



## Migrant workers in Northern Ireland



# Migrant Workers in Northern Ireland

## Meeting the needs of migrant workers, their families and their employers

A policy paper from Concordia

### Executive Summary

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Over the past few years, Northern Ireland has played host to a growing number of migrant workers. The available data suggests that there has been a significant increase in migrants, particularly from the so-called A8 countries, the eight eastern European countries which recently joined the European Union. While the experience of many migrant workers who come to Northern Ireland is a positive one, some face discrimination, exploitation, inadequate living conditions, and difficulties in accessing basic services. Moreover, many employers find they face frustrating hurdles in attempting to recruit and offer support to migrant workers.

Employers, trade unions and the voluntary organisations which try to support migrant workers are all agreed that there is a woeful policy vacuum on the part of government in addressing the relevant issues. The government in Northern Ireland must make an immediate start on taking a strategic lead in this area. That strategy must be followed through with action on the ground and adequate resources to ensure proper provision.

This paper sets out to highlight some of the key issues which are of particular relevance in the context of Northern Ireland. It also makes a number of policy recommendations. Among the main issues which this paper addresses are the following: the lack of any strategic government planning to meet the needs of migrant workers and their employers; the need for better information and advice for both workers and employers; the lack of adequate housing, education and interpreting services; and the need for better awareness and enforcement of employment rights.

Among our recommendations, we are calling on the government to do the following:

- give specific inter-departmental responsibility for migrant workers in Northern Ireland to one government minister, and set up an inter-departmental task force to ensure public sector provision for migrant workers is effectively planned, resourced and delivered;
- produce annual forecasts which contain realistic predictions for the size of the immigrant population in Northern Ireland, its geographical distribution and demographic make-up;
- set up a public enquiry office for the Immigration and Nationality Directorate in Northern Ireland, and facilitate the development of advice and support centres for migrant workers throughout Northern Ireland;
- establish a Northern Ireland Skills Advisory Body to advise on skills shortages and on the need for migrant workers in different occupations;
- ensure that there is tougher, more pro-active enforcement of regulations governing Houses in Multiple Occupation throughout Northern Ireland, with a particular focus on areas where there are concentrations of migrant workers;
- set up a Migrant Worker Emergency Rehousing Fund in Northern Ireland.

The paper also contains some alarming individual case studies illustrating some of the problems which some migrant workers have faced since coming to Northern Ireland.

# Introduction

Over the past few years, Northern Ireland has played host to a growing number of migrant workers. Historically, within the UK, immigration levels have fluctuated in response to unemployment rates; in times of high unemployment, net immigration levels tend to be lower, while in times of low unemployment, they tend to be higher.<sup>1</sup> Currently, Northern Ireland has a relatively low unemployment rate, below that of the UK as a whole which, in itself, is well below the average for the European Union.<sup>2</sup>

That factor has undoubtedly contributed to an increasing difficulty among employers in certain sectors in Northern Ireland, particularly the food processing industry, in finding potential labour willing to take jobs which many would regard as somewhat unpleasant. Hence, employers have turned to migrant labour. At the same time, health trusts have had difficulty filling certain medical and nursing posts, and have been recruiting from abroad to fill such posts. Finally, the recent expansion of the European Union to include eight east European states has resulted in an outflow of migrant workers from those countries to the UK and Ireland.<sup>3</sup>

All this has led to a considerable acceleration in the speed and scale of immigration to Northern Ireland. Moreover, most recent migrants to Northern Ireland have not come from countries from which there is a well-established tradition of migration to the UK and Ireland.<sup>4</sup>

Sadly, while the experience of many of the migrant workers who come to Northern Ireland has undoubtedly been positive, some have been the target of racist abuse and discrimination. There is a belief among some in the indigenous population that migrant workers are taking 'our' jobs. Moreover, there is evidence that the government in Northern Ireland is failing to uphold the basic human rights of many migrants. Many migrant workers are facing great obstacles in trying to secure adequate housing and health care. Where they bring their families to Northern Ireland, schools and teachers are often ill-equipped to deal with the needs of their children. And some migrant workers also suffer from exploitation by unscrupulous employers and employment agencies.

