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# Fair Employment in Northern Ireland: the decades of change (1990 – 2017)

NIAR 113-19

This paper updates a [previous paper](#) (NIAR 352-12), and chronicles the significant change which has occurred in the community composition of the workforce since the Fair Employment (Northern Ireland) Act 1989 came into operation on 1st January 1990.

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## Key Points

- In March 1969, the Government of Northern Ireland appointed a Royal Commission to hold an enquiry into disturbances in Northern Ireland during the autumn of 1968. Among other conclusions, the Commission reported that grievances related to housing and employment issues had fuelled the violence.
- Reform measures were implemented by the Government of Northern Ireland (1969 – 71). Following suspension and eventual abolition of the Northern Ireland parliament in 1972, the reform programme was continued by the UK government at Westminster.
- The first Fair Employment Act (1976) had limited success in promoting fair participation in employment, and was replaced by the landmark Fair Employment (Northern Ireland) Act 1989. The 1989 Act introduced compulsory workforce monitoring; discouraged informal recruitment; promoted objective recruitment and selection procedures; and set up the Fair Employment Tribunal (FET). The 1976 and 1989 Acts were later repealed and re-enacted in consolidated form by the Fair Employment and Treatment Order 1998
- In 1990, the community composition of the monitored workforce was [65.1%] Protestant and [34.9%] Catholic. When compared to labour availability data, this represented a shortfall of around 4 percentage points in the Catholic share of the workforce.
- By 2017, the composition of the monitored workforce had changed to [51.1%] Protestant and [48.9%] Catholic.
- Compared with 1992, by 2017 the number of monitored Catholic full-time employees had increased by nearly 73,000, a rise of 55 per cent. In contrast, the Protestant count fell by nearly 18,000 (8.0%) over the same period.
- According to the Equality Commission, the composition of the monitored workforce now appears to more closely reflect labour availability than was the case when fair employment monitoring was first introduced in 1990.



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## 1 Introduction

The Paper begins by setting the context, with a brief historical overview of fair employment legislation. This is followed in by an analysis of patterns and trends in workforce monitoring data for the entire period of monitoring, namely 1990 – 2017.

## 2 Background to the Legislation

In the autumn of 1968, serious disturbances erupted on the streets of Northern Ireland. A Royal Commission set up to examine the causes of the unrest concluded that grievances relating to housing and employment were important contributory factors in fuelling the violence <sup>1</sup>.

In response to the unrest, a series of reform measures were introduced by the Government of Northern Ireland (1969 – 1971) and the UK Parliament at Westminster (1972 – onwards). In August 1972, the Westminster government established a Working Party, chaired by William Van Straubenzee, to consider what steps should be taken to counter religious discrimination where it may exist in the private sector in Northern Ireland <sup>2</sup>. The Van Straubenzee (1973) Report was to play a central role in the development of fair employment legislation in Northern Ireland.

Straubenzee defined religious and political discrimination; introduced the concepts of equality of opportunity and affirmative action; advocated specific legislation to tackle discrimination (a fair employment Act); and proposed a new body, the Fair Employment Agency (FEA), to oversee the implementation of the legislation.

The first fair employment statute – the Fair Employment (Northern Ireland) Act 1976 – adopted many of the recommendations of the Van Straubenzee Report. It set up the FEA; outlawed discrimination in the workplace on the grounds of religious belief and/ or political opinion; and asked employers to subscribe to a voluntary *Declaration of Principle and Intent*, which committed them to fair and non-discriminatory employment practices <sup>3</sup>. The voluntary nature of this commitment, however, was to prove problematic.

By the mid-1980s the hope that the fair employment legislation would produce significant change had not been realised, and there was growing pressure on the

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<sup>1</sup> Government of Northern Ireland (1969) **Disturbances in Northern Ireland**: Report of the Commission appointed by the Governor of Northern Ireland, Cmd. 532, September 1969, Belfast: HMSO. Available at: <http://cain.ulst.ac.uk/hmso/cameron.htm>

<sup>2</sup> Ministry of Health and Social Services (1973). **Report and Recommendations of the Working Party on Discrimination in the Private Sector of Employment**. William Van Straubenzee (Chairman), 23 May 1973, Belfast: HMSO.

<sup>3</sup> McCrudden, C (1983). **The experience of the legal enforcement of the Fair Employment (Northern Ireland) Act 1976**, in RJ Cormack and RD Osborne (eds). *Religion, Education and Employment: aspects of equal opportunity in Northern Ireland.*, pp 201 – 221. Belfast: Appletree Press.

Government for a review of the 1976 Act. The Standing Advisory Commission on Human Rights (SACHR) conducted a review which reported in 1987<sup>4</sup>. As part of the review, 260 personnel managers of small, medium and large employers were interviewed and surveyed: a substantial majority (85%) reported that the 1976 Act had no impact at all on their personnel policies.

The Personnel Managers were also asked about their recruitment and selection procedures. A distinction was made between *formal* and *informal* procedures. Formal procedures included notifying job centres, open advertising of vacancies, standardised application forms and structured interviews. Informal procedures included recruiting through personal contacts (word-of-mouth), maintaining a waiting list, and contacting ex-employees.

It was found that almost half of employers used informal procedures for the recruitment of skilled manual (49%) and unskilled or semi-skilled manual workers (45%). This finding was not restricted to small employers. More than one third of those with more than 100 employees used informal procedures for such recruitment.

SACHR also considered the issue of workforce monitoring. The Commission pointed out that relatively little statistical information existed on the religious composition of the workforce in 1987. In the absence of such data, it was notoriously difficult to prove discrimination or the absence of equality of opportunity.

The failure to record and monitor the race, sex or religion of employees and applicants for employment ... means there is no explicit statistical evidence which will bring pressure on employers to enquire into their practices and procedures. It has often been claimed that employers who claim to have no interest in the sex, religion or race of employees and applicants for employment are often found to be those with the most unbalanced workforces. (para 7.69)

The government accepted many of the recommendations of SACHR (1987), and replaced the 1976 Act with the Fair Employment (Northern Ireland) Act 1989<sup>5</sup>. The new Act outlawed informal recruitment; imposed compulsory workforce monitoring; created the Fair Employment Commission (FEC) to replace the FEA; directed the FEC to produce a Code of Practice for employers; made provision for formal investigations; and set up the Fair Employment Tribunal (FET) as part of the industrial tribunal system. The law was extended further in 1998 – the Fair Employment and Treatment (Northern Ireland) Order<sup>6</sup> – to cover part-time employment, and the provision of goods, facilities and services.

