



## **Integration submission**

Ireland has become an increasingly diverse country over recent decades. Considerable immigration has added to other Black and ethnic minority people, including Travellers. According to Census 2011, those born outside Ireland has increased to 17% while the Non-Irish national population has reached 12% of the population in the same time; accordingly, 551,462 non-Irish nationals lived in Ireland in 2011. Despite the recession and departure of some groups, many migrants have remained in Ireland.

Diversity brings with it many challenges, not least the need to promote equality, to tackle racism in our workplaces and to develop genuinely intercultural workplaces. The evidence suggests that while many Irish workplaces have worked hard to promote equality in ethnically diverse workplaces, there have also been significant levels of discrimination. According to a 2013 [report](#) published by the Economic and Social Research Institute (ESRI) and the Equality Authority, immigrants did not fare as well on average as Irish nationals in the Irish labour market in 2010, with the results varying according to nationality and ethnicity. Black Africans have the highest rate of unemployment and the lowest rate of employment; this group also reports the highest rates of discrimination both in the workplace and when looking for work.

The Irish Congress of Trade Unions includes among its core objectives:

“To ensure full equality in all aspects of employment opportunity and to oppose discrimination on any such grounds as race, colour, nationality or ethnic or national origins, politics, religion, sex, age, disability, marital status, family status, sexual orientation, membership of the Traveller Community.”

This has informed our approach to the issue of integration and we have a long record of involvement in various initiatives seeking to promote equality in our workplaces and wider society. In relation to ethnic minorities, you can read about our work here:

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

This includes:

- The production of guidelines for trade unions on tackling racism and on organising migrant workers.
- A challenge fund for trade unions seeking to take initiatives in this area – results of which are pasted in Appendix 1;
- Information on an action [strategy](#) to support Integrated Workplaces, a social partner initiative (which replaced the Anti-Racist Workplace Week) organised by representatives of Congress, IBEC, the Small Firms Association, the Construction Industry Federation, Chambers Ireland, the Office of the Minister for Integration and the Equality Authority. It was designed to assist enterprises to manage a culturally diverse workplace, and to contribute to and develop an integrated workplace.
- Links to relevant publications and submissions.

## **Decent Work**

“Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men”

Congress believes that the integration of migrants extends from the full realisation of a person’s human rights. Central to this concept is the active participation of migrants in civil and political life, in decision making processes and structures that affect their lives. It is our view that access to decent work and full Trade union membership is a path towards integration through participation. Trade union activism, from simple membership to active participation in the various activities of trade unions, represents a concrete step towards the deeper inclusion of migrants in the hosting communities.

That is also why we have supported calls to address the issue of regularisation of undocumented migrants, and that a person’s migration status should not influence his or her labour law status. We have welcomed the recent publication of the Employment Permits (Amendment Bill) in that regard and the fact that the Bill seeks to address the unacceptable situation whereby the High Court determined that undocumented workers fell outside of employment rights protection (*Hussein v Labour Court* 2012 IEHC 364.). There are however continuing problems with key areas of the proposed legislation, particularly the level of control over work permits that would continue to be enjoyed by employers. Trade unions have highlighted deficiencies in the existing system for some time. Unfortunately, a key concern - the level of control that employers have over the issuance and retention of work permits -

has not been adequately addressed here. Experience shows that this exacerbates an already unequal relationship and can lead all too easily to abuse and exploitation. In addition, Congress also welcomes the fact that the Bill provides some improvements for workers who, through no fault of their own become undocumented, allowing for a new employment permit to be issued. This problem has been consistently raised by the Migrant Rights Centre of Ireland.

Trade unions have also welcomed the signing of the establishment orders for the Joint Labour Committees (JLCs). The JLCs, once they are formed by trade union and employer representatives under the auspices of the Labour Relations Commission (LRC), will set basic levels of pay, above the minimum wage, for tens of thousands of low paid workers.

Trade unions have condemned the outrageous campaign of misinformation waged by vested employer interest groups in retail, hotels, restaurants and other service sectors against the decency threshold which is the Joint Labour Committees System. The employers attack was characterised by falsely portraying service workers as somehow a privileged group receiving vast sums of earnings through the payment of overtime, Sunday premium and shift allowance in addition to their basic hourly rate, and in so doing making businesses unsustainable and leading to job losses.

Nothing could be further from the truth. Recent research for the University of Limerick has shown that over 300,000 private sector workers earn less than €10.86 per hour (including all additional payments) and that the level of overtime working is on average less than one hour per week per worker. The sad reality is that Ireland is a deeply unequal society where the work of service workers, predominantly women in JLC sectors is undervalued and underpaid.

Within the labour market, migrant workers are overly represented in these sectors of employment where part-time work, unsociable hours and over-time are prevalent. Migrant workers integration into Irish society and workplaces is therefore dependent upon the effective operation of this system of wage determination.

