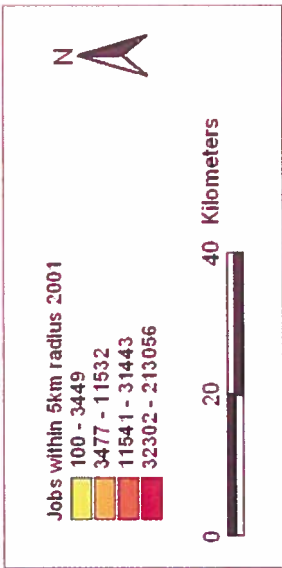
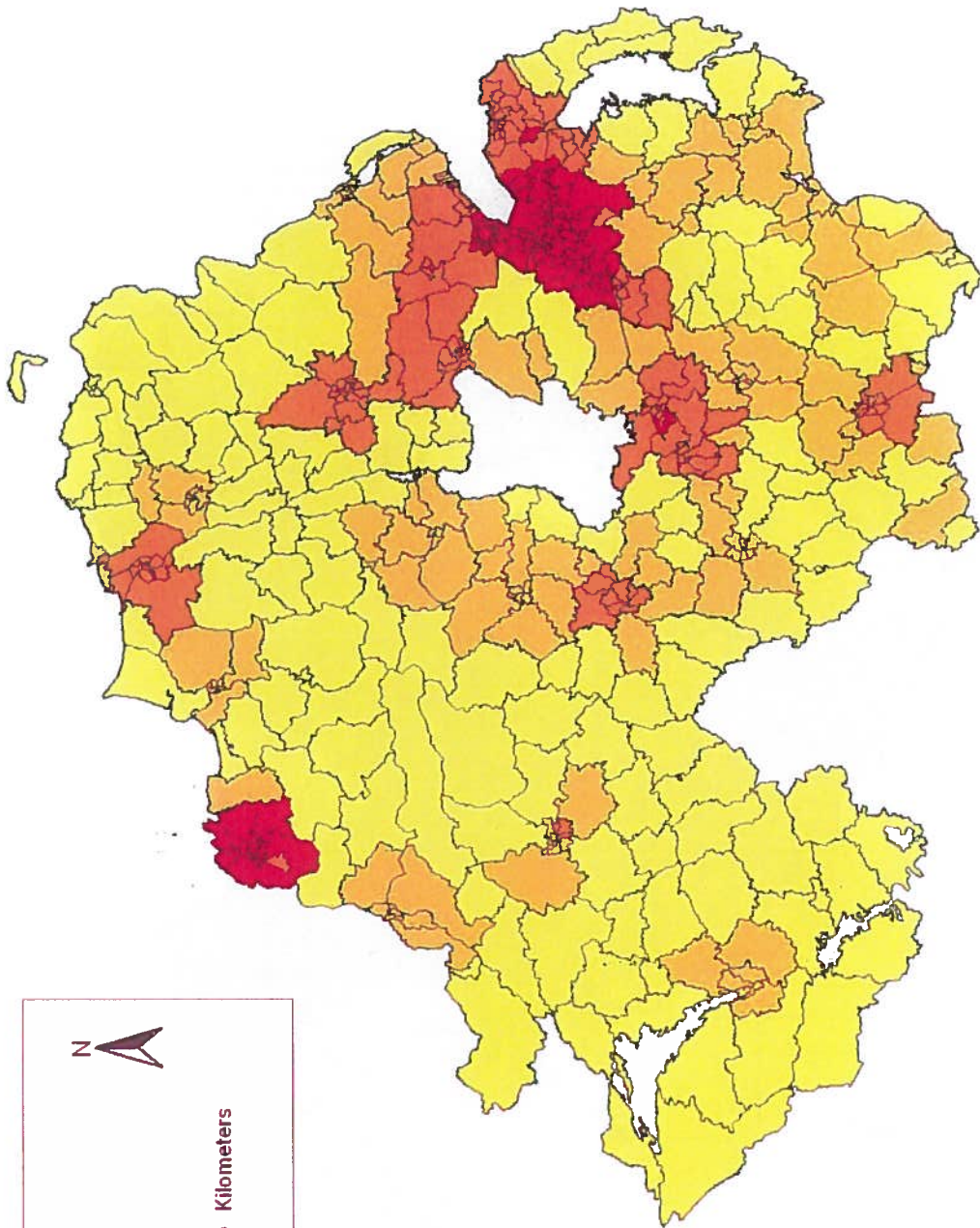
Equality in Northern Ireland: the rhetoric and the reality