At the same time, those employers who are striving to support the migrant workers within their workforce also face hurdles. It is often very difficult for employers to get the information they need from the government, and employers often feel burdened by the bureaucratic procedures associated with the employment of migrant labour.

Employers, trade unions and the voluntary organisations which try to support migrant workers are all agreed that there is a woeful policy vacuum on the part of government in addressing the relevant issues. The government in Northern Ireland must make an immediate start on taking a strategic lead in this area. That strategy must be followed through with action on the ground and adequate resources to ensure proper provision.

This paper sets out to highlight some of the key issues which are of particular relevance in the context of Northern Ireland. It focuses firstly on those aspects of government policy and provision which could be improved specifically within Northern Ireland. The second part of the paper deals with some aspects of UK government policy which we would like to see changed.



<sup>1</sup>IPPR (2005) *Selecting wisely: Making managed migration work for Britain* (London: IPPR), p. 5. Available at: [http://www.ippr.org.uk/ecomm/files/selecting\\_wisely.pdf](http://www.ippr.org.uk/ecomm/files/selecting_wisely.pdf)

<sup>2</sup>DETI news release, 18 January 2006. Available at: <http://www.nics.gov.uk/press/eti/060118a-eti.htm>

<sup>3</sup>See Jarman, Neil (2005) 'Changing Patterns and Future Planning: Migration and Northern Ireland' (Belfast: Institute for Conflict Research), pp. 2-3, and Speech by Frank Hewitt, NI Chamber of Commerce in Equality Commission for Northern Ireland 'Migrant Workers: meeting the challenges of a diverse workforce'. Report of conference held in Belfast on 8 November 2005.

<sup>4</sup>Jarman, *op. cit.*, p.4.

# Government policy and provision in Northern Ireland: the need for improvement

The growing use of migrant labour by employers in Northern Ireland has been neither predicted nor planned for by the government. The government's most recent major policy paper on the future of the Northern Ireland economy, *Economic Vision for Northern Ireland*, contains no mention of the current and future need for migrant labour in Northern Ireland, nor of the valuable contribution which migrant workers are making to the regional economy.<sup>5</sup> The government's response to the increasing problems faced by migrant workers in Northern Ireland has been reactive and piecemeal. While there is now some evidence of belated efforts to address particular needs by various government departments, there is no evidence that those departments are working together to deliver a strategic, responsive, and coherent joined-up approach to the issues.

Below, we highlight key policy areas where we believe urgent action on the part of government is required. However, we would also urge that the government sets up an inter-departmental taskforce to ensure public sector provision for migrant workers in Northern Ireland is effectively planned, resourced and delivered.

**Recommendation 1: the government should give specific inter-departmental responsibility for migrant workers to one government minister. That minister should set up and chair an inter-departmental task force to ensure public sector provision for migrant workers is effectively planned, resourced and delivered.**

While it is impossible to document the precise number of migrant workers coming to Northern Ireland each year, there are sufficient proxy indicators available to provide a useful, if approximate, estimate. The available data indicates that the number of nationals from the so-called A8 countries (eight east European countries which recently joined the European Union) entering Northern Ireland has grown significantly. More than 11,000 people from the A8 countries applied for National Insurance numbers after moving to Northern Ireland in the fifteen months to June 2005.<sup>6</sup> By contrast, the available data suggests that only a few hundred migrated to Northern Ireland from these countries in the late 1990s and early 2000s.<sup>7</sup> One authoritative estimate suggests that the non-UK and Irish population in Northern Ireland may have doubled over the past three or four years, and that the total minority ethnic population in Northern Ireland could soon grow to between 40,000 and 60,000, up to 3.5% of the region's total population.<sup>8</sup>

The lack of any robust estimate by the government of the current and future number of migrant workers in Northern Ireland, and of their geographical distribution, is one of the main factors behind many of the problems migrant workers are currently encountering. What is needed is a well-researched assessment of future demand for migrant labour in Northern Ireland, combined with research aimed at establishing what proportion of migrants hope to stay in the medium to long term, whether or not they hope to be joined by other family members, and the likely geographical distribution of the immigrant population. In order to produce such forecasts, the government will need to synthesise and improve its piecemeal and complex system of data collection on migrant workers.

