

education



I came here for...

love

life

a future



family

work



security

I came here for...



Acknowledgements

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Stephen Aspie





This programme, *I Came Here For* was initiated during Race Equality Month as part of a Talking Heads arts production by drama practitioner Doug Holden. It compliments the Progressive Education Training and Learning, PETAL, programme current run in partnership between Congress Equality Unit and the Equality Commission.

The main focus of the month was to raise awareness around race equality and to encourage employers and others to develop strategies to achieve equality of opportunity for both employees and customers/service users in our culturally diverse society.

***I Came Here For*, intends to:**

- **consolidate the knowledge and learning gained during Race Equality Month**
- **continue mainstreaming equality into the society in which we live and**
- **ask fundamental questions about the type and nature of the society we wish to establish.**

The programme is designed flexibly to meet the needs of participants It can be effectively run as a short awareness session on migration and racism or longer courses exploring rights, migration, racism, language, integration and community/workplace participation.

In this programme you will see and hear the views of migrant workers on what brought them to this part of the world at this point in time and their experiences.

You will see and here representatives from trade unions, the Equality Commission and the Community Relations Council give their views on a range of topics.

The next part of the process is to give you the opportunity to add to the programme by capturing your views and those of your community. Thank you for taking the time to do so.

Pauline Buchanan
Congress Equality & Social Affairs Officer

Northern Ireland has a difficulty in term of difference, that's part of our sense of ourselves, but it is also true of our attitude to people who come from other places –

Bob Collins, Equality Commission



I Didn't have any accidents like some of my friends ... they had big problems windows smashed and painted cars

Karol Chomił

they might tell, us there is a problem with racist attacks and then we will try to see what the union can do -

Natalie Donnelly

ACTIVITY

What is a hate crime?

What action can your union/community take to reduce hate crime?



Wages? Last year I was getting paid less than the rest of them

Ilargi Angulo Elduayen

CASE STUDY

The Claimants were two brothers from Poland who were employed in a food processing plant. They alleged that they and other Polish workers were subjected to racist harassment by some local workers. After many months of this an internal investigation was conducted by the employer and it resulted with one of the perpetrators being dismissed. However, the investigation also revealed that some managers and supervisors had been aware from an early date that the harassment was occurring but had failed to take any action to prevent it.

The Claimants also alleged that the migrant workers were generally treated less favourably than local workers who were carrying out the same or similar work on the same shift. The different treatment related to the amount of work that was required, the number of breaks that were allowed and the level of scrutiny that was applied by supervisors. It was alleged that the differences were all the more noticeable because the migrant workers worked separately from the local workers.

[see the Equality Commission's Decisions and Settlements Review 2006-2007 at page 66]

many unscrupulous employers see migrant workers as an opportunity for exploitation-
Peter Bunting

It is important for migrant workers to know their rights because there is discrimination ... if they don't know their rights there is a chance it will be used against them -

Natalie Donnelly

we work closely with employers so they are aware of their responsibilities but also the benefit of drawing from the widest range of talent available- *Bob Collins*

ACTIVITY

What are the rights of migrant workers in the workplace?

draw up a list of rights?



I felt that because my qualifications weren't from here I wasn't give a second look

I was completely ruled out of jobs, it is just knowing how to fill in application forms

if there are systems in place and organisations that people know to go to ... and the support, that is a big step.

Till you settle and understand that, it is very hard to relate to people
Tayra Mckee



– don't live separately, part of their task in the life of Northern Ireland but also the task of everyone else, it is a two way process

-Bob Collins

How do we connect the people who have been here a long time with the people who have just arrived here-

-Duncan Morrow

we would give people access to ESOL classes and so on

-Natalie Donnelly

– don't live separately, part of their task in the life of Northern Ireland but also the task of everyone else, it is a two way process

CASE STUDY

CF –v- SHSSB [2006]

The Claimant is from the Irish Republic. He is a qualified accountant and is registered with the relevant professional accountancy body in the Republic. The employer advertised a vacancy for an accountant's post. One of the selection criteria was that applicants had to be registered or certified by one of the UK-based professional accountancy bodies. The employer had not considered the need to recognise the equivalent value of professional accountancy qualifications gained outside the UK. Therefore, the Claimant's job application was rejected.

Clearly it was legitimate to require applicants to have a professional accountancy qualification. But, this selection criterion was too narrow as it unjustifiably excluded people who were otherwise suitably qualified but who had gained equivalent qualifications outside the UK.

The Claimant was assisted in bringing the complaint by the Equality Commission. He received £3,000 compensation in settlement of the claim. The employer also acknowledged that the Claimant's Irish professional qualification was equivalent to the UK ones.

[see the Equality Commission's Decisions and Settlements Review 2006-2007 at page 104]

ACTIVITY

What steps does an eu citizen have to take to work in NI?

What steps does a non eu citizen have to take to work here?

What is the difference between someone seeking work and someone seeking asylum?

draw up a list of where would you go for information?

CASE STUDY

AR –v- NI Council for Postgraduate Medical and Dental Education [2007]

The Claimant is a doctor from India who applied for the training post of Specialist Registrar Type 1. The candidates were interviewed by a selection panel that consisted of 9 voting members, all of whom were white, male and local. The Claimant's application was rejected. The 3 successful candidates were also white and local.

