1974

Fair Employment

Sinn Fein

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The following is a brief analysis of the Northern Ireland "Fair Employment Bill" which is now before the Westminster Parliament.


The fostering of sectarian divisions was basic to the Unionist ethos. It was in the field of employment that the policy hit hardest. Thus government spokesmen in the 1920s, 30s, 40s, 50s and 60s advocated a policy of economic boycott of Catholics. Following from the government's lead, private enterprise with an anti-Catholic bias was inevitable.

The Fair Employment Bill is based on the findings of the working party set up in August 1972 to 'consider what steps either with regard to law or practice should be taken to counter religious discrimination where it may exist in the private sector of employment in Northern Ireland'. Thus it has taken two years to bring forward a Bill based on the recommendations of the working party. Yet emergency legislation can be passed within a matter of hours at Westminster.

The first weakness of the Fair Employment Bill is that its sanctions, for those in breach of it, are too mild. For example in 1961 government industry was responsible for 22.5% of all manufacturing industry employment: by 1972 this share had risen to 44%. Yet the Working Party Report rejected recommendations that grants and loans should be withdrawn from employers who refuse to affirm or carry out policies of non-discrimination despite the potent influence for good of such sanctions in the government backed sectors. Were the government really in earnest about bringing discriminating firms to heel then this important sanction, which can be applied to nearly 45% of manufacturing employees, would have been included in the governments anti-discrimination armoury.

Under the Bill if a person alleges discrimination the complaint is to be investigated by a Fair Employment Agency which first of all decides if there is a case. If the Agency feels that discrimination was committed, then it will attempt a settlement accompanied by an undertaking. If conciliation fails the Agency can take the case to the county court. Either party can appeal against the Agency decision and of that of the County Court in turn. It is not clear from the terms of the Bill whether legal aid will be available to any complainant. The deterrent effect of such a lack is too obvious to need comment.

Finally the County Court only has jurisdiction to hear and determine any action in which the amount decided does not exceed £300. The amount awarded by the Agency or claimed by the applicant may well exceed this sum.

Following a breakdown on attempts at conciliation by the Fair Employment Agency, damages can be awarded for the expenses realistically incurred by the injured person in connection with the subject matter of the complaint and secondly for loss of employment, occupation or benefit. In the original Bill damages could be awarded for "injury to feeling" but this provision was dropped under an amendment moved by Viscount Brookeborough.

Finally the Bill does not apply to employment in private households or to firms of less than 25 employees during the first two years of its operation. With regard to domestic employment, the famous advertisement
quoted above, which sought an employee for the household of
Captain Terrence O Neill, then
a Minister in the Stormont Gov-
ernment and later Prime Minister;
would be still quite legal.

These loopholes would need to
be closed before the Bill could
be considered to be a serious
attempt to tackle even a tiny
part of the legacy of 50 years
of Orange Unionism.

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BUILDING SOCIETIES

The following statement was
issued by Mairin de Burca, Direc-
tor of Housing Sinn Fein, follow-
ing the announcement that the
Banks were to reduce the bank
rate.

"The refusal of the Building Soci-
eties to date a reduction in
their mortgage rates from today
following the 1½% drop in the
Bank Rate merits immediate
inquiry by the Government.

Thousands of householders with
variable mortgage loans face
the Shylock rate of 12½% before
the end of this month, while
the societies continue abusing
their social function with inex-
cusable management costs and
suspect advertising campaigns.

As the National Prices Commission
investigation into Building Soci-
eties was allowed to become an
academic exercise, bearing little
relation to the activities of
Irish Societies, some form of
sworn public inquiry would prove
a useful exercise.

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COMMEMORATION

The North West Area (Donegal/
Derry/Strabane) will be hold-
ing a commemoration to the mem-
ory of the Drumboe Martyrs on
March 17th (St Patrick's Day).

The commemoration is in memory
of four Republicans murdered by
Free State forces in March 1923
in Drumboe, Co Donegal.

The speaker at the Commemorat-
ion will be Malachy McGurran,
Vice President of Sinn Fein
and the ceremony will be chaired
by Seamus Rogers M.C.C.

The parade will assemble at
Johnston's Corner at 2.30 and
march at 3.00pm to Drumboe
Castle, where the killings
took place.

All areas, particularly in
the North, are encouraged to
organise transport to the Comm-
emoration in order to ensure
the biggest turn out possible.

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BOOKSALE

Preparations for the Booksale
which will be held in May in aid
of the International Affairs
Department, are now well
under way.

However more books are needed.
Members of most Cumann have
books they no longer want.
Why not donate them for the
booksale, and help the most
important work of this dep-
artment to continue.

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PAY YOUR AFFILIATION FEE NOW!

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