



Briefing Paper

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Migration Policy & the Rights of Workers

‘We Want to be Treated the Same’

“I don’t think it is racism on the part of the employers, necessarily. The system is bad and it makes employers take advantage. So while the bad employers should be punished, I don’t blame them. The government departments allow them to get away with it.”

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'We Want to be Treated the Same'

"I love it here. I love the Irish people. I have even come to love the weather. I am happy in Ireland and have been fortunate to fall in love. But I will leave soon and I am devastated.

I moved to Ireland in 2001 on a work permit. Since then I have had five or six jobs. In my last job I started on €2 per hour (the legal minimum wage is €7.65).

I am a very good worker and was promoted to supervisor and then manager. As manager I was only on €6.40 an hour. Towards the end of my time there the employer stopped paying us on nights when our tips were good. He did not pay tax or PRSI and we received no pay slips. We often got paid with bounced cheques.

When he told me that migrant workers are covered by different employment legislation than Irish workers, I believed him. I later found out that this was not true, but it made no difference. He knew that the work permit system allowed him to take advantage of us because we were vulnerable.

We couldn't just leave and if we can't prove that he was paying below minimum wage then we cannot leave and look for a new permit. Instead of being able to transfer our work permit to a new employer, my permit was cancelled. Because he acted illegally, I am being punished.

I don't think it is racism on the part of the employers, necessarily. The system is bad and it makes employers take advantage. So while the bad employers should be punished, I don't blame them. The government departments allow them to get away with it.

Also though I experienced bad treatment by some of my Irish colleagues, I do not believe they are racists either. Bad employers were replacing Irish workers on minimum wage or higher with foreign workers working for much less. The Irish workers are worried about the future and safety of their jobs, not understanding that we did not choose to work for less than the Irish. We want to be treated the same.

'William', a chef from Romania*

*The names of all interviewees have been changed to protect them from reprisals

Introduction

The philosophy of trade unionism is that all people are born equal, are endowed with certain fundamental rights and that their labour cannot be treated as a mere commodity in the market system.

In accordance with this view, Congress – in conjunction with affiliated unions – has tried to lead in the fight against racism and xenophobia. This is no more than our duty if we are to be faithful to our core values. The issue of migrant workers was one of the major themes debated at our recent Biennial Delegate Conference in Belfast (See Appendix One for list of motions debated and passed).

The issue of migration flows in Europe has perceptibly moved up the political agenda in recent years: the ‘push-pull’ factors of poverty and destitution in the developing world and population ageing in Europe will ensure that it remains there for many years to come. A statistic which puts the matter in context is that between 2010 and 2030, even at current immigration flows, the decline in the EU 25’s working age population will entail a fall of 20 million in the number of employed people. The economic impact of this demographic trajectory is enormous.

The reaction to increasing immigration in a number of European countries is disturbing. Even stable and socially progressive countries have demonstrated deep unease about the cultural aspects of immigration. For example the assassinations of Pim Fortuyn, the Dutch populist politician campaigning against Muslim immigration, and Theo Van Gogh, a film maker who attacked Islamists for their treatment of women, have traumatised the country. As a result the Dutch government has more or less embraced the programme of the List Fortuyn Party. Belgium and Austria have seen a resurgence of far right parties. In the UK general election campaign the Tory party sought to exploit unease over immigration in a fairly unprincipled way. There is also likely to be an impact on the debate following from the July 7 London bombings.

In Ireland during the Nice referendum campaign some opponents of the Treaty also tried to exploit fears

about immigration from Eastern Europe. Congress took a strong stand on this point and was the first to do so. We held events in Dublin and Belfast on May Day 2004, to welcome the 10 new accession countries and were honoured by the presence of trade union colleagues from nine of those countries.

Failure to Enforce Rights

Affiliated unions have been working hard on the ground to champion the rights of migrant workers and have achieved good results for them, both in tangible terms and in giving the issue of exploitation a high profile. Nevertheless, a spate of cases highlighted over the course of 2005, most notably involving the Turkish construction company GAMA, revealed what can only be described as a ‘culture of impunity’ amongst employers as regards immigrant employees.

The successful resolution of that problem – from the perspective of the GAMA workers – centered on the fact that they were trade union members, which gave them access to the Labour Court. Non-union members would not have this avenue open to them, highlighting a serious deficiency in existing employment rights legislation.

Ireland continues to have high levels of participation in the labour market and low unemployment. The economy depends on non-Irish nationals to keep key economic sectors such as health, hospitality and horticulture functioning. The 2002 census of population showed that six percent of the Republic’s population is now comprised of non-Irish nationals. Recent figures from the Department of Enterprise, Trade and Employment (DETE) suggest there are 137,000 non-Irish nationals working in Ireland, which represents seven per cent of our labour force.

These increased levels of participation have been accompanied by more discrimination on the basis of race. This continues to be a significant problem in Irish workplaces and is evidenced by the fact that along with the gender ground, race accounted for a disproportionately high percentage of the casework of both the Equality Authority and the Equality Tribunal

in 2004. Furthermore, it should be borne in mind that the available statistics on the integration of migrant workers into Irish workplaces may fall victim to under-reporting of discriminatory practices. Small-scale research (Conroy & Brennan 2002) found the support infrastructure for migrant workers was weak uneven and haphazard.

Many migrant workers interviewed were not aware of their rights and obligations as members of the Irish workforce. This research also reported non-payment or delayed payment of wages, excessive working hours, especially for manual workers, levels of pay below the minimum wage and poor understanding of health and safety procedures and practices among workers who were not members of trade unions and who did not speak English.

‘Only Irish Workers Need Payslips’

I am a hard worker but I was not prepared for working in Ireland. I would work up to 70 hours a week in construction, all on €12 per hour.

We had no overtime rate of pay. We got bank holidays off and annual leave, but got no pay while we were not at work. I have been working six day weeks, full time with just 30 minutes for a dinner break. We have no contracts so we can't say what our contract hours are, or what type of work we should be doing.

At the start, I thought it would be good to work for a Polish contractor because he would treat us right because we too are Polish. But everything was a secret with him. Because we got no pay slips, I do not know if he was paying PRSI.

He told us only Irish workers needed payslips. I do not know if I am working legally or illegally but I am afraid I will anger him if I ask. When I asked once why my wages were low he told me he had to make deductions for the Safe Pass and other training (employers cannot deduct for Safe Pass, the industry safety scheme). He was unhappy that I questioned him.

