

Press Release
Tuesday 6th April 2010

Justice for Magdalenes Urges Minister for Finance to Recover Taxes from Religious Orders

Survivor advocacy group, Justice for Magdalenes (JFM) has written to Minister for Finance, Brian Lenihan proposing a means of securing the necessary funds to facilitate, in part, a redress scheme for Magdalene Laundry survivors.

It is JFM's belief that no taxes were ever paid for women and girl "workers" in the Magdalene laundries. This assertion is in light of survivor testimony provided to JFM as well as responses to parliamentary questions (4th February 2010, attached below) from Minister Lenihan and (then) Minister for Social and Family Affairs, Mary Hanafin. Minister Lenihan has declined, on the basis of "confidentiality," to respond to a query about the payment of taxes for women and girls who were put to work in Magdalene laundries. Mary Hanafin confirmed however that PRSI payments were not made.

It is JFM's assertion that the sum total of these monies owed by the religious orders to the Revenue Commissioners would go some considerable distance towards funding a redress scheme for Magdalene laundry survivors. Therefore JFM has asked the Minister for Finance and the Revenue Commissioners to proceed with an investigation to ascertain if taxes were paid, to recover these funds from the religious orders, and to dedicate such funds exclusively to pay, in part, for a redress scheme for Magdalene survivors

Mari Steed, Director of JFM's Coordinating Committee, whose mother spent ten years of her life in a Magdalene laundry said: "Given that we are dealing with a situation that involved a prolonged abuse of human and constitutional rights, we are asking Minister Lenihan and the Revenue Commissioners to proceed with this investigation as a matter of urgency. It is the least that should be done. No one has apologised to Ireland's Magdalene women; no one has owned up to the fact that what happened to them was wrong. Simply put, many survivors will chose anonymity until this situation changes."

Claire McGettrick, JFM's PRO, said "We are acutely aware of the limited funds available to the government at this moment in time due the current economic climate. While the State must play its part, the fact remains that the religious orders accumulated considerable funds as a result of unpaid labour carried out by women and girls incarcerated in Magdalene laundries. The time is long overdue for the church to do the right thing by apologising and making reparation for the wrongs done to women and young girls in the Magdalene laundries."

JFM has been campaigning to bring about (i) an official apology from the State for complicity in referring women and children to the laundry institutions, and (ii) a distinct redress scheme for all laundry survivors.

Dr. James Smith, Associate Professor of English and Irish Studies at Boston College and member of JFM's advisory committee said: "JFM has demonstrated conclusively that the State was indeed complicit in the abuse of women and children in Ireland's Magdalene laundries. It is our hope that Taoiseach Brian Cowen and the other members of Cabinet will now take up the challenge and take action to provide redress, reparation, and apology for its participation in this abuse."

JFM has also written to Cardinal Sean Brady to welcome his commitment to finding a "just solution" for the victims and survivors of the Magdalene laundries. JFM had written to Cardinal Brady, Archbishop Diarmuid Martin and the four religious congregations in November 2009, but apart from some acknowledgement letters no dialogue ensued. Therefore JFM very much welcomes the Cardinal's newly stated position. We have communicated our willingness to meet with Cardinal Brady, either individually or with a delegation from the relevant congregations, to outline JFM's position and proposed pathway forward. We have also written again to Archbishop Martin and the four religious congregations in light of the Cardinal's commitment.

Ends.

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DAIL QUESTION NO. 102

To ask the Tánaiste and Minister for Enterprise, Trade and Employment the regulations that applied in respect of the Magdalene laundries which carried on business activities over many decades; if statutory inspections under health and safety regulations were carried out; if proper records existed in respect of working time, holiday time, and accidents at work; and if she will make a statement on the matter.

- Michael Kennedy.

For WRITTEN answer on Thursday, 4th February, 2010 Ref No: 5880/10

R E P L Y

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Calleary)

The information supplied by the Deputy does not provide a sufficient basis to indicate whether this Question relates to matters which come within the remit of my Department or in relation to which I have day-to-day responsibility.

For the assistance of the Deputy, I should say that statutory obligations under employment law generally rest with employers. Statutory obligations under occupational health and safety law are primarily a matter for employers although employees also have duties. In both codes, the issue of the existence of an employment contract is central.

While employers may have obligations to keep certain records under both codes, if the matters, which the Deputy may have in mind, are alleged to have occurred a long time ago, it is unlikely that there will be any statutory requirement on employers, should they still exist, to maintain relevant records up until the present day.

DÁIL QUESTION NO 117

To ask the Minister for Finance the records that exist for payments of PAYE by Magdalene Laundries; if records of P35 annual statements or its equivalent are available; and if he will make a statement on the matter.

- Michael Kennedy.

For WRITTEN answer on Thursday, 4th February, 2010. Ref No: 5885/10

REPLY

Minister for Finance (Mr Lenihan) : I am advised by the Revenue Commissioners that information submitted by businesses in regard to employee details is confidential to the businesses and employees concerned. It is not clear that the Deputy is making representations on behalf of the employer or employees concerned and accordingly Revenue is not in a position to provide the information requested.

Question No: 267 Ref No: 5868/10

To ask the Minister for Social and Family Affairs the records that exist for payments of social welfare by Magdalene Laundries in respect of deductions from wages paid to women working in these institutions; if she has satisfied herself that correct payments have been received by her Department for such workers; and if she will make a statement on the matter.

- Michael Kennedy

For WRITTEN answer on Thursday, 4th February, 2010.

R E P L Y

Minister for Social and Family Affairs (Mary Hanafin T.D.): According to a search of the Department's records in the time available, there do not appear to be returns available in relation to any organisation or organisations, which may be collectively described as Magdalene Laundries. I am aware that the Deputy

has notified the Department of a particular case and the matter is being investigated. I will be in touch with him as soon as possible.

In terms of the operation of the social insurance system, the Department holds contribution and claim history records for employed and self-employed contributors. Social insurance plays a key role in the provision of social protection in Ireland. As such, the contribution records established and maintained by the Department are used to determine eligibility for a range of benefits at certain specified times in a customer's life.

Since 1953, the Social Welfare Acts have defined the various types of employment that are insurable under the social insurance system while also providing for the management and operation of that system (known, since 1979, as Pay-Related Social Insurance (PRSI)). Clearly, the integrity of the system is dependent on timely and accurate returns being made to the Social Insurance Fund by employers, employees and the self employed – again as laid down in social welfare legislation. A statutory basis therefore exists for, inter alia, the remittance and recording of contributions, inspection of employer records and, where necessary, ensuring compliance in matters relating to social insurance contributions.

Records are held by the Department for employees are on the basis of the person's Personal Public Services Number, formerly the Social Insurance or PRSI Number. Prior to 1979, social insurance contributions were recorded for each individual worker against this number; deductions were sent directly to the Department whereby employers purchased stamps for their employees and recorded them on cards. These cards were forwarded each year to the Department and the details recorded on each person's register sheet. Since 1979, contributions due to the Social Insurance Fund are collected in the main by the Revenue Commissioners together with income tax due. All employers must make tax/PRSI returns to the Revenue Commissioners which then compile the data and send it to the Department.