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Policy & Development

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The Director General
Directorate General Justice
Freedom and Security
European Commission
B-1049 Brussels

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Dear Sir or Madam

Re: Green Paper on an EU approach to managing economic migration

The Equality Commission for Northern Ireland (the Commission) welcomes the opportunity to comment on this Green Paper. We are keen to ensure that those who move to Northern Ireland for work purposes are afforded the appropriate rights and protections, applied consistently across the EU member states.

The Commission is an independent public body established under the Northern Ireland Act 1998. It took over responsibilities from the Equal Opportunities Commission, the Commission for Racial Equality, the Fair Employment Commission and the Northern Ireland Disability Council. The Commission is responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations, sexual orientation and disability. The Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998.

The Commission's general duties include:

- working towards the elimination of discrimination
- promoting equality of opportunity and encouraging good practice
- promoting positive / affirmative action

- promoting good relations between people of different racial groups
- overseeing the implementation and effectiveness of the statutory duty on relevant public authorities and
- keeping the legislation under review.

We have an interest in economic migration due to the changing circumstances in Northern Ireland. There have been increasing numbers of migrant workers coming to Northern Ireland over recent years, both from EU member states and those admitted to the UK through the various work related programmes and work permit schemes. Migrant workers are filling vacant posts in certain industries where posts cannot be filled through local recruitment. This pattern has emerged in both skilled and professional industries, such as medicine and nursing, but also in semi-skilled or low skill sectors, particularly food processing.

The increase in the numbers of migrant workers is having an impact on the long term resident communities in Northern Ireland, particularly in those locations where there are food processing plants. These tend to be located outside the main urban centres, so there is a noticeable change to the communities in smaller market towns in rural areas. As a result, there are debates about the delivery of public services and appropriate services to those who have recently arrived in Northern Ireland and who may not have English language skills.

Northern Ireland is also in a unique position in the UK, as it is the only region to have a land border with another EU member state.

Our comments on this Green Paper are limited to the rights of migrant workers, and the equality considerations. The UK government is due to publish a five year strategy on economic migration. The proposals are likely to address a number of the points raised within this Green Paper and therefore any comments we make will be within the context of a future UK-wide debate.

However, the experience to date in Northern Ireland highlights a number of issues that should be considered consistently across EU member states. These issues are:

- If the worker loses their job, there should be measures in place to ensure that s/he can return to their country of origin, or interim arrangements to ensure that they do not become homeless or

destitute. The responsibility should lie with the employer in this instance, and a solution could be for any tenancy or accommodation agreement to continue for a reasonable period, regardless of any change of employment status. Where workers do not have any rights to social security benefits, or access to social housing through residency rules, this would provide a stop-gap approach to ensure the individual does not ultimately need emergency or crisis intervention from the state.

- If the worker changes jobs, this again should be allowed in a way that does not run the risk of the individual becoming homeless.
- In terms of rights for the migrant worker, they should be afforded the same human rights and protections from discrimination as citizens of the country.
- If an employer is recruiting from a third country to fill vacancies that cannot be filled locally, the worker should enjoy the same employment rights as any other worker within the same workplace. This would minimise any exploitation of groups of workers within one workplace, and operate alongside the pre-existing anti-discrimination measures in the Employment and Race Directives.
- Finally, if an employer is specifically recruiting from a third country, responsibilities on the employer should cover the end of the employment; whether this covers return arrangements or finding alternative employment. If this is applied consistently and monitored by government agencies, there should not be a repeat of the circumstances that occurred recently: a Ukrainian woman was working in a food processing plant on a work permit in Northern Ireland. She lost her job and also her accommodation and subsequently underwent emergency surgery due to frostbite. This highlighted a series of failures to support someone newly arrived in the country.

Economic migration, both from within the EU member states and from outside, is the way forwards in most states to ensure long term economic stability. Whatever decisions are made by member states on how to manage this process, the Commission would like to see effective and consistent protection from exploitation and discrimination, and equality considerations need to feature in the decision making on national policies.

Those who are recruiting from a third country need to take full responsibility for ensuring that workers can integrate into the organisation and location, whether on a short or long term basis, and that appropriate safeguards are in place if the work ceases. Part of this responsibility also lies with the statutory agencies, in the provision of appropriate services to meet the needs of those who have recently arrived.

Please do not hesitate to contact me should you require any further information.

Yours faithfully

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