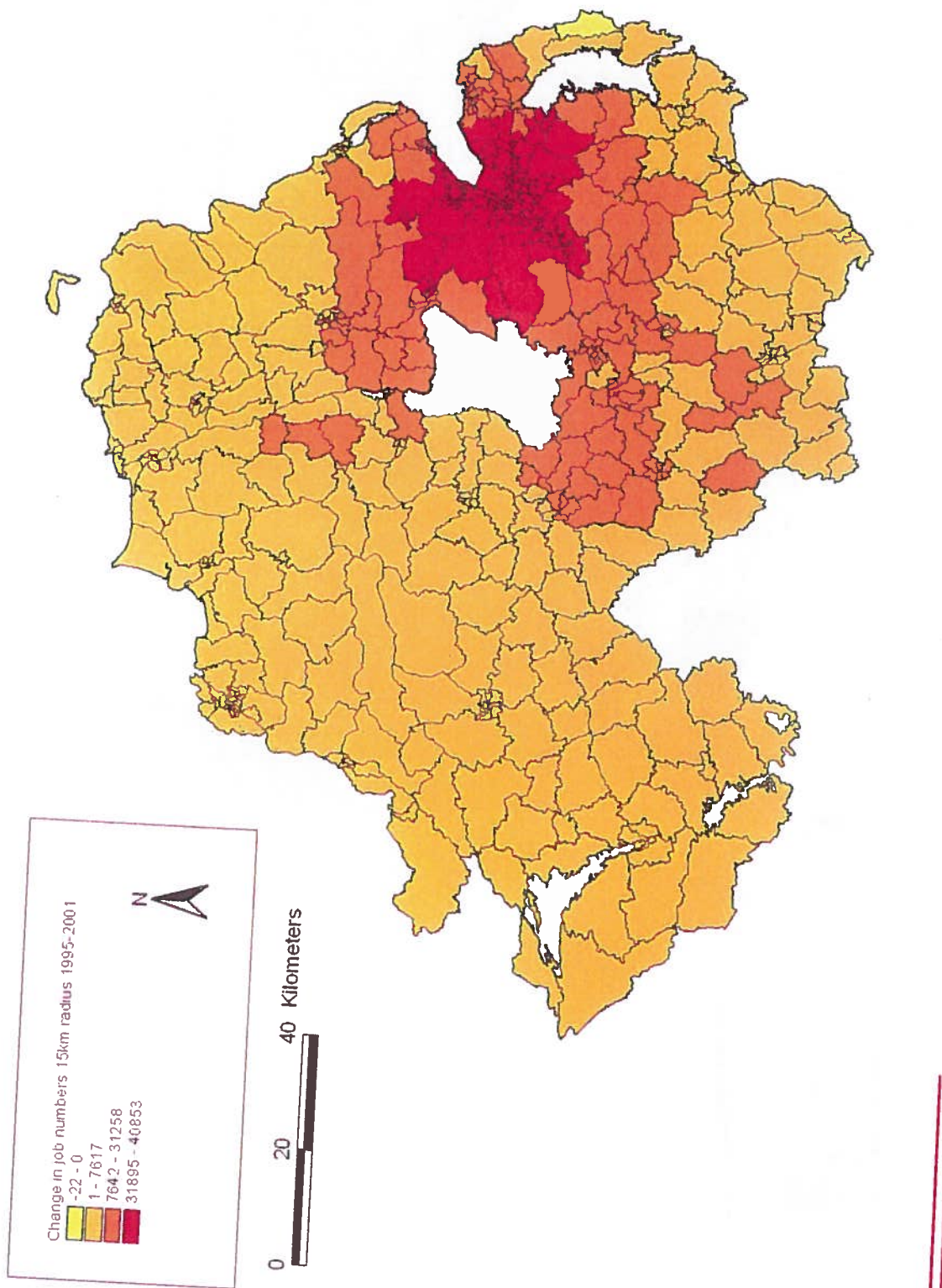


Equality in Northern Ireland: the rhetoric and the reality





Equality in Northern Ireland: the rhetoric and the reality



CAI

