

A: Creating a Culture of Human Rights and Equality

1. What do you think is needed to promote human rights and equality in Ireland?

Recent debates about politics, water charges, tax cuts and austerity have focussed on the short-term and how we can get out of the economic slump. This is understandable; however we need to start focussing about our long-term goals and how the policies and goals of the years ahead relate to our long-term objectives. We need to imagine an Ireland of the future which is more prosperous, fairer and more sustainable and has equality and human rights at its core – and not as a marginal pursuit. We must focus on raising human well-being through more and better jobs, a growing but sustainable and inclusive economy, stronger dynamic and exporting Irish firms including small and medium-sized businesses, more democracy in enterprises with workers and other stakeholders having a say and a stronger public service with education, health and accommodation seen as human rights and goods and not as commodities to be traded and restricted on the basis of ability to pay. This will require leadership and vision from all parts of our society and a strong and independent Human Rights and Equality Commission can play a key role. The IHREC and the FLAC reports to the UN ESCR Committee outline the key issues that require action in Ireland to address economic, social and cultural rights. The UN recommendations from the hearing process should form the focus for action by the IHREC.

2. What do you think are the key barriers / obstacles to achieving progress on human rights and equality?

- Lack of knowledge and awareness about people's rights;
- Fear to assert those rights in difficult economic context;
- Perception of equality and human rights as a peripheral issue rather than central to our values;
- Lack of equality and human rights competence in both public and private sectors and lack of supports for building this.

3. How do you think a stronger public awareness of human rights and equality issues could be promoted?

The IHREC has a key role to act as a strong driver for cultural change with a particular focus on securing a valuing of equality and human rights in workplaces and wider society. We obviously have a particular interest in equality and respect for human rights in the workplace. We feel that a strategic partnership between ourselves, employers and IHREC – building on the work of the Equality Authority and incorporating a wider human rights focus, could be a key driver for this ambition. The positive duty in the public sector provides a new context for such work there. The development of a national action plan on business and human rights is a useful context also. You can read our submission on same here: <http://www.ictu.ie/publications/fulllist/congress-sub-on-business-and-human-rights/>



B: What do you think we should do?

Goal 1: Leadership

IHREC acts as an independent, authoritative and influential institution in the promotion and protection of human rights and equality

1. Have you any feedback on this proposed goal?
2. How do you believe that we can most effectively deliver on this goal?

The merger of equality and human rights functions in the IHREC creates a potential to pursue both agendas in an integrated manner for maximum impact and to encourage other important actors to do likewise. IHREC cannot do this on its own however and should seek strategic partnerships with others to deliver. Congress is willing to explore such relationships.

Goal 2: Pro-active approach to monitoring and compliance

Arrangements, opportunities and full range of powers for monitoring of and compliance with equality and human rights obligations are strategically utilised are strengthened

1. Have you any feedback on this proposed goal?
2. How do you believe that we can most effectively deliver on this goal?

The litigation powers of the IHREC are important and must be used to maximum effect. Congress also plays a supportive role with affiliate trade unions in terms of building capacity to bring legal cases where necessary to ensure people fundamental rights at work are respected. A mutually beneficial relationship in this regard would be worth exploring together. Casework and inquiries need to form part of the IHREC menu of actions.



Goal 3: Interdependence of civil, political, economic, social and cultural rights

The interdependence of civil, political, economic, social and cultural rights is actively promoted and more widely recognised

1. Have you any feedback on this proposed goal?
2. How do you believe we can most effectively deliver on this goal?

The past tendency to speak of economic, social and cultural rights as if they were fundamentally different from civil and political rights is thankfully on the wane with newer treaties such as the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities integrating all rights. While some of that has been tied up with the view that economic, social and cultural rights requiring high levels of investment, while civil and political rights are said simply to require the State to refrain from interfering with individual freedoms, there is now a growing understanding that the opposite is also true. Economic, social and cultural rights also require the State to refrain from interfering with individual freedoms, for instance trade union freedoms. Similarly, civil and political rights also require investment for their full realisation, including infrastructures such as a functioning court system, prisons respecting minimum living conditions for prisoners, legal aid, etc...

It is important that IHREC goes about its work in a manner that explicitly promotes this notion that the enjoyment of all human rights is interlinked.

Goal 4: Making Rights Real

Greater awareness achieved of human rights and equality obligations and avenues of recourse amongst the public

1. Have you any feedback on this *proposed goal*?
2. *How do you believe that we can* most effectively deliver on this goal?



Important goal that should be a major part of IHREC's work and should include a focus on workplace issues and avenues of recourse open to workers – including their right to representation by a trade union and to bargain collectively with their employer.