We acknowledge the difficulties involved in making such predictions, but we believe it is vital that every effort is made to produce the best possible forecasts.<sup>9</sup>

**Recommendation 2: The government should produce annual forecasts which contain realistic predictions for the size of the immigrant population, its geographical distribution and demographic make-up (e.g. the proportion of single workers, families with children etc.). In order to produce such forecasts, the government should improve its collation of relevant data on current numbers of migrant workers.**

<sup>5</sup>Department of Enterprise, Trade and Investment (2005) *Economic Vision for Northern Ireland* (Belfast: DETI). Available at: <http://www.deti.gov.uk/cgi-bin/downutildoc?id=936>

<sup>6</sup>Jarman, *op. cit.*, p. 7. Jarman cites data provided by the Department for Social Development.

<sup>7</sup>*loc. cit.*, footnote 3. The data for the earlier and later periods is not directly comparable. The Department of Employment and Learning issued work permits to 275 nationals from five of what are now the A8 countries from 1 May 1998 to 31 August 2002.

<sup>8</sup>Jarman, *op. cit.*, p.22.

## The need for information and advice

One of the main problems for employers, migrant workers and those seeking to support migrant workers in Northern Ireland has been the lack of readily accessible information and advice. Employers and migrant workers often encounter considerable problems in obtaining information from the Immigration and Nationality Directorate (IND) office in Croydon. At the same time, employers, migrant workers and non-governmental organisations supporting migrant workers also require information on many other areas relating to immigration.

These problems are being addressed by the non-governmental sector. For example, Business in the Community has recently set up an online guide for employers in Northern Ireland on employing migrant workers.<sup>10</sup> For the past five years, the South Tyrone Empowerment Programme has been providing a support service to migrant workers in the Dungannon area.<sup>11</sup> Other organisations, such as the Citizens Advice Bureaux, Law Centre (NI), the Housing Rights Service, and the Northern Ireland Council for Ethnic Minorities, also provide advice and support for migrant workers. However, these very valuable initiatives are insufficient on their own.

First and foremost, it would help greatly if the IND set up a 'drop in' public enquiry office in Belfast, similar to those it has established in Birmingham, Croydon, Glasgow and Liverpool. Secondly, in partnership with the relevant NGOs, the government should facilitate and fund the development of a series of local migrant worker advice and support centres in areas where there is a clear need for such a service. Such centres should provide a wide range of accessible, user-friendly information to migrant workers and their families. We believe that such an initiative would help to reduce the numbers of undocumented migrant workers in Northern Ireland, many of whom have acquired this status due to lack of awareness on their part and/or that of their employer as to their legal responsibilities. Finally, the government should also provide additional support to the existing NGOs which provide expert support and representation for migrant workers.

**Recommendation 3: The Immigration and Nationality Directorate should set up a public enquiry office in Belfast. In addition, in partnership with NGOs, the government should facilitate and fund the development of further advice and support centres for migrant workers throughout Northern Ireland, and provide additional support for existing advice services.**

In its submission to the recent Home Office consultation on its managed migration proposals regarding nationals from outside the EU and European Economic Area, Concordia requested that a Northern Ireland Skills Advisory Body be set up to identify local skills shortages which might require migrant labour. This was proposed as an additional body to the national Skills Advisory Body (SAB) suggested within the Home Office consultation paper.

Neil Jarman has presented compelling evidence which suggests that the labour needs of Northern Ireland "...may well be significantly different to the needs of the UK as a whole."<sup>12</sup> In addition to advising the government on current and expected sectors experiencing skills and labour shortages, the Home Office proposed that the national SAB should advise on salary levels within different occupations and the necessary skill levels for various jobs. We would wish the regional SAB to take on a similar brief.

It would be vital that any regional SAB should be flexible and responsive to changes in the Northern Ireland labour market. A mechanism should be established through which employers could alert the regional SAB of their inability to recruit locally to non-shortage occupations. This information should feed into the regional SAB's decision-making processes. We suggest that the body should review and update its list of shortage occupations on a monthly basis. We further believe that every effort should be made to enhance the existing skills base among the workforce in Northern Ireland in order to help prevent such shortages occurring.

