

Department of Finance and Personnel  
European Union Division  
Annex F, Health Estates  
Stoney Road  
BELFAST  
BT16 1US

15 March 2007

Dear Bill Pauley,

**CONSULTATION ON EU STRUCTURAL FUNDS NORTHERN IRELAND**

**COMPETITIVENESS AND EMPLOYMENT PROGRAMMES 2007 TO 2013**

Thank you for sending the Committee on the Administration of Justice (CAJ) the above document, which we read with interest. While we would not claim to be experts in the field of EU funding programmes, we do have a particular interest in the promotion of equality across the grounds covered by Section 75 of the Northern Ireland Act. Indeed, we believe that Section 75 provides an excellent opportunity to deliver greater equality by ensuring that all areas of government activity are examined in order to determine whether the range of needs of the different groups across society are being met. Due to resource constraints we are not able to provide you with as comprehensive a response as we would have liked. However we believe that there are a couple of important issues, largely related to the equality aspects of the consultation, that we would wish to draw to your attention.

In general we found the socio-economic overview and summary labour market analysis provided by the Department for Employment and Learning (pages 94-99 of the document) fairly comprehensive. We did feel, however, that there was one important omission from the document in relation to the employment gaps identified. We note that the document lists gaps in employment facing people with disabilities, lone parents, older workers, young people, women, people with low qualifications and geographic areas of worklessness.

Unfortunately there is no reference to the employment gap on grounds of religion, something that CAJ highlighted recently in a report we published in

October 2006 entitled "Equality in Northern Ireland: the rhetoric and the reality" (copy enclosed). Our report cited data contained in the 2003 Labour Force Survey Religion Update (NISRA, 2005) which compared economic activity rates for those of working age across the two communities, showing the figure for Protestant as 76.4%, while the corresponding figure for Catholics as 67.9%. Data in the same report also showed a significant gap between the proportion of each religion in employment as a proportion of all those economically active and inactive of working age. The figure for the Protestant community was 72.5%, while the corresponding figure for the Catholic community was 62.9%. Given these clear employment gaps between the two communities, and the need for public bodies to ensure equal application of Section 75 requirements across all nine categories, we would recommend that the document be amended to include the material identified above.

Looking at the issue of whether or not both programmes should be subject to a full Equality Impact Assessment (EQIA), we note that the EQIA Screening part of the ERDF Co-financed Programme 2007-2013 states that this programme does not need to be subject to a full Equality Impact Assessment. The rationale for this seems to be that activities under the programme will be available to applicants irrespective of their Section 75 status (Pages 74-85 of the document) with the document essentially going through each of the Section 75 groups in turn stating that they would not be excluded from applying for the funds.

A typical example is found on page 77 which states that "*activities funded under the Northern Ireland ERDF programme will be available to applicants irrespective of religious belief*". In our view, ensuring that a programme is open to all groups is merely an exercise in avoiding discrimination. The purpose of Section 75 is to seek to actively promote greater equality and go beyond the mere avoidance of discrimination. Equally, the preliminary EQIA of the NI European Social Fund programme states that a full EQIA is not required given that activities funded under the ESF programme will be available to all groups (Pages 151-162 of the consultation document). Again, a typical example can be found at page 154 which states that "*activities funded under the Northern Ireland ESF Programme will be available to applicants irrespective of racial group*".

CAJ disagrees with the approach adopted in both cases which we believe is not in line with the EQIA Guidelines issued by the Equality Commission. The purpose of an EQIA is to ensure that there are no unintentional/unexpected differentials across any of the Section 75 groups. Given that significant differentials already exist across the Section 75 groups in terms of unemployment, economic inactivity etc, it is all the more important that these existing structural differentials are not replicated by the very programmes that are meant to tackle these problems in the first place.

An example of the kind of problems that can arise in this area is to be found by examining the recent EQIA of the New Deal programme. The purpose of New

Deal was to ensure that those who were unemployed were assisted in returning to employment. However, the EQIA of New Deal has revealed that some groups, such as Catholics, have lower success rates in terms of finding employment as a result of the programme, given that they are more likely to live in areas where there are fewer jobs. While New Deal does not set out to create disadvantage on grounds of religion, existing labour market problems mean that differentials in relation to employment are replicated by the programme itself.

The key question therefore from CAJ's point of view is whether both these EU programmes will actually address existing inequalities and gaps in the labour market – or merely replicate them. In other words, will “those worst off” lose out under these programmes to those “not as badly off”. CAJ is of the view that the only way in which this can be determined is to have a full EQIA of both the EU Competitiveness Programme and the European Social Fund Programme. An EQIA would be able to determine whether either or indeed both programmes have any unintended consequences for any of the Section 75 groups. Moreover, the ongoing monitoring for potential adverse impact that constitutes the final stage of the EQIA would allow for everyone to have confidence that the progress of both initiatives was being adequately examined over time.

We hope that you find these comments useful, and should you have any queries regarding any of the matters we have raised please do not hesitate to contact me.

Yours sincerely

Aideen Gilmore  
Research and Policy Officer