

In relation to Migrant workers

- Trade unions must:
- urge governments to work towards the regularisation of undocumented workers;
 - lobby for legislation to protect those working in the underground economy;
 - work with communities to provide support and legal assistance for undocumented workers;
 - undertake special campaigns to organise migrant workers, including those who are undocumented;
 - Produce guidelines to assist representatives to represent migrant workers (*see SIPTU's Diversity in the Workplace – a Guide for Shop Stewards*).
 - be actively involved in shaping immigration and migration policies in order to protect the interests of working peoples and their families;
 - organise cooperation between trade unions from sending and receiving countries, including:
 - facility for workers to maintain union membership whilst abroad,
 - information-sharing about labour market situations and working conditions;
 - combating abuses by recruitment agencies at both ends.

Finally unions should form Alliances and coalitions with NGOs that share our concerns and views about workers' rights.

WORK WITH EMPLOYERS

When negotiating;

- ensure teams are representative of the union's membership including ethnic minority groups;
- develop and implement effective workplace equality policies which deal with issues of discrimination and harassment;
- encourage employers to introduce anti-discrimination measures, for example, putting equal opportunity clauses in collective agreements which target discrimination and promote inclusion.

Negotiate for;

- needs of **all** members and ensure representatives are aware of those needs; Particular needs could include:
 - accommodation of diverse dietary needs or dress code requirements of workers.
 - producing multi-lingual management communications.

At European level a **Joint declaration on the prevention of racial discrimination and xenophobia and promotion of equal treatment at the workplace** signed by ETUC, UNICE and the CEEP proposed a set of measures, including the compilation of a *Compendium of Good Practice*. All the case studies demonstrate that **concrete action**, to prevent racism and xenophobia to promote equal treatment in the workplace, is possible. A summary is found on www.eurofound.eu.int.

WORK WITH MEMBERS

- Focus recruitment on migrant workers and workers from ethnic minorities by advertising in ethnic press;
- Ensure migrant workers are aware of their employment rights and the right to join a trade union by developing leaflets, such as those produced by Irish Trade Union Trust (ITUT), SIPTU's social solidarity service, and circulate nationwide;
- Display anti-racist posters to communicate union's message of openness and inclusion;
- Encourage full participation of all members, particularly members of minorities, in union activities including elections and branch positions;
- invite migrant workers to identify issues, specific to their needs, for negotiation;
- include the participation of cultural and ethnic minorities in trade union decision making;

WORK AT COMMUNICATING

- Make union literature and union web-site multi-lingual (see SIPTU's Construction Rights leaflets);
- Advertise the union in ethnic press and on ethnic media;
- Circulate anti-racist policies outlining types of behaviour that will not be tolerated and how it will be addressed. This could take the form of a joint statement such as that issued by SIPTU and NUJ;
- Ensure meetings are accessible and open with extra consideration given to those who work shifts, have caring or other personal responsibilities. Where racist comments are made ensure they are swiftly challenged;
- Invite keynote speakers to address issues of racism at meetings, seminars or conferences;
- Highlight the National Action Plan against Racism through articles in the Union journal;

WORK OF THE UNION REPRESENTATIVE

- Representatives should ensure;
- they are aware of the needs of all members in their branch including those from ethnic minorities;
 - they are approachable to members;
 - all complaints are taken seriously and members should feel that there is willingness to not only take their case but also to support them;
 - members are consulted prior to negotiations and meetings to ensure that their specific needs and concerns will be taken into account during any discussions;
 - the impact of any new collective agreements on the terms & conditions of all members is fully considered;
 - clauses aimed at ending discrimination and promoting equal opportunities are negotiated into agreements;
 - all members are aware when meetings take place and they are accessible;
 - racist comments and behaviour which is based on prejudice are challenged.

Working with the Law

National legislation is important in the protection of workers and their rights and trade union representatives should be familiar with procedures for taking a case. Preliminary figures (to Sept) show cases on the race ground increased from **37** in **2004** to **53** in **2005**, an increase of 43%.

