

NICEM Policy Seminar INTEGRO – Integration on the Ground
Employment barriers to integration experienced by third country
nationals living in Northern Ireland

Employment and Employability: A Policy Context

Dr Evelyn Collins CBE

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Thank you for the invitation to speak at this important seminar this morning. First, I want to commend NICEM's work in looking at barriers to integration and the research report Voices for Change: mapping the views of Black and minority ethnic people on Integration and their sense of belonging in Northern Ireland¹ which contributes significantly to the evidence base in Northern Ireland about the experiences of black and minority ethnic people.

The Equality Commission, as you all know, has a statutory remit under the Race Relations (NI) Order 1997 to work towards the elimination of race discrimination, to promote equality of opportunity and good relations between people of different racial groups generally and to keep the legislation under review. We have similar although specific duties in relation to other equality strands and we also have responsibilities for providing advice and certain other functions in respect of the Section 75 public duties to pay due regard to the need to promote equality of

¹ Sheila Rogers and Geraldine Scullion, Voices for Change: Mapping the views of black and minority ethnic people on integration and their sense of belonging in Northern Ireland, NICEM, November 2014

opportunity across 9 grounds and regard to the desirability of promoting good relations on 3 grounds, including race.

I am particularly pleased to be involved in this Policy Seminar to close your European Transnational Project, as we share our aspirations to make Northern Ireland a more equal and integrated society, including for those from black and minority ethnic communities and third country nationals.

Last decade

It is clear that the last decade has seen a significant change in the composition of the population in Northern Ireland, with an increase in people from other countries coming to live and work here. Some come for a short period and some will come to stay, to settle, to set down roots, to make their homes here and to raise their families here.

It is difficult to imagine a more positive statement about Northern Ireland than the many thousands wanting to make it home.

There are many reasons why people leave their countries of origin and seek their future here. When they are here, they have the protection of the same equality laws in Northern Ireland as everyone else who lives here does.

Regrettably, as your research – and that of others - shows, experiences are not always positive and there is a clear need for a focus on tackling the barriers which impede progress towards a more equal and integrated society.

I want to focus my intervention today on three main areas:

- Public policy, particularly in the area of employment and employability and including legal reform;
- Work with employers; and
- Brief word about our legal enforcement work

Public policy

Public policy – across the range of education, employment, health care, accommodation and housing, justice, social welfare – needs to be sensitive and responsive to the situation and experiences of black and minority ethnic people. We have sought to influence the public policy response to the issues which arise across these public policy areas in a number of ways – for example, through the encouragement of audits of inequalities and action plans relating to Equality Schemes; through the publication of research on key inequalities; and, over last couple of years, through the publication of our Policy Priorities and Recommendations on Promoting Racial Equality² (August 2013 and May 2014) aimed at encouraging explicit attention to areas where the Equality Commission believes change is necessary.

Many of you will be aware that the development of our recommendations involved undertaking a series of meetings throughout Northern Ireland, where we heard from people involved in black and minority ethnic groups and other voluntary and community groups. We asked people about difficulties they encountered in their daily lives as a consequence of

² Available on the Commission's website at www.equalityni.org

attitudes and behaviours related to their ethnic identity. We also reviewed a range of research reports in developing a series of recommendations.

In respect of employment, we highlighted that issues impacting on migrant workers include underemployment, difficulties with recognition of overseas qualifications, lack of English language skills, problems in accessing childcare, gaps in legal protection, racial harassment, severe exploitation and forced labour. These mirror some of the ones the Voices for Change research found.

Our policy recommendations include support for initiatives aimed at tackling the exploitation of migrant workers and reducing ethnic minority disadvantage in employment, including the inclusion of ESOL and rights awareness in training courses for migrant workers.

In June 2010, the Commission published a report of its Formal Investigation into the role of recruitment agencies in the employment of migrant workers, which also highlighted concerns. The experiences recounted during the investigation showed that many workers encounter problems, find it difficult to obtain work that matches their qualifications and are confined to irregular and temporary work. Difficulties of consistency in payment and, in particular, a real and substantial difficulty with language were also identified as issues.

We made specific recommendations to address language barriers, and on easier access to data about which international qualifications are equivalent to UK qualifications, so that there is equal opportunity for migrant workers who wish to use their qualifications, skills and experience to obtain suitable work. We subsequently (May 2011) welcomed legislation providing for

equal basic working and employment conditions for agency workers while recognising some ongoing gaps in the legal protections and (November 2011) a new qualifications comparison service for workers from outside NI.

Many of you will also be aware of the significant amount of work we have undertaken in relation to OFMDFM's draft Race Equality Strategy³ last year, detailing what was welcome but also areas where we had a number of serious concerns. The draft Strategy had no detailed narrative to demonstrate why it is needed; it lacked strong high level commitment; it included no discrete funding and, critically, it does not include an action plan⁴.

The Equality Commission considers that there should be a focus on:

- reform of the race equality law;
- advancing race equality in education and employment;
- tackling hate crime, prejudicial attitudes and institutional racism; and
- advancing race equality in access to accommodation, healthcare and social welfare.

The need for reform of the race equality legislation in Northern Ireland has been heightened by developments in Great Britain. In particular, the introduction of the Equality Act 2010 in October 2010 has addressed in Great Britain a number of previous recommendations made by the Commission for law reform in Northern Ireland and has resulted in

³ 'A Sense of Belonging – Delivering Social Change through a Racial Equality Strategy for Northern Ireland 2014 - 2024', Public consultation, OFMDFM, 2014

⁴ Equality Commission for NI (October 2014): Response to the consultation by OFMDFM on 'A Sense of Belonging- Delivering Social Change through a Racial Equality Strategy for Northern Ireland 2014 – 2024'.

individuals in Northern Ireland now having less protection against racial harassment and discrimination than people in other parts of the UK.