There are other Polish and Irish men working with me. Before the Builders' holidays the contractor's boss came to the site with a €300 holiday bonus for the workers. The Irish got theirs and their basic wages but we got neither.

My accommodation is arranged by my boss. I cannot get information or anything that looks suspicious sent to the house. We can get some basic information, enough to learn that it costs a lot of money, too much money, for a solicitor to take a case for you. Other Polish men were sacked when they joined a trade union so that is not an option. I do not know what to do.

‘Arek’, a construction worker from Poland

Prove Compliance with Law

It is interesting to record that 70 percent of non-national workers are in low-paid employment, even though their qualifications on average are higher than the indigenous population. The impact of this concentration is to force down wage levels and the importance of maintaining and, if possible, increasing the minimum wage in this context will be appreciated. Congress worked closely with affiliated unions in construction on the GAMA case, including meeting with the Minister and DETE officials. A dispute between unions and the company ended in May 2005, after the Labour Court recommended settlement terms for 80 Turkish workers who were then on strike. More recently, unions at Gama Construction considered renewed industrial action following a resurfacing of the row over payments to its Turkish workers at sites in Ennis, Co Clare, and Tynagh, Co Galway. The company is also involved in a protracted legal battle to prevent the government from publishing a report into its operations by the Labour Inspectorate of the Department of Enterprise, Trade and Employment. This was most recently quashed by the High Court. The case raised significant issues and Congress wrote to the Minister proposing the following measures to try to avoid a reoccurrence of the type of abuse evident in this case:

- ▶ Put the burden of proof re compliance with labour law on employers, through implementation of the proposals contained in the recently published report for a re-orientation of the rules under which the Labour Inspectorate operates;
- ▶ A requirement that companies competing for public contracts must furnish the equivalent of a tax clearance certificate in respect of the employment conditions of their workers;
- ▶ That accredited union officials, nominated by Congress, be given certain limited legal powers of access to employment records of companies in a supporting role to the Labour Inspectorate;
- ▶ A further increase in the Labour Inspectorate to 75;
- ▶ Transposition of two outstanding EU procurement directives to incorporate clauses on labour standards (these have been the subject of discussion between Congress and the Department of Finance for some months);

- ▶ That the final building blocks of the labour market monitoring mechanism agreed under *Sustaining Progress* be put in place.

Apart from the direct effects on the workers concerned, the GAMA case raises questions relating to public policy which could have a profound effect.

Thus, the philosophy of the Department of Enterprise, Trade & Employment has been to regulate labour law compliance with a very 'light touch', to put it at its most charitable. This is evident in the resistance of the Department to the case put by Congress in mid 2004 for an increase in the Labour Inspectorate, even though the Department of Finance was willing to sanction an increase in numbers.

Exemption for GAMA from PRSI contributions and its ability to procure work permits with ease is further evidence. Dismissal of complaints by trade unions, politicians and competitors about GAMA, more or less with contempt, and without serious investigation, demonstrated a very accommodating attitude.

It is clear that this approach to regulation and enforcement is no longer sustainable and will have to change - and be seen to change - decisively.

Ironically, the GAMA case, even though it involved a company based in a country outside the EU, constitutes a model argument against the Bolkenstein draft EU Directive on Services.

In a more general sense, Congress has called for tighter regulation of employment agencies operating in the field of supplying immigrant labour and an end to the work permit system held by the employer, which is no better than bonded labour or slavery (see below). In relation to the former, Congress welcomes the recent implementation of the *Sustaining Progress* commitment to place a curb on recruiting agencies who have been trying to operate the modern day equivalent of a 'hiring fair'.

‘Nobody Should Dream of this Life’

“My little girl is everything to me. I loved staying at home with her in those early months but I could not afford to stay in the Philippines.

I left her with my mother and came to Ireland. I heard of an agency in the Philippines hiring staff to work in quality hotels around the world. I thought it would be safe to work in a four or five star hotel somewhere. I was told I could bring my daughter over to Ireland after six months. It was hard to leave her but this way at least I could earn more money for her than I could ever get in the Philippines.

It is my home country and I love it but there are no opportunities for a good life there. It took over a year to go through the process of applying to the agency and getting visas sorted. I had to borrow from many family members for the money the agency needed for costs, including my work permit, visa and flight ticket.

I arrived in Dublin late one night to find that I had been tricked. The contract I signed with the agency meant nothing. I was to work in a pub as a waitress. The rented house we were promised did not exist. We were taken to the boss’s house and shown a tiny room that we would be sharing. More women from the Philippines arrived later and they had to share an even smaller room in the house. All of us had to pay €87 a week, but got no meals. We had to pay for our food.

We worked about 50 hours a week and were paid under the Minimum Wage. If it was quiet, we were sent home without pay.

From our pay, our boss deducted money for our work permits, flight ticket and the agency fees even though we had paid the agency in the Philippines. He told us that our work permit cost us €500. After a year he had deducted €2400 for the permit. He said he would pay to renew our permits after the first year, but then said that because we were getting tips

on top of our wages, he would not. He then started taking our tips. He is a nasty man. Any negative adjectives you can think of to describe a man, describe him. He is aggressive, hot-tempered and shouts a lot.

There was once a story in the papers of an Irish man who got a ‘mail order bride’ from the Philippines. Some staff and customers insulted the girls from the Philippines saying all we wanted was to come to Ireland to get a man.

I have tried many times to change jobs but the work permits make it too difficult. I am not happy here but have to stay and suffer. I have to support my friends and hope that in the future we will be able to change jobs. I tell them; ‘Don’t show you are weak, don’t mind what they say.’

I heard of this new law where I can get my own work permit and then I will change jobs and be happy.

I don’t know what to do. By working here I can send money home to my family and look after my daughter. But she is growing up fast and I miss her. Her welfare is most important to me. I talk to her on the phone and she talks a lot. The other day she said: ‘When I grow up, mammy, I want to work with you in that pub in Ireland.’

Nobody’s daughter should dream of this life – especially mine.

‘Elvi’ a catering assistant from The Philippines

However, even the most progressive labour legislation will be worthless if the resources are not in place to ensure that it is enforced. Congress calls on the Minister, as a matter of urgency, to ensure that the potential benefits of this and other measures are fully realised by increasing the number of labour inspectors to at least seventy-five; by making statutory provision for a formal mechanism through which the inspectorate can liaise with the trade union movement; and by ensuring that penalties for breaches of the legislation are sufficiently severe to act as a deterrent to the minority of employers who have brought shame on this country by their ruthless pursuit of profit.