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<sup>4</sup> Standing Advisory Commission on Human Rights (1987) **Religious and Political Discrimination and Equality of Opportunity in Northern Ireland: Report on Fair Employment**. 1987/88 Cm 237, London: HMSO. Available at: [http://parlipapers.chadwyck.co.uk/fullrec/fullrec.do?area=hcpp&resultNum=1&entries=1&source=config.cfg&queryId=../session/1337339415\\_19578](http://parlipapers.chadwyck.co.uk/fullrec/fullrec.do?area=hcpp&resultNum=1&entries=1&source=config.cfg&queryId=../session/1337339415_19578)

<sup>5</sup> Fair Employment (Northern Ireland) Act 1989. Available at: <http://www.legislation.gov.uk/ukpga/1989/32/enacted/data.pdf>

<sup>6</sup> Fair Employment and Treatment (Northern Ireland) Order 1998. Available at: <http://www.legislation.gov.uk/nisi/1998/3162/made/data.pdf>

### 3 The Decades of Change

In 1991, in the first policy statement of the newly formed FEC, the chairman, Sir Robert Cooper, wrote that the Commission 'has set itself the target of bringing about an equitable distribution of employment and employment opportunities between Catholics and Protestants in Northern Ireland' <sup>7</sup>. The main purpose of this section is to ascertain how much progress has been made in achieving this goal since the introduction of the Fair Employment (Northern Ireland) Act 1989. The analysis will utilise data compiled and published by the Equality Commission during the period, 1990 – 2017.

#### 3.1 The State of Play in 1990

The 1989 Act became operational on 1 January 1990, and in April 1991 the FEC published its first annual monitoring report for the year 1990 <sup>8</sup>. Table 1 (overleaf) shows the community composition of the monitored full-time workforce in 1990 <sup>9</sup>.

The Table shows that, excluding those whose community background could not be determined, the community composition of the monitored workforce was [65.1%] <sup>10</sup> Protestant and [34.9%] Catholic. Using the 1991 Census results, the FEC estimated that Catholics comprised around 39 per cent of the economically active <sup>11</sup> (working age). On this basis the Commission suggested there was an overall under-representation of Catholics in the workforce of approximately 4.1 percentage points (34.9% versus 39.0%) <sup>12</sup>.

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<sup>7</sup> Fair Employment Commission (1991) **A Profile of the Northern Ireland Workforce: A Summary of the 1990 Monitoring Returns**. Research Report 1, Belfast: Fair Employment Commission.

<sup>8</sup> All public sector bodies, irrespective of size, have been monitored since 1990. In the private sector, only those concerns with 26 or more employees were initially required to monitor their workforce. However, from January 1992, the requirement to monitor was extended to all private sector concerns with 11 or more employees. Only full-time employees were monitored during the period 1990 – 2000. Part-time workers (those working less than 16 hours per week) were not monitored until 2001. The following are not monitored: the self-employed, the unemployed, school teachers, Ministers of Religion, those on government training schemes, and those working in private sector concerns with 10 or less employees.

<sup>9</sup> Fair Employment Commission (1991) *Op cit*.

<sup>10</sup> The use of square brackets in this paper signals that the percentages enclosed by these brackets refer to Catholics and Protestants only, with the non-determined excluded. When combined, the square bracket percentages for Catholics and Protestants will always sum to 100 per cent.

<sup>11</sup> The **economically active** include all those who are working (employed or self-employed) and all those classed as unemployed and actively seeking work. In brief, it is a measure of labour availability.

<sup>12</sup> Fair Employment Commission (1993) **Monitoring Report No. 3: a profile of the Northern Ireland Workforce – summary of monitoring returns 1992**. Belfast: FEC

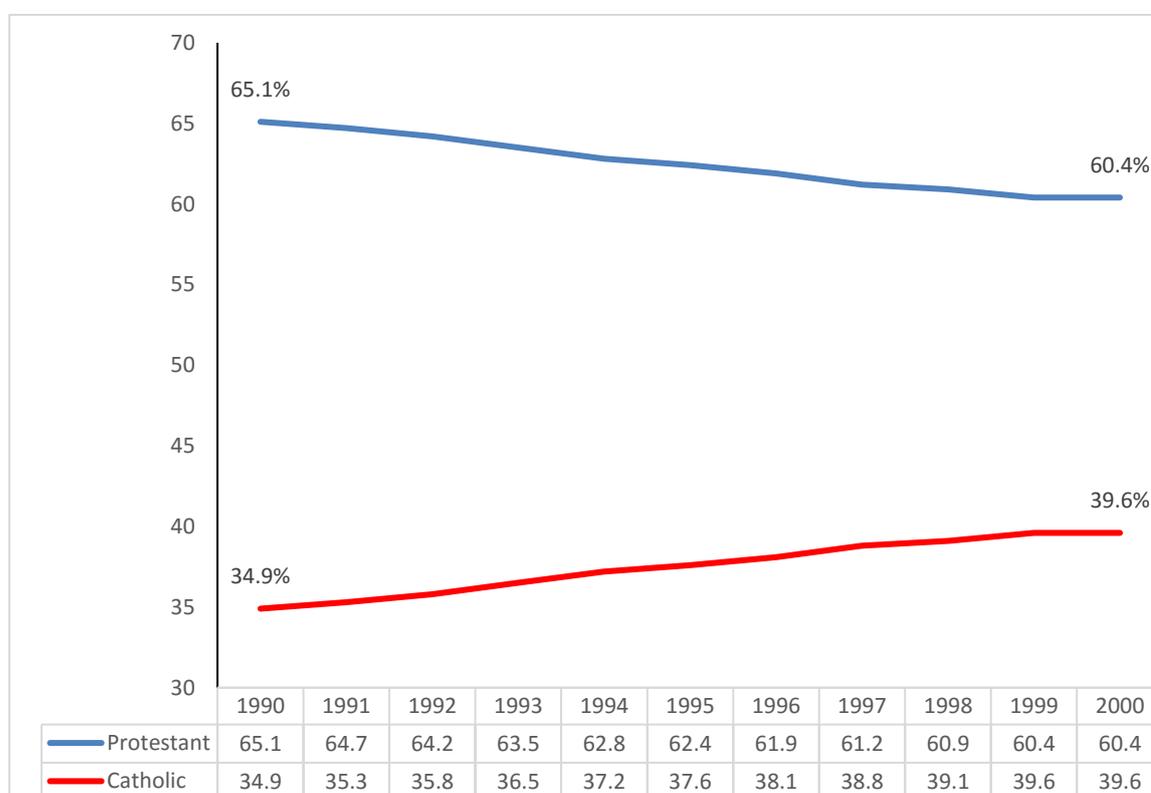
**Table 1: Composition of the Monitored Northern Ireland Full-time Workforce, 1990**