Notable race cases taken under the legislation include:
DEC - E/2004/065 Mr. A -v- An Electronics Company or
DEC - E/2004/075 Persaud-v- The Shelbourne Hotel can be found at <http://www.equalitytribunal.ie>.

A 2004 decision in the Rasag and Campbell Catering case (ED/02/52 DETERMINATION NO. 048) provides an important interpretation of the legislation and can be found at www.labourcourt.ie.

In the Court's view the fact that special care was not taken to ensure that non-Irish employees were made fully aware of company procedures amounted to indirect discrimination on the race ground.

This sets out a duty on employers to ensure their disciplinary policies and procedures take account of the practical implications of cultural and linguistic diversity. It should be taken from this that employers review all their employment policies and procedures to ensure cultural and linguistic diversity is taken into account.

However, legislation should not be solely relied on to eradicate discrimination and harassment, but used in conjunction with preventative measures such as negotiating equality policies, practices and procedures with employers.

MORE INFORMATION

Anyone experiencing discrimination or harassment of any kind in the workplace should discuss the issue with their trade union representative to ensure this behaviour stops **NOW**.

It is against the law for any worker to be discriminated against or racially harassed in their workplace.

For further information contact your union or the ICTU, 31/32 Parnell Square, Dublin 1 e-mail: congress@ictu.ie.

More detail on the issue of racism and interculturalism can be found on the Congress web-site at www.ictu.ie.

Some of the other organizations that deal with the issues outlined in this guide are;

Equality Authority, 2 Clonmel Street Dublin 2 Tel: 00 353 1 4173333 Fax: 00 353 1 417 3331 LoCall: 1890 245 545 Email: info@equality.ie www.equality.ie	NCCRI, 3rd Floor, Jervis House Jervis Street, Dublin 1. Tel: 00 353 1 8588000 Fax: 00 353 1 8727621 e-mail: info@nccri.ie www.nccri.ie
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Irish Trade Union Trust
Liberty Hall,
Dublin 1
Tel: 00 353 1 878 7272
Email: itut@ireland.com

National Action Plan Against Racism
www.diversityireland.ie

Employment Rights Information Unit,
Department of Enterprise, Trade and Employment
Davitt House,
65a Adelaide Road,
Dublin 2
Tel. 00 353 1 631 3131
LoCall: 1890 220 222
Email: erinfo@emtemp.ie
www.emtemp.ie

www.lrc.ie

Congress wishes to acknowledge the funding from the Department of Justice, Equality & Law Reform through the National Action Plan Against Racism.



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Guidelines for Combatting Racism and Planning for Diversity



INTRODUCTION

Ireland has increasingly diverse workplaces and all forecasts point to the continued need for migrant labour to maintain our economic success. This diversity also contains other Black and ethnic minority employees (including Travellers). 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.

These guidelines are a brief introduction to the issue of racism in Irish workplaces and the role we in the trade union movement have in tackling it.

It seeks to be consistent and to build on the Government's National Acton Plan Against Racism 'Planning for Diversity' which was launched in January 2005 www.justice.ie.

WHAT IS RACISM?

Racism is a specific form of discrimination and exclusion faced by cultural and ethnic minorities. It refers to practices and institutions that negatively discriminate against people based on characteristics, such as colour, ethnicity etc.

Racial discrimination is now illegal under employment equality legislation. The Employment Equality Acts 1998 and 2004 provide protection in employment from discrimination and harassment, on 9 grounds including race and membership of the Traveller community. The definition of race includes a particular race, skin colour, nationality or ethnic origin. The Act covers all areas of employment including advertising of a vacancy, equal pay, access to employment, vocational training and work experience, terms and conditions of employment, promotion or regrading, classification of posts, dismissals and collective agreements.