There is also an issue with regard to **overseas students** working visas. While Congress recognises the legitimacy of this growth industry, we are concerned that it is being used as a labour market supply mechanism, particularly in low paid sectors. This makes nonsense of any DETE decisions not to issue permits in certain sectors. Congress welcomes the references to continue to support the education sector in attracting overseas students to Ireland, while safeguarding the integrity of the immigration system and looks forward to the implementation of the Report of the Internationalisation of Irish Education Services which will limit the scope for abuses.

Justice for immigrant workers should be the concern of all fair minded people. Even from the standpoint of enlightened self interest, exploitation of a vulnerable group undermines pay and conditions of indigenous workers and is unfair and uncompetitive towards decent employers who comply with the law.

Work Permits Bill 2005 – A Step Backwards

Congress welcomed the publication of the Employment Permits Bill (June 2005) in the hope that it would, at least, stimulate an open, constructive public debate on this most pressing of issues.

That however should not conceal our very real frustration at the contents of the Bill. Despite widespread advance publicity – much of it misleading

- this much-heralded Bill does not deliver on the changes required to the current legislation governing work permits.

Congress has been to the forefront in demanding this change as it has become quite apparent that the existing regime is open to abuse and fails to prevent the shameful exploitation of migrant workers.

Indeed, commenting on well-publicised instances of abuse, the UN Committee that monitors the implementation of the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD), reached the same conclusion and urged the Irish government to ensure that work permits issued directly to employees.

The Bill sets out in legislation a regime for granting temporary employment permits to certain non European Economic Area (EEA) nationals. Unfortunately, the proposed legislation is not the hoped for comprehensive overhaul of Ireland's immigration practices and permission to work schemes, rather it confirms in legislation most of the same current practices and rules.

However it does possess some positive features, namely:

- (i) the absolute prohibition on retention by employers of passports and other personal documents belonging to the worker such as their bank account documents;
- (ii) the restriction on deductions by employers or their seeking to recover from workers the costs associated with their recruitment;
- (iii) the inclusion of provisions that hold directors and officers of companies responsible for the actions of the company in respect of the proposed legislation;
- (iv) the provision of a review mechanism in circumstances of a refusal or revoking of an employment permit.

Essentially the proposed legislation integrates three of the existing 'permission to work' schemes - the work permit scheme, the work visa/authorisation scheme,

the intra-corporate transfer scheme - into one 'employment permit' scheme.

The proposed legislation retains all of the essential features and rules that currently apply to these different schemes. Because of this, it is complex. Thus, '**employment permit**' does not have a single meaning, rather there are a range of different conditions, restrictions, entitlements, rights and rules which will apply according to who has made application for the employment permit, rather than to who the permit is granted.

The employment permit as it is currently envisioned can be applied for by (i) workers, but only in restricted circumstances (ii) employers (iii) contractors and (iv) employment agencies.

Employer still owns Work Permit

Disappointingly and despite initial misleading reports, the Bill does not deliver on the promised change of ownership of the employment permit. Congress had called for this change to help protect migrant workers by reducing the hold of an employer over the worker and enabling them to escape unsatisfactory working conditions, as the incorporated case studies graphically attest to.

The Bill superficially provides that the employment permit is to be 'granted' to and 'held' by the employee *but the current practice of the employer needing to apply for the employment permit remains firmly in place for the majority of workers. Of particular concern is that this type of employment permit continues to tie the worker to the employer, despite trade union and international condemnation of this practice. There is no assurance, even in circumstances of abuse, that these workers will be allowed to change jobs.*

For those workers who can change employment there are new legal restrictions on their mobility - they are confined to 'economic sectors'. This legislation, if passed in its current form, will not result in 'ownership' of permission to work residing with the employee.

No Green Cards

Contrary to expectation, the Bill does not contain provisions for a permanent immigration scheme similar to a 'green card' system. The proposed legislation confirms an ongoing policy of temporary permission to work, similar to the current regime. The Bill restricts the duration of employment permits to periods not exceeding 12 months where the employer applies for the permit and for periods not exceeding two years where the worker applies. There is permission for the Minister to introduce regulations which will allow for an employment permit of longer duration but not for a permanent right to reside and work in the State, a key feature of the green card system. The Bill provides for renewal of employment permits.

The Bill provides that the Minister can limit the maximum number of employment permits to be granted and requires that the Minister have regard to a range of factors including the availability of workers, the functioning of the labour market and the economic sector concerned.

Disappointingly, the Bill does not envision a role for trade unions as social partners in this regard. The local (FAS) structures, which provide for trade union involvement in the identification of skills and qualification shortages, are one of the few features of the current regime not confirmed in this legislation.

The Bill provides that in certain circumstances, including the need to protect the labour market employment, permits can be revoked. Without adequate safeguards this provision is open to abuse.

No Protection if Rights Violated

The Bill provides for significant changes to the inspection and enforcement of rights provided to workers under the proposed legislation.

One very worrying feature is that the Bill does not use the traditional employment rights machinery to inspect or enforce workers' rights provisions. Rather, it provides for the establishment of a new inspectorate of 'authorised officers' while complaints under the Act cannot be brought by individual workers or their unions, but are to be taken by the Minister.

It is the view of Congress that the legislation needs to be amended to ensure that complaints for infringement of employment rights - such as deductions from wages, the retention of documents made unlawful under this legislation - can be made directly by workers and their unions to Rights Commissioners, the EAT or the Labour Court.

Of serious concern is the fact that there are no provisions to protect employees who, after complaint about an abuse of their rights, experience a worsening of conditions or have their employment terminated.

Discouraging Complaints

Neither does the Bill provide for any redress for a worker whose rights under this proposed legislation are infringed by unscrupulous employers. The obvious impact of this will be to discourage workers from complaining of abuses.

This is reinforced by the fact that the Bill provides that in circumstances where the employer is guilty of an offence - such as unlawful deduction - the employment permit may be revoked.

In other words, a worker can be punished simply for seeking to have his/her rights vindicated or for wrongdoing on the part of the employers. The proposed legislation requires amendments to rectify this very obvious problem.