Sex	Protestant		Catholic		Non-Determined		Total	
Males	123,202	63.9% [68.0%]	57,979	30.1% [32.0%]	11,491	6.0%	192,672	55.1%
Females	91,489	58.4% [61.5%]	57,287	36.6% [38.5%]	7,952	5.1%	156,728	44.9%
<b>Total</b>	214,691	61.4% [65.1%]	115,266	33.0% [34.9%]	19,443	5.6%	349,400	100.0%

### 3.2 Composition of the Monitored Full-time Workforce, 1990 – 2000

By the year 2000, the composition of the full-time workforce had changed significantly. Comparing the same sections of the workforce in 2000 that were monitored in 1990, Figure 1 reveals that the Catholic share of full-time employees rose from [34.9%] to [39.6%] in 2000, an increase of 4.7 percentage points. There was a corresponding fall in the Protestant share. In numerical terms, the number of Catholic full-time employees rose by 32,339 (28.2%) during the first decade of monitoring, compared with an increase of 10,777 (5.0%) in the Protestant count.

*Fig 1: Community Composition of the Monitored Full-time Workforce (all public bodies and those private concerns with 26 or more employees), 1990 – 2000.*



Source: Equality Commission (2001) Monitoring Report No. 11

### 3.3 Composition of the Monitored Workforce, 2001 – 2017

The monitoring of part-time employees (those working less than 16 hours per week) began in 2001. This marked the first occasion in which it became possible to ascertain the community composition of all employees in the monitored workforce.

Table 2 presents the community composition of the monitored workforce (all employees) in 2001. At that time, the monitored workforce stood at 479,517, and the table shows that, excluding those whose community could not be determined, the community composition was [59.7%] Protestant and [40.3%] Catholic.

**Table 2: Composition of the Monitored Northern Ireland Workforce (All employees), 2001**

Sex	Protestant		Catholic		Non-Determined		Total	
Males	140,312	59.0% [62.2%]	85,371	35.9% [37.8%]	11,948	5.1%	237,631	49.6%
Females	132,106	54.6% [57.2%]	98,719	40.8% [42.8%]	11,061	4.6%	241,886	50.4%
<b>Total</b>	272,418	56.8% <b>[59.7%]</b>	184,090	38.4% <b>[40.3%]</b>	23,009	4.8%	479,517	100.0%

There is no generally accepted numerical figure which represents ‘fair participation’ in employment. However, the Equality Commission refers to the religious composition of the economically active (working age) as a useful comparator. The 2001 Census estimate for the economically active (working age) is shown in Table 3. The table reveals that the Catholic proportion of those classified as ‘available for work’ was [42.7%] at that time, a shortfall (or employment gap) of around 2.4 percentage points compared with their share of the monitored workforce. Table 3 also shows that the proportion of Catholics available for work in those age bands where recruitment generally takes place (16 – 24 and 25 – 34 years) was even higher at 49.6 per cent and 45.1 per cent respectively.

**Table 3: Community Background (Religion or Religion brought up in) of Economically Active persons of Working Age in Northern Ireland by Age-band, 2001**

Age Band	2001	
	Protestant (Per cent)	Catholic (Per cent)
<b>All Ages</b>	<b>57.3</b>	<b>42.7</b>
16 to 24	50.4	49.6
25 to 34	54.9	45.1
35 to 44	57.4	42.6
45 to 59/64	63.9	36.1

Source: NISRA, Census 2001, Table ext. 20030506a.

Fast forward to 2017, and the community composition of the monitored workforce (all employees) has changed considerably. In numerical terms, the number of Catholic employees increased from 184,090 in 2001 to 240,275 in 2017, a rise of 56,185 (30.5%). In contrast, the Protestant count fell by 21,568 (7.9%) during the same period, from 272,418 in 2001 to 250,850 in 2017. As a result, the Catholic share of the monitored workforce rose from [40.3%] in 2001 to [48.9%] in 2017, an increase of 8.6 percentage points. There was a corresponding fall in the Protestant share (see Fig 2).

Put another way, in 2001 the gap between the two communities was 19.4 percentage points (59.7% - v - 40.3%); by 2017, this gap had fallen to only 2.2 percentage points.