We believe that such a body would also be well placed to advise government on ways in which society can be encouraged to adapt to the presence of migrant workers and their families. For example, a regional SAB could advise on the need to improve skills in relevant languages of the indigenous population.

<sup>9</sup>There is a useful discussion of some of the relevant issues relating to making such forecasts in Munz, Reiner and Straubhaar, Thomas 'Migrants and the European Labour Market: Current Situation and Outlook', Policy Brief 3, Migration Policy Institute, Washington DC. Available at: [http://www.migrationpolicy.org/events/munz\\_straubhaar\\_083104.pdf](http://www.migrationpolicy.org/events/munz_straubhaar_083104.pdf)

See also a description of the methodology used to factor in international migration trends in US Census Bureau population forecasting in the late 1990s in Hollmann, Frederick W, Mulder, Tammany J., and Kallan, Jeffrey E. (2000) 'Methodology and Assumptions for the Population Projections of the United States: 1999 to 2100' Population Working Paper No. 38, US Census Bureau. Available at:

<http://www.census.gov/population/www/documentation/twps0038.html#B3>

<sup>10</sup><http://guide2migrantworkers.org.uk/>

<sup>11</sup>See <http://www.stepni.org/>

<sup>12</sup>Jarman, op. cit., pp. 12-13.

We would like to see both employers and trade unions represented on a Northern Ireland SAB. We believe such a body should also include cross-border representation to ensure that the SAB could consider cross-border issues concerning migrant labour, where appropriate.

**Recommendation 4: The government should set up a Northern Ireland Skills Advisory Body to advise on skills shortages, salary levels and required skill levels within shortage occupations.**

## Housing

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Immigration on this scale is bound to increase the need for social housing. The Housing Executive has been experiencing an increase in its waiting lists. As yet, it does not know to what extent, if at all, immigration is a factor. The Executive is currently attempting to map the current migrant worker population in terms of its scale and concentrations of immigrant population. However, this exercise does not constitute a comprehensive housing needs assessment, nor does it attempt to make any future predictions of trends in the migrant worker population. While the Executive is able to estimate the future social housing needs of the indigenous population by drawing on census data and other demographic information, it is unable to make such assessments with regard to the immigrant population. This underlines the need for better data and forecasting from the government.

We warmly welcome the fact that the Housing Executive is carrying out a research project in Dungannon which is aimed at assessing the precise scale and nature of housing need relating to migrant workers in that town. We would like to see such work extended to other parts of Northern Ireland.

However, the Executive faces a further hurdle in attempting to meet the needs of migrant workers. Even if it had the necessary data to make an accurate assessment of housing need within this group, housing associations lack the resources to build sufficient social housing in Northern Ireland. The Executive estimates that at least 2,000 new dwellings are required annually in Northern Ireland to meet the documented need for social housing from all sections of the population. This is due in part to a backlog whereby supply has not met demand. Social housing development projections by the Executive and the Department for Social Development suggest that, if the Executive's estimate is correct, there will be an annual shortfall of at least 500 dwellings for the next two financial years.

The existing backlog and anticipated shortfall has, in essence, occurred for two reasons. Firstly, there is a constant depletion in social housing stock caused by the fact that housing associations are required to sell homes under the government's 'right to buy' policies. In any given year, more houses are being sold than built. Secondly, the government is not providing housing associations with sufficient resources. This situation will only be exacerbated with a forthcoming cut in the government's Housing Association Grant, a grant which forms an important government subsidy for social housing. This cut will come into effect in March.<sup>16</sup> While the government is increasing its total funding to housing associations for the next financial year, the Federation of Housing Associations has been told that government funding will fall back to its previous level thereafter.

**Recommendation 5: the government should provide adequate resources to meet the need for social housing in Northern Ireland from all sections of the population, including migrant workers.**

<sup>13</sup>One particularly relevant cross-border body would be the North/ South Intercultural Forum which has focused recently on issues related to migrant workers. The Forum brings together representatives from government bodies, non-governmental organisations, and the business and trade union sectors from both sides of the border.