Undermines Agreed Pay Rates

The situation is further worsened by the habitual residence (2 years) requirement that must be met before a worker can access social assistance. Congress is calling for this Bill to be used to amend the 'habitual residence' requirements to specifically allow for payment of social assistance/benefit to workers on employment permits, who are made redundant or who have been unfairly dismissed, including circumstances of constructive dismissal.

One of the key areas where workers on employment permits experience abuses is that they are paid less than the going rate for the job and have worse conditions than other workers in the sector.

Yet, the Bill does not provide any protection to safeguard against this form of abuse. While the Bill does provide that the Minister can refuse an application if less than the '*standard working week remuneration*' is proposed to be paid, the legislation actually equates 'standard working week remuneration' with the national Minimum Wage. It is particularly worrying that there is no recognition of registered employment agreements or other established 'going rates of pay' and conditions in sectors.

This Bill will need to be amended to describe standard working week remuneration as more than minimum wage and to give workers employed on employment permits the right to be paid the same as other workers in the sector or employment.

No Protection from 'Gangmasters'

Closely associated with this is the need for the proposed legislation to address by amendment the loophole that exists in the Employment Equality Acts 1998 & 2004, whereby an employer can evade employment equality provisions, simply by employing workers through an employment agency.

Congress has previously outlined to the Minister the importance of having legislation prohibiting the use of 'gangmasters'.

The impact of inadequate regulation was tragically illustrated with the deaths of 23 cocklepickers, in Morecambe Bay, in February 2004.

Thus, the proposed legislation does not contain any measures to prevent or counteract the development of this phenomenon in Ireland. Rather, the provisions allowing "any person or party to the contract" to apply for the employment permit may even facilitate its development. The absence of such safeguards is a serious omission that needs to be rectified.

The Bill does not contain any provisions relating to rights to family reunification for any category of worker on an employment permit. Nor are there any special provisions for family members joining workers to be provided with employment permits.

Finally the proposed legislation creates a mandatory requirement on the Minister to keep a register of the worker, their place of employment and the duration of their employment permit. It is worth noting that the current register is of employers only and is publicly available on the Department's website. Congress is asking the Minister to confirm that information relating to individual workers will not be posted in the same manner.

Immigration Policy

Congress believes there is a requirement to balance the focus on our economy with a strong focus on the human rights and entitlements of immigrants. Active integration policies and access to services are also vital elements of a successful immigration policy. And, the economic, social, and cultural benefits of immigration must also be recognised alongside the challenges it poses.

Research carried out at the University of Limerick (Cross & Turner) underlines the necessity for coherent policy and clear thinking in this area. Surveying Irish workers' attitudes to immigrants, the authors found that: "A sizeable minority....believed immigrants undermine their country's culture, have a negative impact on jobs and the economy."

(Irish Workers Perceptions of the Impact of Immigrants: A Cause for Concern? Christine Cross & Thomas Turner. University of Limerick)

There obviously needs to be coherence in any immigration policy. One approach would be to base it on three pillars, viz:

- ▶ Adherence to international law;
- ▶ The labour supply needs of the economy;
- ▶ A contribution to development co-operation with third countries.

'I Was Fired Without Reason'

I came here as a skilled tradesman but have not been treated like one. Sometimes I would do carpentry work, but often I was working as a general operative and had to work on the kango hammer.

One day I was working on a height with no scaffolding so I had to balance on the top of a ladder and work. The kango hammer slipped from my hand and hit me in the face, breaking my nose. My doctor told me afterwards I could return to work but could not do any heavy work. My boss put me back on the kango hammer. My nose started bleeding and was very sore. I went to the doctor again and he said I could go back to work but should not do the hammer. Again my boss made me do it.

After three times seeing a doctor and being made to work on the hammer even though my nose was bad, I got in touch with my trade union for advice. I also told them about other grievances I was having, especially about hours at work and my rate of pay. After the union got in touch with my boss I was called aside and given all money owed to me but then was fired. My boss would not even give me my P45. I have since heard that the Polish workers who have been sacked have been replaced by other migrant workers. My boss says that all Poles are trouble makers.

'Victor', a carpenter from Poland

International Standards

The European Convention on Human Rights Act (2003) commits Ireland to “secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.” Most notably, these include:

- ▶ Prohibition of slavery and forced labour;
- ▶ Right to respect for private and family life;
- ▶ Freedom of assembly and association;
- ▶ Right to an effective remedy;
- ▶ Prohibition of discrimination;
- ▶ Prohibition of abuse of rights

In addition, there are 3 major international standards that could greatly inform the development of Ireland’s immigration policy:

- ▶ International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, adopted by the UN General Assembly on 18 December 1990;
- ▶ ILO Migration for Employment Convention (Revised), 1949 (No. 97), and Migration for Employment Recommendation (Revised), 1949 (No. 86);
- ▶ ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and Migrant Workers Recommendation, 1975 (No. 151).

Disappointingly few countries have ratified the three Conventions. And many of those ratifications have been made by countries of emigration, although most of the provisions of the instruments require action by countries of immigration, including Ireland. Even in the absence of ratification therefore, these texts provide a point of reference for national policymakers. The three basic principles underlying the instruments are management of migration flows; non-discrimination towards migrant workers; protection of migrant workers, the latter being a particularly vulnerable category of workers. The ILO instruments also emphasise the institutional machinery needed to promote these principles and to secure their

observance in practice, especially: information and transparency, cooperation between states of origin and states of employment, continuing consultation with trade unions and employers’ associations.

Considerations should also be given to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air. These two Protocols supplement the United Nations Convention against Transnational Organized Crime and are often referred to jointly as the UN Protocol against trafficking in persons, and the UN Protocol against the smuggling of migrants.

From a legal and moral viewpoint we must respond to requests for asylum. The term ‘bogus’ asylum seeker is pejorative. It is true that many asylum seekers are in reality economic migrants but they are often fleeing from conditions that any sane person would want to escape from. There has to be limits because a small island is not like the United States, but we must find a more humane way of applying those limits. Separating mothers and children in the middle of the night or removing children from classrooms is just not acceptable. Likewise, deportation agreements with countries, such as Nigeria, where people’s human rights are routinely trampled upon, is not acceptable.

‘Law Punishes the Migrant Workers’

I feel a great shame when I tell people about my experience in Ireland; an Indian being exploited by another Indian. Their behaviour cannot be explained by racism, just pure greed.