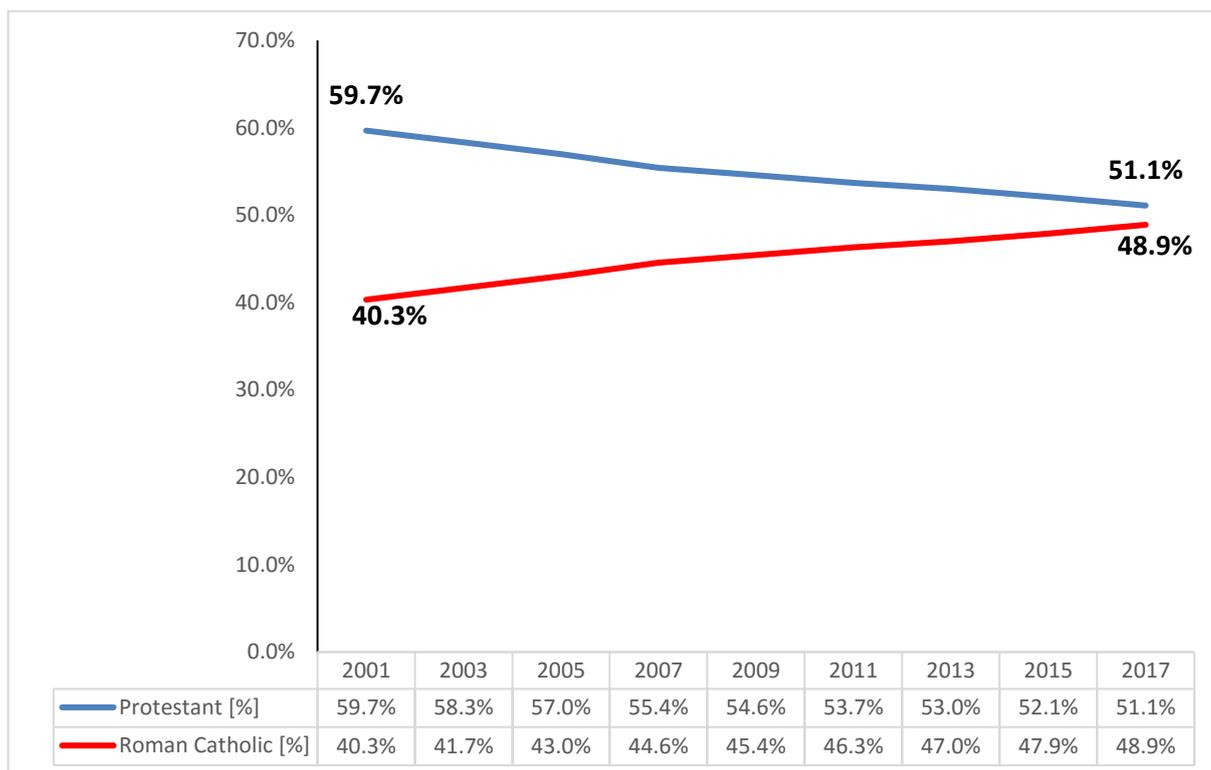
In 2017, the Labour Force Survey (LFS) <sup>13</sup> estimated that the Catholic share of those available for work – the economically active (working age) – was around 52.4 per cent (+/- 2.0%) <sup>14</sup>. This was around 3.5 percentage points higher than their share of the monitored workforce in 2017. It may not be prudent, however, to draw an inference from a single year's data, as historically the gap has been narrowing between the Catholic share of the monitored workforce and the proportion of Catholics available for work.

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<sup>13</sup> The Executive Office (2019). **LFS Religion Report 2017**. Available at: <https://www.executiveoffice-ni.gov.uk/publications/labour-force-survey-religion-report-2017>

<sup>14</sup> The LFS is a sample survey, and results are therefore subject to sampling error, i.e. the actual proportion of the population with a particular characteristic may differ from the proportion of the LFS sample with that characteristic. Thus, the variable "religious composition of the economically active (working age)", has a confidence interval of +/- 2.0% in the 2017 LFS Religion Report. This means there is a 95 per cent certainty that the true figure for the Catholic share of the economically active (working age) lies somewhere between 50.4% and 54.4%. Please note that, as LFS estimates refer to the entire workforce whilst monitoring data relates only to the monitored workforce, inferences should be drawn with some caution.

**Fig 2: Community Composition of the Monitored Workforce (All Employees), 2001 – 2017.**



Source: Equality Commission (2017) Monitoring Report No.28

### 3.4 Composition of Full-time and Part-time Workforces

Data from the annual monitoring reports published by the Equality Commission also makes it possible to examine trends in the composition of the **full-time workforce**. As 1992 was the first year in which the smaller private sector concerns (11 – 25 employees) were monitored, it is helpful to use this as the baseline.

Table 4 shows the difference in community composition of the monitored full-time workforce between 1992 and 2017. In 1992, Catholics accounted for just over a third (36%) of full-time workers: twenty-five years later they accounted for almost half (49%). By 2017, the number of monitored Catholic full-time employees had increased by almost 73,000, a rise of 54.7 per cent. In contrast, the Protestant count fell by just under 18,000 (7.6%) over the same period. The community composition of the monitored full-time workforce in 2017 was [51.4%] Protestant and [48.6%] Catholic <sup>15</sup>.

<sup>15</sup> Equality Commission for Northern Ireland (2017). **Monitoring Report No. 28**. Available at: <https://www.equalityni.org/Delivering-Equality/Addressing-inequality/Employment/Monitoring-Report-28/Fair-Employment-Monitoring-Report-28>

**Table 4: Trends in the composition of the monitored full-time workforce, 1992 - 2017**

	1992	2017	Difference	Percent Change
Protestant	235,330 [63.9%]	217,365 [51.4%]	-17,965	-7.6%
Catholic	132,694 [36.1%]	205,331 [48.6%]	72,637	54.7%

Source: Equality Commission, Monitoring Report Nos. 3 and 21

A similar analysis can be conducted for the part-time workforce, this time for the period 2001 – 2017. In 2017, excluding those whose community could not be determined, the community composition of the part-time workforce was [48.9%] Protestant and [51.1%] Catholic <sup>16</sup>. In the context of a declining part-time workforce, the number of monitored Protestant part-time employees fell by 5,344 (0.9%) over the sixteen year period, compared with a rise of 3,557(11.3%) in the Catholic count <sup>17</sup>.

### 3.5 Trends in composition of the Public Sector

In 2017, the public sector accounted for almost a third (32.7%) of the total monitored workforce. As part-time employees were not monitored until 2001, trends in community composition can be viewed over two separate periods, namely: 1990 – 2000 (for full-time employees) and 2001 – 2017 (for all employees).

In 1990 the composition of the public sector full-time workforce was [64.7%] Protestant and [35.3%] Catholic <sup>18</sup>. Ten years later the Catholic share had increased to [39.7%], with a corresponding fall in the Protestant proportion of the workforce. In numerical terms, the number of Catholic full-time employees rose by 3,573 (7.1%) while the Protestant count dropped by 10,464 (11.4%) <sup>19</sup>.