<sup>14</sup>Housing Executive (2005) *Northern Ireland Housing Market: Review and Perspectives 2005/2008* (Belfast: Housing Executive), p. 48.

<sup>15</sup>*Ibid.*, p. 103. see also figures relating to projected government expenditure under 'PSA targets, point 5' for the Department for Social Development in OFMDFM (2005) *Priorities and Budget 2006-8* (no page numbers).

<sup>16</sup>According to the Federation of Housing Associations, from March 2006, the level of Housing Association Grant available from the government to subsidise housing association expenditure on building new homes will fall. The Federation says that this will have a negative impact on the number of new homes which housing associations are able to build.

## Case study

In January 2006, a heavily pregnant East Timorese woman was found by Health Visitors to be living in a house with no heat for almost two months. The woman spoke no English and had tried several times to explain the situation to her landlord. When the South Tyrone Empowerment Agency (STEP) contacted the landlord on the woman's behalf, the landlord insisted it was the woman's responsibility to order home heating oil. However, when STEP ordered oil for the woman, it emerged there was a problem with the heating system. The situation was only resolved after STEP had written three letters to the landlord outlining his responsibilities as detailed in his own tenancy agreement.

Survey data suggests that most migrant workers in Northern Ireland live either in private rented accommodation or in accommodation provided by their employer.<sup>17</sup> The latter may be provided free of charge or the employer may charge rent. Voluntary organisations which offer support to migrant workers have observed four significant problems experienced by migrants in these types of accommodation. These are as follows:

- exorbitant rents being charged by some unscrupulous landlords and employers;
- a lack of enforcement of the regulations governing Houses in Multiple Occupation (HMOs). It should also be noted that many landlords have difficulty obtaining details of the relevant regulations;
- the lack of any right to emergency rehousing by certain categories of migrant worker, where they are in tied accommodation, and either lose or leave their job;
- the lack of any right to Housing Benefit for certain categories of migrant worker.

We believe that the later two of the above issues could only be addressed properly through government policy changes at a UK level. In the final section of this paper, we make recommendations to this effect. In this section of the paper, we focus on ways in which each of these problems could be dealt with more effectively by government agencies and departments in Northern Ireland.

With regard to exorbitant rents, the Association of Labour Providers has highlighted a substantial degree of confusion within government at a UK level over the maximum amount of rent which landlords who provide accommodation are permitted to charge under minimum wage legislation.<sup>18</sup> This confusion appears to be mirrored in Northern Ireland.

Guidelines provided by the Department of Trade and Industry do state that, while an employer is free to charge what rent he or she wishes, the amount of that rent does have an impact on what is deemed to be the wage received by the employee for the purposes of minimum wage legislation. Likewise, where employers provide accommodation free of charge, this provision reduces the minimum level of wage they are required to pay under minimum wage legislation. The relevant figures as stipulated by government are provided in this guidance.<sup>19</sup> However, while undertaking research for this paper, we discovered that one government agency in Northern Ireland currently takes a different interpretation of employers' obligations under minimum wage legislation.

**Recommendation 6: We would urge that the government ensures that all government departments and agencies in Northern Ireland are made aware of the DTI's guidance on minimum wage legislation and accommodation, assuming that this advice is correct. We would suggest that DETI should issue its own guidance for employers in Northern Ireland, and make every effort to ensure that employers are made aware of the regulations.**

<sup>17</sup>Bell, Kathryn, Jarman, Neil and Lefebvre, Thomas (2004) *Migrant Workers in Northern Ireland* (Institute for Conflict Research), p.77. Available at: <http://cain.ulst.ac.uk/icr/reports/bell04migrant.pdf>

<sup>18</sup>See Association of Labour Providers (2005) 'Accommodation and the minimum wage: submission by the ALP to the Low Pay Commission'.