Back home, I met a man who owned a restaurant in Galway and he asked would I come and work for him. So I came to Ireland on a work permit four years ago. Even though I was working in a hotel in India for proper rates of pay and proper hours, I was enticed to Ireland, told by the restaurant owner I would be earning over €1000 a month. He did not tell us about the exorbitant cost of living in Ireland.

The day I arrived he took my passport then told me that he could not afford €1000 a month, so I would have to work for €80 per week. I also had to work over 70 hours, starting at 11 am and finishing after midnight. I had one day off a week.

Even though I shared a house with seven colleagues, my boss had access to the house and used to just barge in, to remind us that he was in control of every part of our lives. Holding our passports and work permits, there was little we could do. We could not change jobs. We got the courage and reported him to the Gardaí one day. Later that evening he arrived at our house with our passports.

I thought I was lucky to find another job where the owner, another Indian owner of a restaurant, would get a work permit for me. The money was better. He promised me €275 for a 40 hour week. But when I started there he said I was only getting €250 for a 65 hour week. Again I was stuck and had to accept it. People on work permits can only work on the employer's terms and conditions. They have our lives in their hands, and they know it.

Once, labour inspectors came to the restaurant and found some illegal workers. These men had left a previous job because of the exploitation and horrific conditions they had there. They had to run away because they could not take it any more. The only

option they had was to work illegally until they could find someone willing to get them a work permit. When the Inspectors found them, they threatened them with fines and imprisonment. They did not punish the owner for employing illegal workers, or look into their old job which forced them to become illegal. Legislation punishes the migrant workers, not the employers. Irish legislation gives them the right to exploit and they know nothing will happen to them.

Now I am working for an Irish employer in Dublin and have a five day week for a proper rate of pay. I have a life at last. Despite the bad times, there have been positives. My experiences put me in touch with my trade union and I found some very good people there. I have been trying to enlighten foreign workers but it is a slow battle. They need confidence and back up but everybody is so scared. Legislation favours employers. But I will keep trying to get workers to report employers, to take cases against them. It is not about money, it is about exposing them for what they are; greedy, rotten, slave traders.

Nitin, a restaurant worker from India

Economic Pillar

There are a number of things that need to be said about the **economic pillar**. Firstly, significant sectors of the economy could not function without the energy, talent and commitment of non-Irish nationals. Health, food processing, construction and horticulture come to mind. At current rates of economic growth immigration in the Republic of the order of 50,000 – 60,000 people a year is necessary. Of the 54,400 jobs created in 2004, one third were filled by natural growth in the labour supply, one third by increased female participation and one third by immigration.

Economic growth for its own sake is of limited value. If it is supported by a large intake of immigrants it will increase GNP but not necessarily GNP per head, in other words, living standards. The reason is that everyone who comes to work in Ireland needs a home, health care, education etc. Providing for these needs costs money.

Moreover, statistics collected by ESRI and NESC show that, even though they are better educated on average, than the indigenous population, 70 percent of immigrants work in less skilled employment. This has no impact on the earnings of skilled workers but it puts downward pressure on less skilled wages. The ESRI points out that a better balance in respect of the immigrant labour force participation in higher skilled jobs would reduce income inequality.

Employers, of course, want to keep the foot on the accelerator in terms of economic growth. But with an economy at virtually full employment a more balanced approach is called for. We should aim for a growth rate which is sustainable in terms of demands on social and physical infrastructure, improves living standards, facilitates increased participation by the indigenous population, does not damage the environment and does not undermine social cohesion.

Development Cooperation

In terms of the **third pillar of development cooperation** with the countries where migrant workers originate, we must recognise that they are at the loss of the human capital which we gain through immigration. There is a personal benefit perhaps to a doctor who comes to work in Ireland from Nigeria, but there is an obvious loss to Nigeria. On the other hand there would be clear benefits to countries whose citizens gained experience in the developed countries and who returned after a time to apply it at home. This calls for a policy of aid, trade and debt relief aimed at integrating developing countries into the global economy.

Appealing to altruism in this regard provokes an insufficient response. To have a principled and balanced policy on immigration is no more than enlightened self interest and requires us to do things like meeting the 0.7 percent of GNP for development aid and not insisting on trade conditions which prevent poorer countries from building their economies behind a degree of shelter. The 'MakePovertyHistory' campaign is an attempt to bring commitment and coherence to international developments. Trade unions have a vital part to play in this campaign, by advocating for more and better jobs, rights at work and trade union protection, we can ensure that people have a route out of poverty into decent work.

‘It Was Like I was a Slave’

I love children and heard great things about the Irish people and their famous warm welcome. I thought that working as a domestic worker, looking after the children and keeping the house, I would be a valued member of their family. Back home I studied English and planned to go back after a couple of years and teach.

But the December 2004 Tsunami has destroyed my family’s land and my father and uncles have no work. I have to stay here so I can send money to them. I have to put up with the loneliness and isolation.

The lady barks orders at me and makes me do everything no matter what time of day. I have no real time off. We live in the country and I need her to drive me to the town. When she does not want me to have a day off she will refuse to drive me. Sometimes when it is my evening off she will go out with her friends anyway. What can I do? I cannot neglect the children so I work.

I used to just think of my family, think of her children and think of going home to teach. That would help me when I was sad. But now I have not seen my family in a long time and I do not know if they can afford me to come home soon. And her children, well, they see her contempt. They have learned to treat me like she treats me. Their dog is shown more love than I am.

One day she threw a wet and dirty cloth at my face and told me to clean the floors. Her children sat at the kitchen table laughing at me. I cried and went to my room. Later that day I saw the children throw clothes at each other pretending it was me. It was like I was a slave and they were playing target practice.

At the end of a day, no matter how long and depressing, I could cope if I could go home to family or friends. I dream of finishing work and somebody asking me how my day was. Instead I am alone in that house where nobody cares how my day was. Sometimes I wish I did not speak good English.

At least then I could explain their treatment as being caused by a language barrier. But there is no language barrier. There are other barriers; my nationality, my skin colour, my legal status and dependency on them. Yes there are plenty of things which mean they do not see me as an equal.

There is nothing I can do. She pays me the minimum wage and gives me a bed and food. She tells me I am lucky, that she treats me better than most people with workers in their homes do. She tells me I get all of my employment rights. I just wish that respect or compassion was an employment right also.