The Claimant had applied for similar posts with the Council on two previous years, again without

success. The selection panels on those other occasions mostly consisted of the same persons who interviewed him on the third occasion. The Claimant alleged that only NI citizens who were graduates from Queen's University had ever been successful in these selection exercises.

The Claimant was assisted in bringing the complaint by the Equality Commission. He received £10,000 compensation in settlement of the claim. The Council did not admit liability.

[see the Equality Commission's Decisions and Settlements Review 2007-2008 at page 145]



My friend lived in the Kilkeel area, I feel more comfortable there, if things go bad I can get some help from my friends

He tried to ask me. I can't say something to him about me but had to explain. If I not speak English and Polish the guy doesn't understand, so I can't explain my situation. After 3 months I can show him I am a person, what I have, after that it was all right.

Adam Wojcik

don't live separately, part of their task in the life of Northern Ireland but also the task of everyone else, it is a two way process

-Bob Collins

we would give people access to ESOL classes and so on

-Natalie Donnelly



ACTIVITY

should everyone be required to speak english?

what languages does the good friday agreement recognize?

what words are acceptable and unacceptable when discussing migrant workers?

draw up lists of language which you believe is 1. acceptable, 2 unacceptable and 3 those you are unsure off.



CASE STUDY

In April 2007, the Tyrone Courier & News ran an advert for the lease of a 3 bedroom house in Dungannon which included the following words: "Tenants must be able to speak Fluent English".

The Equality Commission complained to the newspaper, which gave an undertaking not to accept any similar adverts in the future.



Northern Ireland has a difficulty in term of difference, that's part of our sense of ourselves, but it is also true of our attitude to people who come from other places -

Bob Collins

people who come from other countries bring with them a range of linguistic talents, no bad thing, because we are not good at languages in this part of the world

Bob Collins

some differences are worse, some are better, life here is better but I miss my friends, miss my family

When they are going home ... only to my friend Conor they say Bye Conor but not Bye Kashia, I was like a no person

friends here help with all the things you need to know to start a normal life here

Katarzyna Wojcik

ACTIVITY

does the ni community want to integrate?

draw up a list of the actions trade unions/communities can take to make northern ireland a more welcoming place?

CASE STUDY

MP –v- HHG [2006]

The Claimant is from the Czech Republic. He was employed in a hotel in which many other migrant workers were employed, including others from his home country.

Initially, employees were only required to speak English when in the presence of the hotel's guests. This meant that the Claimant could speak Czech or Slovakian to his co-workers when guests were not present, such as on his rest breaks. Later, a rule was imposed which prohibited staff from speaking any language except English in the workplace.

Thus, this rule appears to be too inflexible. Clearly it is legitimate and justifiable to require workers to be able to communicate with guests in a common language (i.e. English), but it went too far when it tried to regulate how workers communicated with each other in private moments. Thus the rule was probably unjustifiable. Following the lodgement of his complaint, the rule was relaxed so that it only applied when guests were present.

The Claimant was assisted in bringing the complaint by the Equality Commission. He received £2,250 compensation in settlement of the claim. The employer did not admit liability.

[see the Equality Commission's Decisions and Settlements Review 2006-2007 at page 62]



at the height of the troubles I didn't find any difficulty, treated very nicely, but after the peace process things seemed to have changed, slight prejudice and discrimination

No matter wherever we are we are the same people.

Migrant workers should be welcomed by the indigenous people. I see Irish people, when they see conflict in Africa, such as Rwanda and other places of conflict they desert their comfort zone and go and help out to bring an end to conflict, we need to help one another.

Stephen Aspie



ACTIVITY

are we more racist post peace process?

draw up a welcome policy for you work-place/community



CASE STUDY

Anon –v- JMD Ltd [2007]

This case was also mentioned above in section 2 in relation to its elements of religious discrimination. The Claimant is a Turkish man and also a Muslim. He was employed as a Warehouse Operative. He alleged that his co-workers subjected him to a mixture of racial and religious harassment. The latter took the form of taunts about his religion, such as taunting him about eating pork. Therefore, the claim was brought under both the RRO and the Fair Employment & Treatment (NI) Order 1998.

The allegations of racial harassment are depressingly familiar: (a) he was called names like “Osama bin Laden”, “Al Qaida”, “Turkish bastard”; (b) comments were made about migrant workers taking “our jobs” and “our women”; (c) a photo of an Iraqi prisoner being abused by American soldiers was pinned to a wall, but someone had written the Claimant’s name on it with an arrow pointing to the prisoner. The comments were mostly made by other employees of the firm, but some were made by a third party (i.e. a contract worker).

It seems that the employer already had a harassment policy/procedure in place, but employees had clearly not been complying with it and were only reminded about it after the Claimant had been subjected to the harassment for a prolonged period. This raises doubts about whether the employer would have been able to establish a “reasonably practicable steps defence”.

The Claimant was assisted in bringing the complaint by the Equality Commission. The claim was settled for £7,500 compensation. The employer did not admit liability.