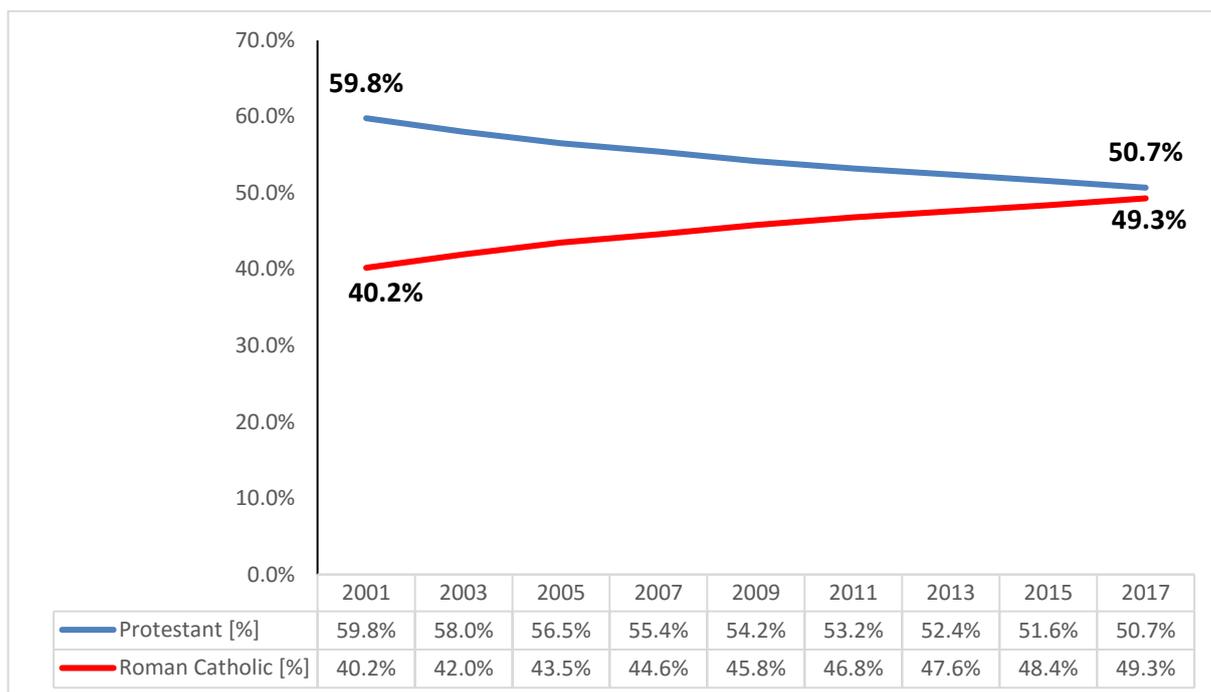
The community composition of the public sector (all employees) changed substantially during the period 2001 – 2017 (see Fig 3). The Catholic count increased from 66,288 in 2001 to 82,124 in 2017, a rise of 15,836 (23.9%). The number of Protestant employees fell by 13,988 (14.2%) during the same period, from 98,564 in 2001 to 84,576 in 2017. As a result, the Catholic share of the public sector workforce rose from [40.2%] in 2001 to [49.3%] in 2017, an increase of 9.1 percentage points.

<sup>16</sup> *Ibid.*

<sup>17</sup> The monitored part-time workforce contained c.70,000 employees in 2001, peaked at 82,000 in 2005, and gradually fell to c.68,000 in 2017.

<sup>18</sup> Fair Employment Commission (1991) **A profile of the workforce: a summary of the 1990 Monitoring Returns**. Belfast: FEC

<sup>19</sup> A proportion of the fall in Protestant full-time employment can be accounted for by the transfer of Northern Ireland Electricity (NIE) from public to private ownership in 1992.

**Fig 3: Community Composition of the Public Sector Workforce (All Employees), 2001 – 2017**

Source: Equality Commission (2011) Monitoring Report No. 28

### 3.6 Trends in composition of the Private Sector

In 2017, the private sector accounted for just over two-thirds (67.3%) of the total monitored workforce. Similar to the public sector, trends in composition can be viewed over two separate periods, namely: 1992 – 2000 (full-time)<sup>20</sup> and 2001 – 2017 (all employees).

In 1992 the composition of the private sector full-time workforce was [63.8%] Protestant and [36.2%] Catholic<sup>21</sup>. Eight years later the Catholic share had increased to [39.6%], with a corresponding fall in the Protestant proportion of the workforce. In numerical terms, the number of Catholic full-time employees rose by 22,727 (27.7%) while the Protestant count increased by 15,417 (10.7%).

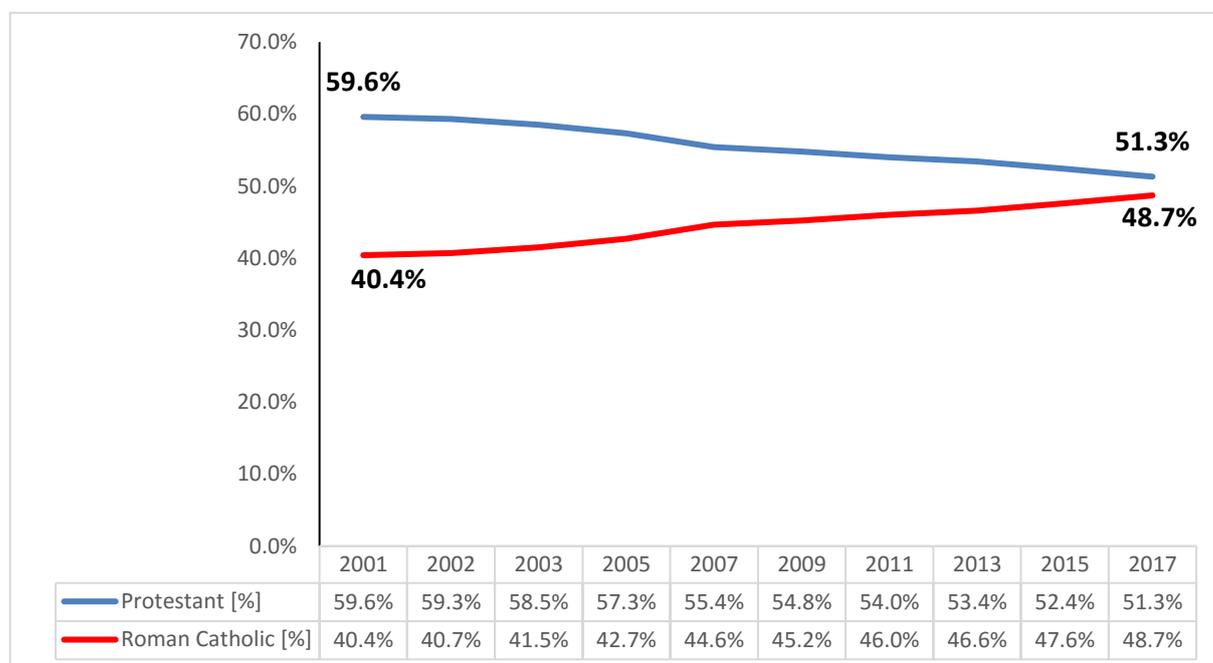
Similar to the public sector, the community composition of the private sector (all employees) underwent a marked change after 2001 (Fig 4). In numerical terms, the Catholic count rose from 117,802 in 2001 to 158,151 in 2017, an increase of 40,349 (34.3%). During the same period, the number of Protestant employees fell by 7,580 (4.4%), from 173,854 in 2001 to 166,274 in 2017. As a result, the Catholic share of the