‘Sarah’, domestic worker from Sri Lanka

Importance of Anti-Racism and Integration policies

Immigration is not a passing phenomenon. It is not an answer to population ageing in Ireland or elsewhere because it would need to be at an extraordinary level to achieve that. But it will continue and the non-Irish national population will continue to increase. Experience of other countries shows that, if not properly managed, this can cause problems. Forty years after the first wave of post war immigration Britain has race relation issues and immigration fears can be used for politically opportunistic purposes in a general election campaign. It would be unconscionable for Ireland to observe this and not try to avoid it.

In that context, Congress welcomes the publication of the National Plan Against Racism and is pleased to be participating in the National Steering Committee.

A Congress submission to government on the development of the plan stressed the importance of trade unions in countering workplace racism and called for appropriate resources to do so. We particularly welcome the following aspects of the plan:

- ▶ Inclusion of ethnic minorities through employment rights, responsibilities and workplace policy;
- ▶ Inclusion of migrant workers, consistent with requirements of policy on immigration, employment and equality;
- ▶ Focus on migrant workers in initiatives designed to raise awareness and compliance with employment rights;
- ▶ Recognition of Social Partners as key stakeholders in the implementation of the plan, including a commitment to resource trade unions to take positive action to create awareness and to eliminate racism in the workplace.

The NPAR also recognises the success of the Anti Racist Workplace Week, now a firm fixture in the calendar during the first week in November. The week has continued to play an important leadership role in

raising the issue of racism at work and in promoting best practice in the development of intercultural workplaces here.

An Anti Racist Workplace has been defined as one which is:

- ▶ Free from discrimination and harassment;
- ▶ Welcoming to black and minority ethnic employees and customers;
- ▶ Accommodate and value cultural and linguistic diversity;
- ▶ Takes practical steps;
- ▶ Communicate message within wider community;
- ▶ Promoting equality in Intercultural Workplaces.

Despite the work of previous years and the legislation against racial discrimination at work, it continues to be one of the most used grounds in bringing complaints (42 percent of Equality Authorities case files). More recently there has been a significant development in terms of casework deterrence to this. A 2004 Labour Court ruling found that there was a "duty on employers to ensure policies and procedures take account of cultural and linguistic diversity."

Congress has also been involved in the Interact project. This includes a unique website (www.interact2.com) designed to support employers, trade unions and employees in intercultural workplaces. The Development Partnership comprised Congress, IBEC, FÁS and Integrate Ireland Language and Training.

The website brings together information from different areas, reflecting the needs of employers, migrant workers and trade unions.

The website provides a number of supports for newcomers, employers and unions, including;

- ▶ A review tool that allows trade unions and businesses to assess how they match up with regard to legislation and best practice in the area.

- ▶ A comprehensive information area for employers, HR personnel and unions providing information on the context and implications of immigration for Ireland.
- ▶ A review of workplace practices and policy, best practice and current legislation.
- ▶ Information on training courses developed by Interact covering basic language and induction courses, diversity training for managers and trade union officials to assist Irish co-workers in the processes of integration and communication.

Congress is also in the process of producing a resource for trade unions on racism. This will be accompanied by a poster to demonstrate public commitment to the fight against racism.

Ireland's approach to integration is very important. Diversity and interculturalism must be considered in the context of the need to preserve the values of a European social model. The trade union movement has a vital role to play in recruiting all workers regardless of nationality and promoting collective action to ensure social justice. Canada is a country that invests massively in promoting integration. Ireland could draw lessons from its experience.

European Dimension

In January 2004 the European Commission published a Green Paper on Economic Migration. The following are the key elements of a proactive approach proposed in the response of the European Trade Union Confederation, which Congress played a key role in formulating: An EU Immigration Policy should:

1. Be based on a clear framework of rights for all the workers concerned, as provided for in all the relevant international conventions and instruments, recognising that migrant workers and their families are human beings and not merchandise, and building on the ILO "Resolution concerning a fair deal for migrant workers in a global economy" adopted in June 2004, calling for a rights-based approach to labour migration;
2. Be established in close consultation with social partners;
3. Guarantee the free movement of all persons who are either citizens of an EU Member State or third country nationals who are legal residents, in a framework of non-discrimination and equal treatment;
4. Provide for a clear legal framework of equal treatment in working conditions for all lawfully employed third country nationals as compared to nationals, and respect for the host country's rules and regulations and industrial relations systems;
5. Prioritise investing in the capacities and qualifications of unemployed or underemployed EU citizens including those from a migrant or ethnic minority background, as well as legally resident third country nationals including recognised refugees, as a first priority in tackling labour market shortages;
6. Increase efforts to combat racism and xenophobia, and promote the full integration of immigrants and ethnic minorities into European labour markets and societies, whilst respecting cultural and religious diversity, and recognising their positive contribution and potential;
7. Attribute social and political citizenship rights to migrant workers and their family members;

8. Open up possibilities for the admission of economic migrants, by providing a common EU framework for the conditions of entry and residence, based on a clear consensus between public authorities and social partners about real labour market needs and preventing a two-tier migration policy that favours and facilitates migration of the highly skilled while denying access and rights to the semi- and low-skilled workers;
9. Be tough on employers using exploitative employment conditions and focus on prevention and on sanctioning those who profit from these abusive situations, including traffickers in human beings, rather than penalising the workers who are their victims;
10. Create "bridges" out of "irregular situations" for undocumented immigrant workers and their families, including asylum seekers who have been denied a refugee status, while respecting their basic human rights;
11. Promote co-operation and partnership with third countries and in particular developing countries.

'I Want them to Treat me Like a Human Being'

"An agency in Bangladesh found me a job in an Irish bar. I had worked as a barman for over 15 years at home. I have been with the same employer for over five years now. I knew I was a good, experienced and hard worker so I did not expect to have any difficulties. However from the very start deductions were made from my wages for till shortages. I thought all of the staff, Irish and foreign, got money deducted, but then I found out this was not true. Even when the till was short on my day off, deductions were taken from my wages. These deductions are not shown on my pay slip.

One manager does not like me. He wants to get rid of me. I know he is a racist. He employs foreign workers for cheap labour that he can exploit. He resents having to treat me well. When he checks the till at the end of the day, money is always short. One time he told me the tills were short €200. I took the money from him and counted it. There was no money missing. He deducted it from my wages anyway. When other managers or supervisors check the tills, the money is not short.