<sup>19</sup>DTI (2004) *National Minimum Wage: A Detailed Guide to the National Minimum Wage. Revised October 2004*, pp. 55-56. Available at: [http://www.dti.gov.uk/er/nmw/detailed\\_guide\\_2004n.pdf](http://www.dti.gov.uk/er/nmw/detailed_guide_2004n.pdf)

There have also been, and continue to be, cases where migrant workers are living in intolerable conditions in HMOs. Many migrant workers have neither the linguistic ability nor the confidence to complain to the relevant authorities about the standard of their accommodation. The Housing Executive has begun to take pro-active action to enforce government regulations on standards in HMOs. However, at present, it is focusing on districts where, for the most part, students reside through the designation of HMO action areas in Belfast, Londonderry/Derry and Portstewart.<sup>20</sup>

The Housing Executive says that one major problem with extending this work to include HMOs in which migrant workers reside is that it is often difficult to locate such dwellings, partly because they are more widely dispersed than HMOs in areas popular with students. We would like the Housing Executive to work with NGOs currently providing support to migrant workers to identify suitable districts which could be designated as HMO action areas, to designate such areas and to make every effort to ensure that standards are enforced in those areas. This initiative could build on the wider pilot project being carried out by the Housing Executive in Dungannon, referred to earlier. We would urge the government to provide the Executive with the necessary resources for such an initiative.

## Case study

In November 2005, STEP was contacted by a young Latvian couple with an eight month old baby. Their employer, a recruitment agency, expected the family to share a room with a single bed in a three-bedroomed house in which six other Latvian men also resided. The couple were paying £120 a week for the room which was cold and damp. When they complained to their employer, they were told they would be evicted and lose their jobs if they complained again. STEP contacted the landlord and asked for the family to be moved to more suitable accommodation. The family were eventually moved to a two-bedroom flat, and stayed a short time before finding alternative accommodation with another agency.

**Recommendation 7: We would like to see tougher, more pro-active enforcement of HMO regulations throughout Northern Ireland, with a particular focus on areas where there are concentrations of migrant workers. In particular, we would like the Housing Executive to take the necessary steps to designate appropriate districts in which migrant workers are housed in HMOs as HMO action areas. We would urge the government to provide the Executive with the necessary resources to fund this initiative. We would also like more steps taken to ensure that landlords do not charge discriminatory rents (i.e. charge more to a migrant worker than a local tenant), and more pro-active measures taken to ensure that all landlords are aware of the relevant regulations.**

Migrant workers can face acute problems if they leave or lose their job. There are strict regulations regarding eligibility for both government assistance with emergency rehousing and Housing Benefit. Many migrant workers are ineligible for a variety of reasons. Technically, this means they are also ineligible for any temporary hostel accommodation provided by the voluntary sector, if hostel places are subsidised by the government.

The scale of the problem is illustrated by the fact that the Simon Community Northern Ireland received requests to accommodate more than 50 homeless migrant workers in the 12 months to August 2005. Indeed, given the language difficulties and other problems in obtaining information on sources of emergency help encountered by many migrant workers, it seems likely that other migrants in Northern Ireland became homeless during this period, but simply ended up sleeping rough.

All these workers came from A8 countries. Unlike their counterparts from the 'older' European Union countries, many A8 nationals are not entitled to government assistance with emergency rehousing or to Housing Benefit if they are not working. The Simon Community was able to accommodate some of these individuals. However, it drew on its own financial reserves to provide this accommodation. It would not be sustainable for the Simon Community to offer such support, without government subsidy, on a much wider scale.

The Simon Community says it is also clear that a number of employers of migrant workers are not providing their employees with sufficient advice and support in cases where contracts of employment are terminated. We believe that employers must take responsibility for the short-term future welfare of their migrant workers when they sack them or end their contract for some other reason.

## Case study

The case studies below, drawn from cases dealt with during the past year by the Simon Community, demonstrate the value of the emergency support provided by such organisations. They show that, given the right help, migrant workers who are made homeless can get back on their feet again very quickly. In each instance, the individual concerned was ineligible for Housing Benefit or for any other form of statutory financial support.

A 38-year old Estonian man arrived in Northern Ireland only to find that the employment and accommodation promised to him before he came were no longer available. He subsequently spent ten nights sleeping rough on the streets of Belfast before finding out about the Simon Community. The man moved into a Simon Community hostel where staff helped him to find another job and housing. After just three days, he was able to take up an offer of a job and tied accommodation in Bangor.