The signing of the JLC orders is a positive development for such workers. It follows the intensive lobbying, and engagement with the Government, by the trade union movement. We note that the CEO of the LRC has invited the parties to make their nominations to the JLCs. While we expected the employers in the six relevant sectors including hospitality and catering, retail, contract cleaning, security and agriculture to take a full and productive part in the process, we note with some disappointment the refusal by employers in the hospitality sector to participate in good faith in the new JLC structure to agree terms on pay and conditions of employment in the sector. The JLC system operates mostly in low-paid sectors and where workers have little ability to protect or improve their conditions of employment. The re-establishment of the JLC's will ensure that thousands of low-paid vulnerable workers will be protected and will ensure that the concept of decent work is put back on the agenda. Congress renews our call on all of the relevant employers to engage positively with the process as a matter of urgency.

### **Equality Infrastructure**

Many of the initiatives we have been involved in were supported by a broad national equality infrastructure including the Equality Authority, the NCCRI, the National Action Plan against Racism and indeed the office for the Promotion of Migrant Integration. Much of that infrastructure has suffered during the economic crisis and it is our strong view that any economic recovery must be accompanied by a social recovery that seeks to promote equality and combat discrimination. In that regard, the

following steps could play a very positive role in terms of supporting any integration strategy:

There is an opportunity, with the establishment of the Irish Human Rights and Equality Commission IHREC, to rebuild the statutory equality and human rights infrastructure and ensure that the merged body is sufficiently independent and effective to address all forms of discrimination, including racism and xenophobia. This could include:

- Sufficient financial and staffing resources should be made available to the IHREC from its establishment. Staffing and funding levels should, at a minimum, revert to 2008 levels enjoyed by both precursor bodies
- The proposed public sector duty in the IHREC Bill should be strengthened by further clarity in its definition, the inclusion of an enforcement mechanism to be implemented by the IHREC, and sanctions that could be applied through the Equality Tribunal
- The practice of equality and human rights impact assessment by public bodies needs to be invested in by Government and adequately supported by the IHREC

There is also a need to strengthen the legislative and policy framework on equality and human rights to offer greater protection to migrants and people from minority ethnic groups, including Travellers.

The new Workplace Relations Commission should protect and maintain the unique functions and approach of the Equality Tribunal.

A renewed national action plan to combat racism and promote interculturalism should be developed with civil society stakeholders involved in its development.

The reestablishment of an independent body for advising the government on racism and to fund a range of anti-racism initiatives.

The resourcing of an independent institution to monitor and report on racism.

### **Direct Provision**

Finally, the system of Direct Provision, which was officially introduced by the Irish Government in 2000, requires those seeking asylum or leave to remain to live in the state designated accommodation centres. Asylum seekers are not allowed to work or study and are dependent on the allowance of €19.10 per week (adults) €9.60 (children). They spend long periods in inactivity, often leading to depression, social isolation and poverty. Congress continues to be opposed to direct provision and believes we should strive to replace it with a more humane system whereby asylum seekers can live with dignity, to gain the skills needed to integrate and to contribute to Irish society.

## Appendix 1

Congress was granted money in 2011 from the [office for the promotion of integration of migrants](#) in the Department of Justice and Equality, via the Equality Authority, to help build the capacity of trade unions to play a positive role in supporting workplace diversity. We launched the 'Challenge Fund' for trade unions to undertake specific actions in support of workplace diversity. The 'Challenge Fund' competition was one under which trades unions can bid for funding for innovative actions to enable trades unions to play a positive and proactive role in support of workplace diversity. Here is a report on those activities:

- SIPTU successfully bid for a project to support workplace equality in an ethnically diverse contract cleaning sector. The project helped in generating the active participation of migrant workers in SIPTU's Fair Deal for Cleaners Campaign. More [here](#)
- The TEEU successfully launched a new Guide: "Equality and Diversity - a Guide for TEEU Workplace Representatives". The launch was performed by Ms Kathleen Lynch, TD, Minister of State, Department of Health and Department of Justice, Equality and Defence with responsibility for Disability, Equality, Mental Health and Older People, who spoke about the importance of such practical tools for combating discrimination in workplaces. More [here](#)
- The PSEU undertook a survey to indicate the extent to which Civil Service Departments have undertaken training programmes dealing with anti-racism and intercultural issues. Among the findings were: 61% did not know if their employer had an equality policy with a specific anti-racism component; 68% report that their employer's policy is not very well known; 4.5% witnessed a colleague being the subject racism in the past year; 26% witnessed racist remarks by colleagues about clients/customers; 20% report having been

offered training dealing with anti-racism/intercultural issues. More [here](#)

- UNITE successfully bid for a project to promote Dignity & Respect at Work among members employed in ABP Meats. 10 people from varying ethnic backgrounds attended a course in Tipperary in April 2012. Course materials were available in different [languages](#) and covered subjects such as; Dignity & Respect at Work, Defining Discrimination, Challenging Bullying & Harassment and Equality & the Law. The union is satisfied and confident that the members and representatives who attended now have the skills, knowledge, competence and confidence to promote, champion and advocate Dignity & Respect and Equality Awareness in their workplace. That assessment is based upon the attendance, participation, involvement and contribution of each of the attendees on the course. Further, the Union is confident that the attendees will play a more proactive and participative role not just in the Union but also in their communities.