But still he tells me money is going missing from the till, and says I took it. He threatens to hand me over to the Gardaí. He threatens to have me deported. He has called me into his office some days and searched me from head to toe. If I buy cigarettes from the machine he comes running over asking me where I stole the money for them. If I get tips and put them in a glass, he says I stole the money and puts my tips in the till. For five years I have been too afraid to buy a car or come to work in a new jacket in case he sacks me for stealing.

I work for €10 per hour. If an Irish person starts, they are immediately on €13 per hour and go up to €17. I work up to 70 hours per week at €10 per hour. Some other weeks if it is quiet I am sent home with no pay. How can I support my family like this?

I am a good and honest worker but I am called a thief. I do not want position or power. I do not want to

become a supervisor or manager. I just want them to treat me like a human being. I worked under a work permit for five years and me and my family were trapped there, I could not change jobs and I had to keep my mouth shut. Now hopefully as an Irish citizen life will improve. All I have to do is get a job somewhere else."

'Vicram', a barman from Bangladesh

Emigrants

Immigration policy should acknowledge the major importance of strengthening the European social model in providing and maintaining basic protection for all Europe's inhabitants, to counter increasing feelings of social insecurity by millions of workers that may feed into racism and xenophobia, and to help the trade union movement play its cohesive role. It is less than 20 years since Ireland exported 44,000 of its people annually. This contemporary experience should help us empathise with the struggle facing someone trying to survive in vulnerable circumstances in a strange country. Unfortunately, in our affluence we have forgotten about the generations of Irish emigrants, many of whom never made it in their adopted countries. Their plight has been well publicised in the media and documented in the report of the Commission on Emigrants. Many are now in the twilight of their years. It will be forever to our shame as a nation if we refuse to spend the €20 million or so necessary to implement the recommendations of the report before it is too late to make a difference. Congress insisted on the inclusion of this commitment in Sustaining Progress and we intend to ensure that it is delivered.

'I Worked Until My Hands Bled'

I am an asylum seeker. I had to leave Nigeria and like many from my country, I came to Ireland. A few years ago, stories of Ireland were about Nigerians finding better lives in a rich country. We are not that naïve any more. From family and friends who came here before us we knew we had to expect racism and bad treatment and bad services from the government. But it is still better than Nigeria.

I came to the south of Ireland. My wife and children are still in Nigeria. The money which I had to live on as an Asylum seeker was small and barely paid for my food and phone calls to my family. I had to support my family so I got work illegally as a labourer.

I thought my boss was doing me a favour letting me work but quickly I knew he wanted cheap workers to treat badly. He paid me just over €2 per hour to pick fruit and stones and do other general work. I worked long hours. He said I had to stay late or else he would report me to the Gardaí and I would be deported. I had no choice but to do what he wanted so I could send money back to Nigeria. I worked one day until my hands bled. Without gloves, my hands quickly got infected from the dirt and were very sore.

I worked for four months. Then one day he said I did not have to come to work anymore. Nothing can happen to him and he knows that. I was desperate and he took advantage of me. I can never report him or else I will get into trouble. Still, I was sorry to leave the job. It kept me busy and it was nice to work outside during the summer. I feel useless doing nothing all day. When I walk through the town and go to the shops I think people are looking at me. At least on the farm I could mind my own business. Nobody called me a 'nigger' or 'black bastard' on the farm.

'Akeem, a history graduate from Nigeria'

Appendix One – Motions at Congress BDC 2005

1. Migrant Workers

Conference noted the plight of many migrant workers in Ireland who are at the margin of work, safety, health and minimum wage protections and congratulates Congress for its support of these workers including the link to the Interact website on the main Congress website. Conference is concerned that many migrant workers throughout Ireland face great difficulties in their employment.

Last year, 28,707 work permits were issued in Ireland and that figure is expected to rise in 2005. In addition to those who hold legal work permits there are a number of migrant workers who work in the unregulated sector of the economy and are particularly at risk to exploitation by unscrupulous employers. Conference commends those individual unions who have supported migrant workers in the recent past and urges all affiliates to support these workers where possible. Conference instructs the Executive Council to continue and strengthen discussions with the government on appropriate safeguards, such as a coherent migration and employment policy, including the provision of a migrant workers' Commissioner/Ombudsman, for these workers.

Guinness Staff Union

2. Migrant Workers

Conference recognises the valuable social and economic contribution made by migrant workers throughout the island of Ireland. Conference further recognises that such workers frequently face poor working conditions, exploitation by unscrupulous employers, landlords and recruitment agencies, poor housing and poor access to knowledge about rights and social services. Conference also believes that draconian methods, including the jailing of illegal migrant workers only serves to deepen their plight by increasing their vulnerability to illegal operators

and to encourage racism. Conference calls for greater action by governments in both jurisdictions to combat racism and ensure that migrant workers have the same rights at work as other workers. Conference believes further that Congress should work with government and other statutory and voluntary agencies on either side of the border to establish a migrant worker support network to ensure that trade union and social and welfare support are readily accessible.

National Association of Teachers in Further & Higher Education

3. Migrant Workers

Conference, noting the extra pressures on the resources of the Trade Union movement created by the challenges of organising and representing workers from culturally diverse/multi-lingual backgrounds, mandates the incoming Executive Council to raise the issue with all relevant government agencies, EU bodies and the European Trade Union Confederation, with a view to ensuring that the necessary resources are made available to prevent exploitation and to promote the integration of workers from abroad into the Irish trade union movement. In doing so, Conference acknowledges the positive role of affiliated unions in campaigning for equal rights for all workers employed in the construction industry. At the same time, Conference condemns the widespread abuse and exploitation of workers from abroad which is both an indictment of construction industry employers and a challenge to the Ireland of the 21st Century. Conference also requests the Executive Council to actively encourage and support initiatives by affiliated unions to organise and integrate workers from abroad, mindful that the changing demographics in Irish society need to be reflected in the trade union movement if we are to continue to be the truly representative body for all workers in this country.