A Polish man, who had a job, approached the police for help after his landlord repeatedly demanded additional money for his rented accommodation. The police referred him to the Simon Community's Bangor hostel where he stayed for a number of weeks. He was eventually able to move into private rented accommodation in the Bangor area. The temporary accommodation and support he received from the Simon Community throughout this stressful time enabled him to keep his job while looking for a new home.

A 25-year old Estonian man lost his job at a hotel in Belfast. As his accommodation was tied to his employment, he suddenly found himself homeless. After spending six weeks in one of the Simon Community's Belfast hostels, he found a new job and was able to move out into alternative accommodation.

**Recommendation 8:** The government should establish a Migrant Worker Emergency Rehousing Fund in Northern Ireland. The aim of this fund would be to reimburse NGOs which provide hostel places to migrant workers who are technically not entitled to assistance with emergency accommodation from the government. However, the fund could also be used to finance outreach work by NGOs among migrant workers to help ensure that as many as possible are aware of sources of emergency assistance.

**Recommendation 9:** The government should encourage employers to provide advice on emergency support services to migrant workers when they commence employment, and to provide a reasonable level of advice and support to migrant workers whose contracts of employment are terminated for any reason.



## Education

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While many migrant workers come over to Northern Ireland by themselves, some bring their families. This poses a challenge for schools and teachers. But it can also provide a valuable opportunity to enhance the inclusiveness of a particular school and to provide a learning opportunity for the whole school. The current scale of that challenge is illustrated by the fact that more than 1,000 non-English speaking pupils have arrived in schools in the Southern Education and Library Board area since last September.<sup>21</sup> In the previous academic year, the number reported as having significant difficulty with English throughout Northern Ireland rose by 30% from 2,056 to 2,679.<sup>22</sup>

Yet, last summer, the whole system of support for pupils without English as a first language was thrown into chaos. The Department of Education elected to start giving schools £864 for each pupil with English as an additional language. The Department says that this money was part of what was previously the general funding allocation given to the education boards to distribute to schools as they wished. However, the new earmarked EAL allocation was not ring fenced and schools have been free to use it for its intended purpose or otherwise. This change coincided with increased pressure from the Department of Education to live within budgets which the education boards felt were unrealistic. Moreover, the Department has also moved, more gradually, towards a system of ring-fenced EAL funding support for the education boards which is based on the number of children estimated to require such provision within each board area. However, the method of calculation is based on numbers in the previous academic year and does not reflect the actual level of need where the number of children in this category is rising.<sup>23</sup> The net result has been that many specialist peripatetic English as an Additional Language (EAL) teachers, employed by the education boards, have been made redundant or redeployed.

At least three of the boards recruited specialist staff to offer support and training (but not one-to-one EAL teaching) to schools and teachers. We understand that all five boards wish to regionalise this specialist support service and have put forward proposals to the Department of Education to this effect.<sup>24</sup> Those who favour this approach say that, given the numbers of children without English as a first language now entering Northern Ireland, it is becoming impossible to provide an effective EAL service on the old model. However, many school principals and teachers feel that this is no substitute for the peripatetic EAL teachers who helped both pupils and schools to overcome the very real language barriers which often present the most pressing challenge for both pupil and teachers.

The new support and training services are underpinned by a philosophy which stresses the importance of the whole school adopting a truly inclusive approach. Concordia fully supports this philosophy. However, we believe the Department and the education boards made grave errors of judgement in making decisions which resulted in the loss of so much existing EAL expertise. In England, many schools have adopted the 'inclusive school' approach, but still make use of either in-house or peripatetic EAL teachers.<sup>25</sup> Funding for the support of pupils with English as an additional language is provided to schools through the Ethnic Minority Achievement Grant (EMAG). The schools inspectorate, OFSTED, has published two reports highlighting best practice among schools availing of these grants. With regard to secondary schools demonstrating good practice, it notes:

A common theme was the need to appoint and retain quality staff and almost all of the EMAG funding was spent in this way. Indeed, in most schools, additional funding was needed to make this a reality.<sup>26</sup>

Ofsted found that the same stress on retaining and using quality staff was also evident in those primary schools which demonstrated good practice.<sup>27</sup> Indeed, only small amounts of grant money were used by primary schools for training purposes.