Discrimination is defined as when a person is treated in a less favourable way than another person is, has been or would be treated in a comparable situation or in similar circumstances, due to his or her 'race', ethnicity, national origin, nationality or colour of their skin. Indirect discrimination happens when there is less favourable treatment in effect or by impact. This happens where for example a person from an ethnic minority is disadvantaged because of a provision, practice or requirement which they find harder to satisfy than comparitors.

Discrimination by association occurs when a person, associated with another person belonging to a particular ethnic minority, is treated less favourably because of that association.

Harassment is any form of unwanted conduct related to race that has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, or offensive environment for the person.

Positive actions (with a view to ensuring full equality in practice between all employees) can now be taken in respect of all of the discriminatory grounds including the race ground. It is unlawful for an employer to penalise an employee for taking action around the enforcement of Equality legislation.

IN THE WORKPLACE

Racism can be direct, subtle, conscious or unwitting and come from many sources including supervisors, managers, work colleagues, customers, clients and business associates. It can happen in the workplace or outside during social activities and can include:

- name-calling with racist overtones;
- use of racist vocabulary, verbal harassment based on race;
- segregation of ethnic workers into certain jobs/sectors which reduces promotional prospects;
- working hours not accommodating religious festivals or prayer times;
- racial discrimination complaints not taken seriously or taking months to process.
- overlooked for promotion, denied training, overtime or other benefits;
- unfair selection for difficult or unpleasant tasks;
- sustained unfriendly contact or exclusion;

Those affected by discrimination can be fearful of going to work and may seek to leave their employment, in addition to suffering stress and illness.

Some forms of racism, in particular assaults, harassment, criminal damage and incitement can be addressed under the criminal law.

Interculturalism

Interculturalism is about developing a more inclusive society, about creating the conditions for interaction, equality of opportunity, understanding and respect. In taking this approach we embrace the concept that 'one size does not fit all', and that by planning for and accommodating cultural and ethnic diversity, everyone will benefit from the process. The intercultural framework underpinning the National Action Plan Against Racism includes the five objectives of Protection; Inclusion; Provision; Recognition and Participation.

The concept of interculturalism has replaced earlier concepts of assimilation and multiculturalism.

- An **anti-racist workplace** is one that seeks to be:
- Free from discrimination and harassment;
 - Welcoming to Black and ethnic minority (including Traveller) employees and customers;
 - Accommodating and valuing cultural and linguistic diversity among employees and customers;
 - Takes practical steps to achieve full equality in practice;
 - Communicates a message promoting greater equality within the wider community.

The partner organisations involved in Anti Racist Workplace Week (including Congress) have put forward a seven point action plan to promote equality in Intercultural Workplaces. The plan involves:

- Adapting the minority
- Making cultural allowances
- Changing majority attitudes
- Changing majority behaviour
- Changing rules and procedures
- Active recruiting and promotion
- Mainstreaming equality

This framework is available from the Equality Authority and could form a useful background to developing action on racism within your union.

CONVENTION ON THE ELIMINATION OF RACIAL DISCRIMINATION (CERD)

Ireland's legislation in this area reflects international commitments including CERD.

- **International Convention on the Elimination of all forms of Racial Discrimination** also established the *Committee on the Elimination of Racial Discrimination (CERD)* whose duty it is to monitor and review State action. The Irish Government underwent a vigorous examination in 2005.

National Action Plan Against Racism

The Irish government's commitment to developing a National Action Plan Against Racism was further strengthened in the Social Partnership agreement, *Sustaining Progress*. Congress participates on the national strategic monitoring group of the plan which serves to provide strategic direction to combat racism and to develop a more inclusive, intercultural society in Ireland. Incusion is one of the objectives of the plan and this includes a focus on employment and the workplace.

TRADE UNION ACTION AGAINST RACISM

Trade unions stand against racism as a matter of fundamental principle. The promotion of human rights, equality and diversity is an integral part of trade unions' daily struggle for freedom, equality and justice for all. Trade unions recognise the central role to be played by those affected by racism in developing, implementing and monitoring relevant policies, programmes and activities.