[see the Equality Commission’s Decisions and Settlements Review 2007-2008 at page 156-7]

How do we bring the issues of the past and connect those with the new questions, living in a multi cultural world and the race question
Duncan Morrow

we should know more than most others about the reasons why people have to leave their own country and go somewhere else, but also about the contribution they can make to these other countries
Bob Collins



DEFINITIONS

Race Hate Crime

is any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race.

Migrant Worker

refers to a person who travels to another country for work.

There are a variety of ways to define 'migrant' (citizenship, nationality, birthplace, ethnicity) but a simple definition of a migrant worker is "an individual who arrives in the host country either with a job to go to or with the intention of finding one" (Bell et al,2004), sometimes also referred to as 'an economic migrant'.

Asylum Seeker/Refugee

The United Nations Convention's definition is:

"Any person, who owing to a well founded fear of being persecuted for reasons of Race, Religion, Nationality, Membership of a particular Social Group or Political opinion, is outside the country of his/her Nationality, and is unable to, or owing to such fear, is

unwilling to avail himself/herself of the protection of that country."

Failed Asylum Seeker:

A person whose asylum application has failed and who has no other protection claim awaiting a decision.

Illegal Immigrant:

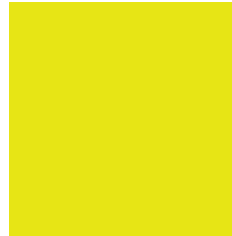
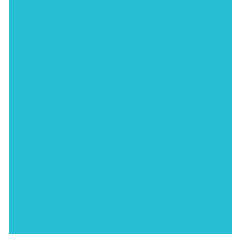
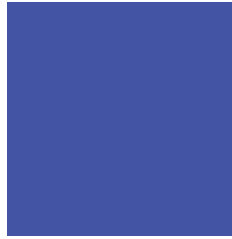
A person whose entry into or presence in a country contravenes immigration laws.

Direct Discrimination

arises where one person treats another less favourably, on racial grounds, than he or she treats (or would treat) someone else in the same or similar circumstances.

Racial harassment

or abuse is a form of direct discrimination. It occurs when unwanted conduct, based on race, has the purpose or effect of violating someone's dignity or creating an environment that is intimidating, hostile, degrading, humiliating or offensive.



Victimisation

is also an unlawful form of discrimination. This is when someone is treated less favourably because they have, for instance, complained of racial discrimination or have assisted someone else to do so

Indirect Discrimination

occurs where a provision, criterion or practice is applied which, although applied equally to others, has the effect of disadvantaging a particular racial group and it cannot be justified on non-racial grounds.

Sectarianism

is bigotry, discrimination or hatred arising from attaching importance to perceived differences between subdivisions within a group, such as between different denominations of a religion or the factions of a political movement.

Prejudice

is a preconceived attitude, opinion or feeling, usually negative, formed without adequate knowledge, thought or reason. Prejudicial thinking is often based on stereotypes.



Useful Contacts

ICTU Migrant Rights Centre

4-6 Donegall Street Place
Belfast
BT1 2FN
Tel: 02890 319644
Fax: 02890 246898
www.ictuni.org

Irish Congress of Trade Unions

4-6 Donegall Street Place
Belfast
BT1 2FN
Tel: 02890 247940
Fax: 02890 246898
www.ictuni.org

Equality Commission for Northern Ireland

Equality House
7-9 Shaftesbury Square
Belfast
BT2 7DP
Tel: 028 9050 0600
Textphone: 028 9050 0589
www.equalityni.org

Northern Ireland Council for Ethnic Minorities (NICEM)

3rd Floor
Ascot House
24-31 Shaftesbury Square
Belfast
BT2 7DB
Tel 028 9023 8645
www.nicem.org.uk

Polish Association in Northern Ireland

7 North Street,
Belfast,
BT1 1NH
T: 028 9032 1232
www.polskibelfast.pl

The Multi-Cultural Resource Centre (NI)

9 Lower Crescent
Belfast
BT7 1NT
Tel 028 9024 4639
www.mcrc-ni.org

Chinese Welfare Association

133 - 135 University Street
BELFAST
BT7 1HP
Tel 028 9028 8277
www.cwa-ni.org

Victim Support

3rd Floor
Annsgate House
70-74 Ann Street
Belfast
BT1 4EH
Tel 028 9024 4039
Victim Support Helpline 0845 30 30 900
www.victimsupport.org.uk

Police Service of Northern Ireland

Tel: 0845 600 8000
Website: www.psn.police.uk

Northern Ireland Housing Executive

Tel: 0344 89 20900
Website: www.nihe.gov.uk

Housing Rights Service

Tel: 02890245640
Website: www.housingrights.org.uk

Law Centre (Northern Ireland)

124 Donegall Street
Belfast
BT1 2GY
Tele: 028 90 244 401
www.lawcentreni.org

Labour Relations Agency

2-8 Gordon Street
Belfast
BT1 2LG
Tel: 028 90 321 442
<http://www.lra.org.uk/>

To report a hate crime online go to
www.urzone.com/hatecrime/hatecrime.asp