<sup>20</sup> 1992 has been chosen as the base year as this was the first year in which all registered private sector concerns were monitored. The smaller concerns with 11 - 25 employees were not monitored in 1990 and 1991.

<sup>21</sup> Fair Employment Commission (1991) **A profile of the workforce: a summary of the 1990 Monitoring Returns**. Belfast: FEC

monitored private sector workforce rose from [40.4%] in 2001 to [48.7%] in 2017, an increase of 8.3 percentage points.

**Fig 4: Community Composition of the Private Sector Workforce (All Employees), 2001 – 2017**



Source: Equality Commission (2017)

It is ultimately ‘flows’ into employment over time, in the form of appointments, which influences or changes the community composition of the workforce (‘stocks’). The next section will consider this aspect of the monitoring process, in the form of applicants and appointees.

### 3.7 Applicants and Appointees

In 2012, the Equality Commission published an analysis of applications and appointments in Northern Ireland since 1991<sup>22</sup>. For technical reasons, the analysis was split into two separate periods, namely: 1991 – 2000 and 2001 – 2010<sup>23</sup>. For the purposes of this paper, we have extended this analysis to incorporate the period up to and including 2017.

<sup>22</sup> Equality Commission for Northern Ireland (2012). **Trends in community proportions of applications and appointments to the private and public sectors: analysis of fair employment monitoring report data, 1991 – 2010**. Available at: [http://www.equalityni.org/archive/pdf/FETO\\_ApplAppoint\\_WorkingPaper\\_Mar2012\\_v0h\\_300312.pdf](http://www.equalityni.org/archive/pdf/FETO_ApplAppoint_WorkingPaper_Mar2012_v0h_300312.pdf)

<sup>23</sup> Between 1991 and 2000, all public authorities and only those private concerns with 251 or more employees were required to monitor applications and appointments. Since 2001, all public authorities and private sector employers with more than 10 employees are required to monitor applications and appointments.

According to the Commission in 2012, 'In theory it would generally be expected that, all things being equal, the proportion of appointments from one community would broadly mirror the proportion of applications from that same community.' (ECNI, 2012, p. 6). The Commission noted that the community composition of appointments will not only be affected by the composition of applicants, but also factors associated with the relative suitability of individuals – for example qualifications, skills and relevant experience. 'Discrimination could potentially also be a factor impacting on community appointment rates, but this could not be directly inferred from a simple difference in rates' (p. 7) <sup>24</sup>.

Table 5 shows the community proportions of applicants and appointees to the private sector for the periods, 1991 – 2000 and 2001 – 2017. The period between 1991 and 2000 includes only the large employers with 251 or more employees, while the more recent period includes all monitored employees

Using the Protestant community for illustration, the table reveals that, between 1991 – 2000, the community composition of appointments was broadly similar to the community composition of applications. During that period, Protestants accounted for 55.2 per cent of applicants and 55.1 per cent of appointees. Similarly, in the later period, 2001-2017, when all private sector applicants and appointees were monitored, the Protestant proportion of appointments [50.0%] was similar to their share of applications [49.8%].

**Table 5: Applicants and Appointees to the Private Sector, 1991 - 2017**

	<b>251+ employees Only</b>	<b>All employees</b>
<b>Applications</b>	<b>1991-2000</b>	<b>2001-2017</b>
No. of Protestant Applications	814,032	3,714,564
No. of Catholic Applications	661,221	3,738,519
No. of Non-determined Applications	189,194	1,471,258
<b>% of Protestant Applications</b>	<b>[55.2%]</b>	<b>[49.8%]</b>

	<b>251+ employees Only</b>	<b>All employees</b>
<b>Appointments</b>	<b>1991-2000</b>	<b>2001-2017</b>
No. of Protestant Appointments	128,137	518,004
No. of Catholic Appointments	104,239	518,153
No. of Non-determined Appointments	14,211	148,929
<b>% of Protestant Appointments</b>	<b>[55.1%]</b>	<b>[50.0%]</b>

Source: Equality Commission (2012 and 2017)

The same analysis was conducted for the public sector (Table 6). The table shows that the total Protestant proportion of appointments has been slightly lower than their

<sup>24</sup> Equality Commission (2012). *Op Cit.*

aggregate share of applications over each period. Between 1991 and 2000, the Protestant community accounted for [57.4%] of public sector applicants and [56.6%] of appointees. In the later period (2001 – 2017), the Protestant share was [50.7%] for applicants and [49.3%] for appointees.