Our proposed changes to the law will help tackle systemic and institutional racism, as well as new and emerging forms of racial discrimination. We need comprehensive race equality legislation to act as a catalyst for change, encourage good practice, raise standards and enable individuals to obtain redress when standards fall.

The Commission's policy recommendations, if implemented, would advance the overarching aims and objectives of the Executive's current and revised Racial Equality Strategy and help the UK Government meet its obligations to respect, protect and fulfil human rights for black and minority ethnic people under the United Nations Convention on the Elimination of Racial Discrimination and the Framework Convention for the Protection of National Minorities.

We are pleased to be part of the Common Platform, with NICEM and others, to highlight together common themes and principles that we agree are critical to the successful implementation of the Race Equality Strategy.

Monitoring the workforce

The Commission would also like to see a change in the law to require registered employers to collect monitoring information on the nationality and ethnic origin of their employees and job applicants. As you know, employers already monitor their community background and sex.

We believe that such changes would help employers identify which employees and applicants are migrant workers and new residents, enabling

them to gather info on which to base actions – an important part of the process of promoting equal treatment on the grounds of racial or ethnic origin.

Work with employers

Employers have a key role in play in ensuring equality of opportunity – they have responsibilities under equality laws and to those they employ. The workplace is often a point of shared experience when much else in Northern Ireland may be separate; it is where many people newly come to Northern Ireland will first get to know those who will be their neighbours. The potential that employers and business people have to achieve positive results and to do this well cannot easily be overstated.

As one of the recommendations of the research report relates to the Commission working with employer representative organisations and employers, I wanted to share with you some of the work that the Commission does with employers to offer advice and guidance on equality issues, including race equality issues. We are committed to ensuring that employers not only meet legislative requirements but also that best practice is promoted.

We have Employment Equality Plan (EEP) templates which provide a practical structure which helps employers pinpoint and address issues of under-representation or isolation in their workforces. We have now signed up a significant number of employers on the development of EEPs, including on promoting equality of opportunity for migrant workers.

As part of this work, we hosted a conference in May last year aimed at promoting equality for migrant workers in employment and service provision in Northern Ireland. Around 100 public and private sector employers attended to find out more about their obligations towards migrant workers and about good practice in this area. Two subsequent seminars on law and good practice in employing migrant workers and developing a policy on employing migrant workers, including a specific focus on positive action provisions, were well attended by a cross section of public and private sector employers and led to the formation this year of a new pilot 'Race Equality Academy' with a group of ten employers who are receiving intensive training and support to develop race equality plans for their organisations. It is encouraging that, for these employers at least, race is an issue that they realise can and must be addressed in the workplace.

This work is highlighted in the most recent edition of our joint Equality Commission/Labour Relations Agency newsletter⁵ seeking generally to raise awareness of the importance of ensuring race equality in employment.

We are also committed to promoting 'employability initiatives' for marginalised groups. This work has two main dimensions - working with employers to encourage them to provide training and employability opportunities for marginalised people including black and minority ethnic people; and raising awareness of the employability support measures offered by voluntary and statutory bodies.

⁵ Employment Equality Law Update, Equality Commission for NI/Labour Relations Agency, January 2015

Legal enforcement work

Finally, I would like to say a few words about our legal assistance work, as this is an important part both of raising awareness of the protections available and encouraging compliance with race equality laws. It is also touched on in the Voices for Change research recommendations.

Over recent years there has been an increase in the overall number of enquiries from people who believe they have experienced racial discrimination, to a current level of 13% of all calls. This comes third after the number of people raising issues relating to disability and gender discrimination with us. Almost 60% of the race discrimination enquiries are about employment or the workplace and around 18% of those involved racial harassment at work. Last year, the Commission granted assistance in 47.7% of the race applications made to it. We are currently assisting 23 individuals with cases of race discrimination.

There are around 3,000 complaints of potential discrimination to our legal staff every year – all receive advice and guidance, which is free to everyone who asks for it.

We have difficult decisions to make on allocating the inevitably finite resources we have for supporting legal cases for those who request assistance with cases to tribunals and county courts. The Commission's decisions are guided by our Policy for the Provision of Legal Advice and Assistance⁶, which sets out the criteria for supporting individuals. This includes clarifying the law/making new case law; raising public awareness about the protection provided by the law; making an impact in terms of

⁶ Equality Commission for NI, Policy for the Provision of Legal Advice and Assistance, 2010; available on Commission's website at www.equalityni.org

bringing about changes in discriminatory practices; and consideration of whether the costs are commensurate with the benefits to be gained. As a strategic enforcement body, we are keen to use the law and our resources to best effect.

We recognise that we continue to have important work to do in raising awareness about rights under the Race Relations Order 1997 as amended, and encouraging the use of our advice services. We engage in outreach work through talks and training and we are keen to accept invitations to do so – and we publish the results of cases to raise awareness. These are all important components of our overall strategy.

Conclusion

There are many challenges in developing a forward looking, welcoming society in Northern Ireland, we know that - it is critical that we find positive ways to deal with the increased diversity of Northern Ireland – a society where people of differing nationalities and ethnic backgrounds are both welcomed and valued for their contribution and where we can all work together to make Northern Ireland a more equal, inclusive and integrated place.

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