



**House
Legislative
Analysis
Section**

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APPLY MACBRIDE PRINCIPLES IN N. IRELAND

RECEIVED

House Bill 4357 as introduced
First Analysis (5-13-87)

JUN 02 1987

Sponsor: Rep. Michael J. Bennar ^{Mich. State Law Library}
Committee: Civil Rights

THE APPARENT PROBLEM:

Although equal employment opportunity was mandated by the 1976 Fair Employment Act for Northern Ireland, unemployment among Catholics in that country is more than twice as high as that among other denominations. While unemployment as a whole is estimated at 22 percent, when broken down by community, Catholic unemployment is estimated by many to be 35 percent, while Protestant unemployment is estimated at 12 percent. While the British government acknowledges that economic inequality exists, some people believe that it still demonstrates a lack of will to institute any effective action to rectify the situation.

The dominating force in Northern Ireland's domestic economy is the Northern Ireland Civil Service. However, although the Northern Ireland Constitution Act of 1973 declares it unlawful for the Civil Service to discriminate on the grounds of religious beliefs, Catholics account for only 13 percent of senior civil service positions, while ratios of Catholics to Protestants in the power industries, insurance, banking and business services are 1:5. The Fair Employment Act of 1976 was hailed as a major breakthrough in the battle against discrimination, but many now believe that its impact on the promotion of equality has been negligible. In fact, many feel that the agency created by the act (the Fair Employment Agency) is but a tool of the British government, created to tighten the noose of inequality around the necks of the Catholic population.

THE CONTENT OF THE BILL:

The bill would amend Public Act 314 of 1965 to require the investment fiduciary of a public retirement system to use the system's assets to encourage companies doing business in Northern Ireland to abide by the MacBride principles to eliminate discrimination in employment in that country. The bill's requirement would not apply to any provision of the MacBride principles found to be in conflict with British law. Consistent with sound investment policy, the assets of a public retirement system would have to be invested in a manner which would reflect each company's progress in eliminating discrimination.

The MacBride principles require employers to increase the representation of individuals from under-represented religious groups in the work force; provide adequate security for the protection of minority employees; ban religious or political emblems from the workplace; publicly advertise all employment openings and make special recruitment efforts to attract these workers; ensure that layoff, recall and termination procedures do not favor particular groups; abolish employment restrictions which discriminate on the basis of religion or ethnic origin; develop training programs to upgrade the skills of minority employees; and establish procedures to identify and recruit minority employees with the potential for advancement. Senior staff members would be appointed to implement these procedures within a definite time frame.

MCL 38.1133a

BACKGROUND INFORMATION:

England began its penetration of Ireland during the twelfth century, and in the seventeenth century sent groups of Scottish settlers to Ulster in Northern Ireland. The northeast section of Ireland, therefore, became thoroughly Protestant; many Irish Catholics were driven to the western counties, and Catholics everywhere were oppressed and made victims of harsh penal laws. By the time of the English Reformation in 1688, 95 percent of Irish Catholics owned no land. Efforts were made to induce the Catholics to join the Episcopal Church, and uprisings were put down with an iron hand. In 1829 the British Parliament was forced to pass the Catholic Emancipation Act, but poverty, the desire for independence, and the evils of absentee landlordism kept alive efforts to obtain home rule. In 1916 the Easter Rebellion occurred, a Republic was proclaimed, and a provisional government set up. In 1922 a treaty was effected, whereby England retained control of Protestant Ulster and the rest of Ireland became the Irish Free State.

Ulster, or Northern Ireland, comprises the six northeastern counties of the island. Approximately one-third of the population is Catholic and it is this segment of the population which is still fighting to attain equality. While many have taken to the streets to fight for their rights, others have joined The Fair Employment Trust, a society which was formed in 1985 to promote the social betterment of all in Northern Ireland. The trust's aims are:

1. To promote civic peace and social justice through furthering the understanding of equality of opportunity for all citizens.
2. To contribute to social betterment by encouraging workplace harmony as an incentive to investment and industrial development.
3. To promote harmonious community relations and well-being by the advancement of education in the area of equal opportunity in society.

Sean MacBride, S.C., founder of Amnesty International, holder of the Nobel Peace Prize and the Lenin Peace Prize, is a co-founder of the trust and the author of the MacBride Principles. The trust has sought support from United States legislators to force the American public and its administration to confront what it labels "the eradication of economic apartheid and community inequality in Northern Ireland." To date, the city of New York and the states of New York, Massachusetts, and Connecticut have enacted legislation in support of the MacBride Principles, and legislation is pending in New Jersey and Illinois.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the fiscal impact of the bill is as yet unknown. (5-12-87)

ARGUMENTS:

For:

Support for the MacBride Principles is a non-violent step

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toward a just solution to the inequality of job opportunity experienced by many in Northern Ireland. The corporations operating in the historical, political, cultural and economic context of Northern Ireland need a uniform standard, such as the MacBride Principles, by which they can measure their actions. Such standards need concrete, specific implementation plans. Given the volatility of a work force such as exists in Northern Ireland, companies need the encouragement or pressure of shareholder resolutions, legislation, etc., in order to adopt and implement such standards. While the principles have similarities to the Fair Employment Act, it is not sufficient to simply discourage future discrimination as the act has: concrete effective efforts are required to end the inequalities existing in Northern Ireland.

Against:

The situation in Northern Ireland is a foreign policy matter, and it would be inappropriate for the Michigan legislature to mandate policies to intervene in foreign affairs. To enable the federal government to establish consistent foreign policies, matters such as sending signals to governments of other countries should be left to the federal government.

POSITIONS:

Representatives of the following organizations testified before the House Civil Rights committee in support of the bill:

The United Irish Societies

The Ancient Order of Hibernians

The National Irish-American Unity Conference

The Sisters of Charity of New York

The Michigan Irish-American Unity Conference

The Fair Employment Trust of Northern Ireland