**Table 6: Applicants and Appointees to the Public Sector, 1991 - 2017**

Applications	1991 - 2000	2001 - 2017
No. of Protestant Applications	790,381	1,066,672
No. of Catholic Applications	585,964	1,038,933
No. of Non-determined Applications	127,526	223,334
% Protestant Applications	[57.4%]	[50.7%]

Appointments	1991 - 2000	2001 – 2017
No. of Protestant Appointments	83,288	123,474
No. of Catholic Appointments	63,832	127,183
No. of Non-determined Appointments	12,861	24,531
% Protestant Appointments	[56.6%]	[49.3%]

Source: Equality Commission (2012 and 2017)

While the possibility of individual acts of discrimination by employers cannot be discounted, the close alignment of figures for applicants and appointees in both the public and private sectors do suggest that, in broad terms, the labour market in Northern Ireland appears to be operating with reasonable fairness.

The 1989 Act introduced compulsory workforce monitoring, not only for community background (religion) but also for gender. The next section will briefly review the progress made by women in the Northern Ireland labour market over the past three decades.

### 3.8 Women in the Labour Market, 1990 – 2017

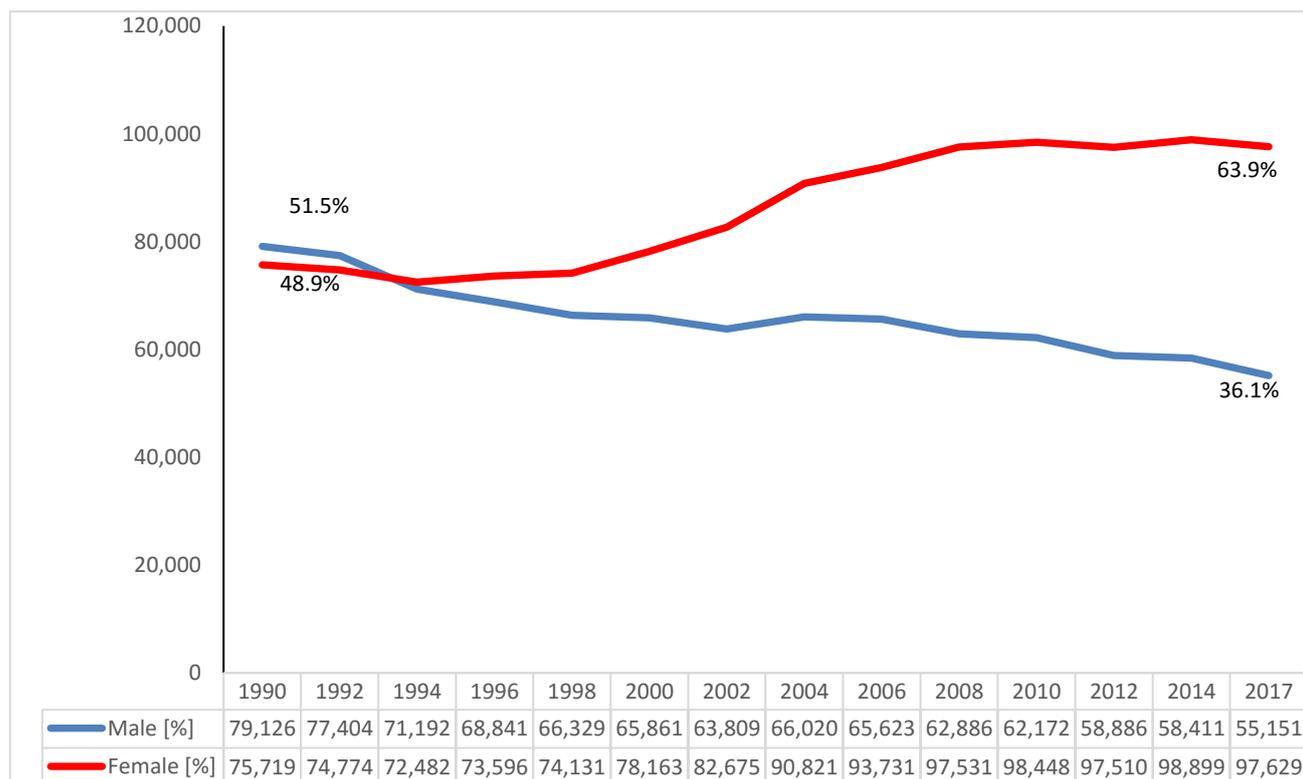
The first Monitoring Report in 1991 showed that women accounted for 44.9 per cent of the total monitored full-time workforce, 41.6 per cent in the private sector, and 48.9 per cent in the public sector <sup>25</sup>. However, it was acknowledged that monitoring data covered full-time employment alone, and that only an enumeration of both part-time and full-time employment would adequately profile the employment position of women. This situation did not arise until 2001.

<sup>25</sup> Equality Commission (1991). *Op cit*.

## Public Sector

A striking finding to emerge from the introduction of monitoring is the remarkable change which has taken place in the gender composition of the public sector. Looking only at full-time employees, Fig 6 shows trends in the gender composition of the public sector, 1990 – 2017.

**Fig 5: Composition of Public Sector full-time employees by gender, 1990 – 2017**



Source: Equality Commission, Monitoring Report Nos. 1 – 28.

Fig 5 reveals that the male and female components of the public sector full-time workforce, though similar in size in 1990, experienced a reversal of fortunes during the subsequent years. While the female workforce underwent a decline over the first few years of the decade, after 1994 the number of employees grew steadily, and by 2017 was 28.9 per cent higher, an overall increase of 21,910 employees. In contrast, male employment underwent continuous decline during this period (1990 – 2017), and by 2017 the male workforce was 30.3 per cent smaller than it had been in 1990, a reduction of 23,975 employees. As a consequence, the female proportion of the public sector full-time workforce moved from slightly under half (48.9%) in 1990 to nearly two-thirds (63.9%) by 2017. The decline in male full-time employment was spread over all of the major divisions of the public sector.

### Private Sector

In contrast to the public sector, changes in the gender composition of the private sector full-time workforce have been more modest (Table 7).

**Table 7: Composition of Private Sector Full-time employees by gender, 1992 - 2017**

Private Sector	1992	2017	Difference	Percent change
Male	134,924	181,328	46,404	34.4
Female	98,973	130,451	31,478	31.8
Total	233,897	311,779	77,882	33.3
Male (%)	57.7	58.2		
Female (%)	42.3	41.8		

The table shows that the female proportion of the private sector full-time workforce barely changed in the past two decades, from 42.3 per cent in 1992 to 41.8 per cent in 2017. Overall, total female representation in the private sector (full and part-time combined) moved from 45.5 per cent in 2001 to 45.3 per cent in 2017.