In 2001 trade unions from around the world drew up a Plan of Action for trade unions, at national, regional and international levels, to fight racism more effectively in our communities, in the labour market, in the workplace and within our own structures.

In relation to the Labour Market and in the Workplace, the following were suggested:

At national level

- Trade unions urge governments to:
- ratify and implement international Conventions, notably the UN Convention on the Protection of Migrant Workers and Members of Their Families; the Core ILO Conventions, in particular C111 on Discrimination in Employment and others. Congress has included this in our submissions to government on racism and migration

- introduce and implement mandatory national affirmative action legislation and programmes to end discrimination against and promote equality of opportunity and treatment for migrants, workers of colour, indigenous peoples and ethnic minorities

- actively promote and provide resources for campaigns and programmes to combat racism in the labour market and at the workplace - Congress is a founder member of the Anti Racist Workplace Week which is now firmly situated in the National Action Plan against Racism

- Trade unions must
- negotiate the inclusion of clauses in collective agreements aimed at:
 - ending discrimination against and ensuring equal opportunities and treatment for migrants, workers of colour, indigenous peoples and ethnic minorities;
 - provision of vocational and long-term training;
 - paid leave for language training, including in the workplace;
 - implementation of affirmative action measures;
 - leave for religious and cultural reasons;
 - clear grievance procedures in dealing with and compensating victims of racism;
 - anti-racism and cross-cultural education and training for all workers and staff, including at management level;

- work for recognition of foreign credentials and qualifications;
- development of bias-free national standards of assessment for various professions and occupations;
- lobby for strong and effective pro-active labour legislation, including employment equity and pay legislation; burden of proof to be placed on the employer/company accused of discrimination;
- network with organisations and/or groups of workers facing multiple forms of discrimination with a view to developing a joint strategy and action programme;
- seek a partnership approach with employers to combat workplace racism;
- call for the establishment of specific work and career development programmes for workers of colour, indigenous peoples and ethnic minorities to prepare for improved promotion opportunities at all levels;
- set up mentoring programmes involving trade unionists to assist migrants, indigenous peoples, workers of colour and ethnic minorities to access trades, professions and the labour market in general; particular attention to be paid to women and youth;
- support language training initiatives for migrant workers, whilst at the same time counter attempts by employers to use the language issue to discriminate on racial grounds.

In terms of TRANSFORMING OUR UNIONS THROUGH EQUALITY IN DIVERSITY

- Trade unions must:
- be aware at all times of the primary role of those directly affected by racism in developing, implementing and monitoring trade union anti- racism policies, strategies and programmes;
 - integrate anti-racism awareness sessions in all trade union training and education policies, programmes and activities at all levels;
 - democratise union structures for the full integration of people of colour, migrants, ethnic minorities and indigenous peoples at all levels in order to strengthen union policy development, organisation and mobilisation of workers, and implementation of policies and programmes;
 - develop and implement positive action programmes to remove barriers to access to leadership positions for workers of colour, migrants, ethnic minorities and indigenous peoples;
 - set up and strengthen special structures to combat racism; Examples include the INO's Cultural Diversity Task Group or SIPTU's Migrant Workers’ Policy Steering Group, to develop and implement anti-racist initiatives, campaigns and research;
 - develop and implement mentoring programmes for target members to give them support and integrate them into the movement;
 - implement positive action measures - including internal equity audit - of union staff, both executive and administrative;
 - **CO-ORDINATE STRATEGY FOR UNIONS TO CARRY OUT JOINT WORK WITH ANTI-RACIST GROUPS AT THE COMMUNITY LEVEL.**
 - Develop anti-racism policy and programmes and ensure racist behaviour is dealt with swiftly and seriously.
 - Adopt the **Model Equality Clause** as approved at the ICTU Biennial Delegate Conference 2005 which guarantees a commitment to the promotion of equality within the Union's employment practices and access to and membership of all its internal structures.
 - Introduce mechanisms to monitor worker participation from minority groups both in the union and workplace.