There have been welcome developments in this area recently with the passing of the [Industrial Relations \(Amendment\) Bill 2015](#) in the Dáil in July. This strengthens workers' rights by allowing trade unions to represent members at the Labour Court where employers refuse to recognise unions, and for the Labour Court to make a determination in a dispute, which can then be enforced by way of a Circuit Court order. Critically, it also contains measures to prevent workers from being victimised through dismissal, specifically the right to seek injunctive relief prior to any attempted dismissal taking place.

This is an important milestone in the struggle for workers' and human rights in Ireland and can help to play a key role in the creation of a more equal and fairer society. The right to join a union and bargain collectively for fair pay and fair conditions of employment is critical to a fair workplace and, as our economy enters recovery, is the only way to ensure employees enjoy bargaining power on a par with the employer.

However, we are disappointed at the failure of the Irish government to meet commitments made to Congress to bring forward legislation granting the right to collective bargaining and representation to certain classes of freelance/atypical workers. The use of Competition Law to inhibit the right to collective representation for atypical workers serves to undermine the rights of a growing cohort of workers. Congress has set out our position on this issue in submissions to the ILO and to the UPR.

There are also outstanding issues in relation to the right of trade unions to represent their members as set out in the Wilson [Judgement](#) of the European Court of Human Rights.

The newly formed workplace relations commission is an important development and it is crucial that IHREC keeps a strong focus on the work of the WRC to ensure it performs its role in an effective way to ensure workers' rights are respected.



Goal 5: Intercultural Understanding

Positive intercultural relations are enhanced

1. Have you any feedback on the proposed goal?
2. How do you believe that we can most effectively deliver on this goal?

Intercultural understanding will be a key issue in the years to come with a culturally diverse workforce already in place in the country and the imminent arrival of 4000 refugees. Congress is deeply disappointed at the failure of the European Union to reach agreement on a humane and effective response to the current refugee crisis. Trade Unions from across Europe echoed this sentiment at the ETUC's 13th Congress in Paris earlier this month while demanding a sound, coherent European asylum policy that reinforces the key principles of solidarity and cooperation and includes full respect for human rights and fair treatment of refugees and asylum-seekers. We have urged the Irish government to ensure that refugees are fully integrated in suitable accommodation and that all necessary support is provided.

The work of the Social partners, supported by the Equality Authority, on the development of an anti-racist workplace and subsequent development of Action Strategy to support Integrated Workplaces could form a useful starting point for future work in this area. This could help build competence to manage a culturally diverse workplace, and to contribute to and develop an integrated workplace.

You can read more about our work on intercultural matters here:

<http://www.ictu.ie/equality/race.html>



C: Supplementary Questions

1. How can we best engage with you or your organisation to promote and protect human rights and equality?

Congress had a longstanding relationship with the Equality Authority – including representatives on the board. We also participated in a number of initiatives which included representatives from various sectors involved in social partnership to promote equality and tackle discrimination in workplaces. The new dispensation creates a new context for the development of such work and also involves a widening of focus into the human rights arena also. We believe that a strategic relationship between Congress and IHREC can be a mutually beneficial one that can build on our shared goal of promoting equality and human rights. We would be willing to explore how best to achieve this in future engagements with IHREC but believe that some kind of advisory forum which would have a workplace focus is worthy of exploration. This could also include employer bodies, but it might be beneficial to also have a trade union forum meeting on a regular basis so that we can exchange views on issues of mutual interest, build relationships. This could cover a wide range of issues, some of which have already been mentioned in this submission, but also to include:

- LGBT issues in the workplace – including Section 37.1 of the Employment Equality Act;
- Gender issues including:
 - the whole area of pregnancy discrimination, perhaps learning from the work in the UK by the Equality & Human Rights Commission. A report [published in July](#), indicates that pregnancy and maternity discrimination is now more common in UK workplaces than ever before, with as many as 54,000 pregnant women and new mothers forced out of their job each year. Similar research here would be useful and perhaps we could explore the development of an action plan to tackle pregnancy and maternity discrimination.
 - Tackling the gender pay gap and the lack of women in leadership positions could also usefully be explored.
 - Reconciling work and family life – including family leaves
 - Repeal the 8th Amendment
- Disability issues, including the ratification and implementation of the UNCRPD and monitoring and implementation of the recently published comprehensive employment strategy for people with disabilities. More [here](#)



2. Are there other areas not covered by the existing goals that you think we should focus on?

3. Imagine yourself five years from now. Thinking about human rights and equality, what changes would need to happen to enable you to judge us as an effective organisation?

If we could demonstrate progress on the above issues and develop a close working relationship we believe an Ireland that protects and promotes Human Rights and Equality will be closer to reality.