### All Employees

As noted above, the monitoring of part-time employees (working less than 16 hours per week) from 2001 onwards, enables the composition of the entire monitored workforce to be established. In 2017, women accounted for 69.2 per cent<sup>26</sup> of the total monitored part-time workforce.

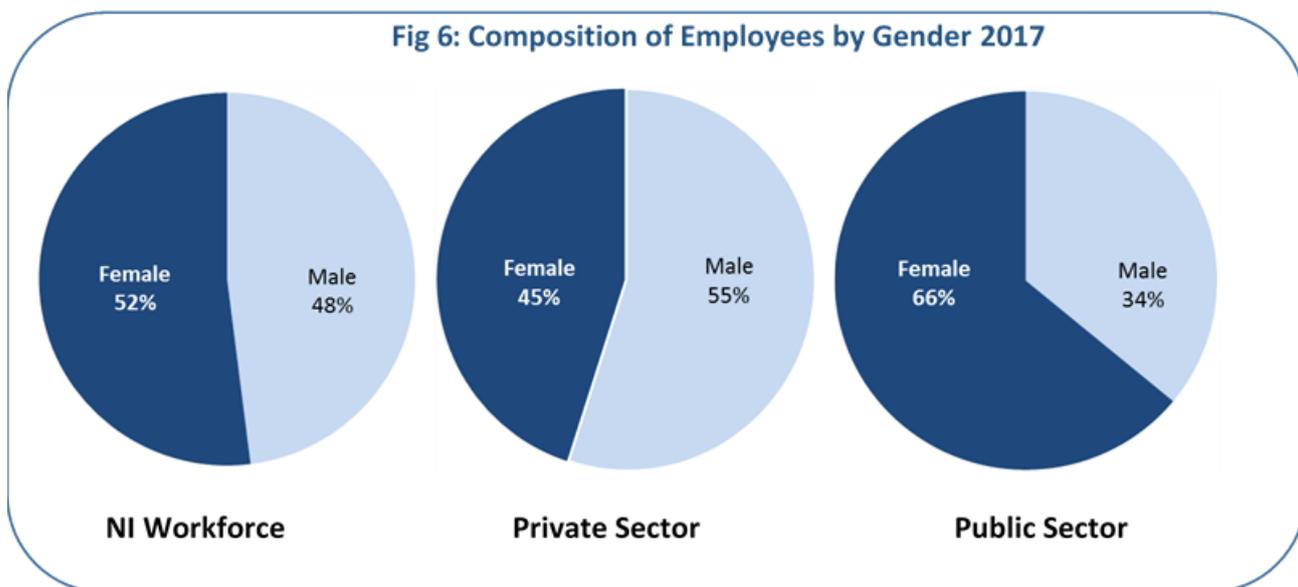


Fig 6 shows the gender composition of the monitored Northern Ireland workforce (all employees), and its two components, the private and public sectors. In 2017, women

<sup>26</sup> Equality Commission (2019) Monitoring Report No. 28, *Op cit*.

represented 51.9 per cent of the total monitored workforce, 45.3 per cent of the total private sector workforce, and 65.5 per cent of the total public sector workforce.

Overall, during the period 2001 – 2017, the female count in the total monitored workforce rose by 16.1 per cent (an additional 39,040 employees). In contrast, the number of male employees increased by 9.4 per cent (22,340). As a result, the female proportion of the monitored workforce grew by 1.5 percentage points between 2001 and 2017, from 50.4 per cent to 51.9 per cent.

Three broad conclusions can be drawn from the above analysis. Firstly, there are substantially more female employees now than there were in 1990. Secondly, while the gender balance of the public sector has moved significantly in favour of women, in the private sector (particularly the full-time component) the changes have been more modest. Thirdly, women are disproportionately represented in private sector part-time employment.

## 4 Summary and Conclusion

This paper has chronicled the significant changes which have occurred in the community composition of the workforce since the Fair Employment (Northern Ireland) Act 1989 came into operation.

The first fair employment Act (in 1976) formed part of the reform programme introduced by the Westminster government, following the abolition of the Northern Ireland parliament in 1972. Important weaknesses in the legislation, however, led to its replacement by the landmark Fair Employment (Northern Ireland) Act 1989. The 1976 and 1989 Acts were later repealed and re-enacted in consolidated form by the Fair Employment and Treatment (Northern Ireland) Order 1998.

Among its various provisions, the 1989 Act transformed recruitment and selection procedures, discouraged informal recruitment, introduced compulsory workforce monitoring and established the Fair Employment Tribunal to hear and provide a remedy for cases of individual discrimination.

In 2012, the Equality Commission<sup>27</sup> found that ‘... the composition of the monitored workforce at the Northern Ireland level, ... now appears to more closely mirror labour availability than was the case when fair employment monitoring was first introduced in 1990’ (p. 1). While it could be argued that all Northern Ireland residents have benefited from the measures introduced to promote fairness in the operation of the labour market, the chief beneficiaries have been the two groups most under-represented in 1990, namely Catholics and women.

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<sup>27</sup> Equality Commission (2012) **Fair Employment Monitoring: Composition of employment (aggregated to Northern Ireland level) – trends over time**. Available at <http://www.equalityni.org/archive/pdf/FairEmpMonitoringComptrendsovertimeDec11.pdf>

It is impossible to measure or quantify with any precision the contribution made by equality legislation to greater equality in the labour market. As Shuttleworth and Osborne (2004) observed, while the 1989 Act and the work of the FEC clearly had a substantial effect, it is impossible to isolate the precise independent contribution of such factors to employment outcomes from the effects of educational, demographic and social trends<sup>28</sup>. While it is impossible to run ‘what if’ scenarios, such as ‘what if there had been no employment legislation?’ it seems unlikely, however, that progress would have been so rapid if there had been no legislation.

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<sup>28</sup> Shuttleworth, I and Osborne, RD (2004). *Concluding Remarks*, pp 185 – 189, in Bob Osborne and Ian Shuttleworth (eds) **Fair employment in Northern Ireland: a generation on**. Belfast: Blackstaff Press.