Building and Allied Trades Union

4. Migrant Workers

Conference notes the changing face of society in Ireland and welcomes the growing number of non-Irish national workers coming to these shores since the expansion of the European Union and the opening up of borders throughout Europe. Whilst many migrant workers are known to take up employment to fill gaps in the Tourist and Service industries, and other low paid jobs, more often than not these workers are left isolated and vulnerable in the workplace. Conference recognises that the Trade Union movement reaches out to our brothers and sisters across the world in solidarity. Unfortunately it seems to be more difficult for many of us in Ireland, both North and South to embrace our brothers and sisters who are migrant workers and who live and work alongside us. Racist attacks on migrant workers are carried out by Irish workers. It is vital therefore that we in the Trade Union movement rise to this challenge and take a leadership role in developing and implementing policies which both highlight racism and take action to eradicate it.

Conference acknowledges the work undertaken by Congress over the last number of years to combat this insidious evil. Conference accepts nonetheless that much more needs to be done. It is alarming to note that government legislation, policies and actions have contributed significantly to perpetuating racism in our society and Conference therefore condemns both the Irish and British governments for their ongoing, relentless attacks on this vulnerable group of workers.

Conference calls on Congress to initiate a cross-sectoral Campaign and Programme in partnership with all interested groups, including representatives of migrant workers and Ethnic minority communities, the Equality Commissions, other Statutory Agencies and Employers Bodies. This campaign should:

- ▶ consider best practice elsewhere in securing equality of treatment and opportunity for Migrant Workers;
- ▶ consider developing the Counteract model to address the problem of racism against migrant workers;
- ▶ develop appropriate work place practices to ensure that the needs of migrant workers are always considered;
- ▶ break linkage between employment and conditional provision of accommodation for Migrant Workers;
- ▶ develop an information and advice network, specifically aimed for migrant workers which would include details in relation to the complex Social Security Benefits' System and Housing provision;
- ▶ introduced in each workplace for migrant workers, for example provision of basic English classes for workers or delivery of training through languages other than English;
- ▶ introduction of awareness sessions in workplaces with an emphasis on developing a workforce tolerant of difference;⁸
- ▶ ensure that Statutory Agencies and government take their responsibilities in this area seriously and provide the necessary resources and support mechanisms to deliver this Programme.

Belfast & District Trades Union Council

5. Migrant Workers

This Conference, conscious of the growing number of migrant workers in Ireland who are being exploited by unscrupulous employers, denied their fundamental rights and whose work permits/visas are being held by these employers to ensure that they do not complain or dare join a trade union, calls on the Executive Council to pursue with Government in any future discussions with them, the introduction of a prohibition on the retention of work permits/visas by employers and instead introduce a more "person" focused work permit or

visa system that ensures that the skills deficit of Ireland plc are met while guaranteeing the rights and dignity of all workers on this island.

Technical, Engineering and Electrical Union

6. Migrant Workers

Conference calls on the ICTU to actively campaign for the ratification of the UN Convention on Migrant Rights into European legislation and that core ILO standards are fully implemented and enforced in the workplace. We call for a campaign of union members, civic leaders and employers to make them aware of this convention, its protections for migrant labour and the need to provide minimum ILO standards in the workplace to ensure labour does not suffer further abuses.

Craigavon Trades Union Council

7. Emigrants

That ICTU seek the full implementation of the report of the Task Force regarding Emigrants/Ireland and the Irish abroad.

Cork Council of Trade Unions

Congress Recommendations

Government must develop a comprehensive, clear and coherent immigration policy.

In doing so, government must engage with the social partners and all relevant bodies and ensure that such a policy is in line with our existing international obligations (including the European Convention on Human Rights, the Geneva Convention relating to the Status of Refugees) as well as giving strong consideration to the minimum standards set out in: The UN Convention on the Rights of All Migrant Workers & Members of their Families; ILO Migration for Employment and Migrant Workers (Supplementary Provisions) Conventions; UN Protocol against Trafficking in Persons.

Congress is calling for a greater emphasis on labour standards and employment rights enforcement.

The Labour Inspectorate is and must remain charged with enforcement of relevant legislation. To ensure enforcement the inspectorate's numbers must be increased to 75.

The individual worker must have ownership of their permission to work (the employment permit).

This ownership should not be dependent on the employer applying for or having any say in the provision of the employment permit. Workers on employment permits must be given the right to change employers.

There must be statutory protection and redress for workers who attempt to highlight grievances or abuses.

Migrant workers, whose employment has been terminated, including instances of constructive dismissal, must be provided with sufficient time to remain in Ireland to seek new employment and to have their complaints heard. Provisions should be made to provide access to the social security safety

nets, the habitual residence restriction must be lifted and a minimum of six months assistance should be available.

Companies engaged in public contracts must demonstrate full compliance with the law.

All companies tendering for public contracts must produce the equivalent of a tax clearance certificate, to demonstrate they are in compliance with labour and equality legislation.

Migrant workers must receive the 'going rate' for the job in any sector in which they work.

The legal definition of 'standard working week remuneration' must encompass Employment Regulation Orders (EROs,) Registered Employment Agreements (ERAs) and other legally binding 'going rates of pay' and conditions for a sector or employment. This is vital if we are to avoid the creation of a two tier labour market and put downward pressure on wages and conditions.

Migrant workers must be properly informed of their entitlements including their right to join a union.

To overcome the problem of poor awareness of their rights, migrant workers must have better access to information outlining minimum sectoral rates of pay and working conditions. They should also be advised of their right to join a union. This information should be detailed on official documentation received by migrant workers such as work permit applications, PPS(Personal Public Service No.) documentation, immigration cards and tax certificates.

Regulation of recruitment agencies is required, along with restrictions on the use of agency workers.

Congress is calling for amendments to the legislation to allow for a full consideration of the triangular relationships and the real circumstances of workers to

ensure that employment agencies or subcontractors cannot be used by unscrupulous employers to undermine the rights of workers, or discriminate against them.

Migrant workers must have the right to bring their families with them.

Congress recommends moving from the present discretionary system of granting family reunification rights to people, towards a system that recognises the right to a family life. In line with the UN Convention on the Rights of All Migrant Workers & Members of their Families, Ireland should provide for the migrant worker to be accompanied by his/her spouse or partner and their minor dependent children, and, on humanitarian grounds favourably consider granting them access to education and work

Initiate a regularisation process or bridging mechanism for unauthorised workers.

A 'bridging' or regularisation process is urgently needed to deal with situations where, for example, the employee may discover they had been deceived into thinking their employer had a work permit for them. Unauthorised workers find it hard to enforce and exercise their rights because of their lack of employment and immigration status. This hands a huge advantage to the abusive employer.



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