<sup>21</sup>Figure from Southern Education and Library Board.

<sup>22</sup>Figure from the Department for Education.

<sup>23</sup>The Department for Education maintains that the boards are supposed to have contingency funds designed to deal with such a situation.

<sup>24</sup>Information from the North Eastern Education and Library Board.

<sup>25</sup>Information from Dr Richard Kiely, Senior Lecturer in Education, Bristol University.

<sup>26</sup>Ofsted (2004) *Managing the Ethnic Minority Achievement Grant: Good practice in secondary schools* (Nottingham: DFES), p. 7. Available at: <http://www.ofsted.gov.uk/publications/index.cfm?fuseaction=pubs.displayfile&id=3603&type=pdf>

<sup>27</sup>Ofsted (2004) *Managing the Ethnic Minority Achievement Grant: Good practice in primary schools* (Nottingham: DFES), p. 7.

We would urge that the Department of Education makes every effort to ensure that education boards can once again recruit peripatetic EAL teachers, and that boards are given sufficient funds to ensure that they can afford to employ such staff. We believe that, in those boards which have adopted the 'whole school' arms-length training and support approach, the switch from the previous system of support has been far too abrupt. While we would warmly welcome a move towards a more inclusive ethos and practice within the whole school, that move must be made much more gradually, with sufficient resources and a carefully thought-through policy which applies across the whole of Northern Ireland. This requires, in the first instance, the Department of Education to take a strategic lead, to develop a policy on EAL/ethnic minority achievement support and to ensure that the resources are in place to implement that policy.

## Case study

In the summer of 2005, a Lithuanian couple moved to Northern Ireland with their five year old son, Liudas (not his real name.) They had been assured that schools in Northern Ireland had provision for children who did not speak English. During Liudas' first morning at school, no one made any effort to speak to him and he felt, in his words, "invisible". By lunchtime, he had become extremely upset and the school contacted his parents. Liudas told his parents he did not wish to return to the school. The parents sought help from STEP. It contacted another school which provided language support. Liudas was enrolled at the new school where staff made sure that a classroom assistant spent time with him each day. As a result he was much happier.

**Recommendation 10:** In the short-term, the Department of Education should seek to make immediate changes to the funding mechanisms for education boards and schools to ensure that boards are in a position to employ adequate numbers of EAL specialist staff, and that schools can have access to those staff where they require such specialist assistance.

**Recommendation 11:** We urge the Department of Education to take a strategic lead in the support of pupils with English as an additional language by developing a clear and coherent policy on the provision of such support, and putting in place the mechanisms and funding to ensure that it can be implemented effectively. Any policy must build on the existing pool of EAL expertise, and any proposed new approach should be introduced gradually.

**Recommendation 12:** Any funding provided directly to schools for EAL support should be ring fenced for that purpose. Education boards should ensure that schools are accountable for the effective expenditure of such funding.



<sup>20</sup>See Housing Executive (2004) The Statutory Registration Scheme for Houses in Multiple Occupation (Belfast: Housing Executive). Available at: [http://www.nihe.gov.uk/publications/reports/HMO\\_statutory\\_reg\\_scheme.pdf](http://www.nihe.gov.uk/publications/reports/HMO_statutory_reg_scheme.pdf)

## Interpreting and Translation Services

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Given that many migrant workers and their families arrive in Northern Ireland with little or no English, adequate provision of interpreting and translation services by government departments, local councils and public sector agencies is crucial. Current provision is often inadequate and needs to be improved.

We welcome the initiative of the government in setting up the Regional Health and Social Services Interpreting Project. This scheme is currently providing an invaluable service to staff in the health service who have patients or clients with interpreting needs. However, we are concerned that this project is still regarded as a pilot scheme and only has funding until 31st December 2006. We would like the government to provide the project with guaranteed, mainstream funding.<sup>28</sup>

We believe that the health service Interpreting Project provides an excellent model for other public sector bodies. We would propose that the Project should be expanded to provide a service to all government departments, local councils and public sector agencies. We would further like to see the service extended to include translation services.

**Recommendation 13: The government should secure the long-term future of the Regional Health and Social Services Interpreting Project by providing it with guaranteed, mainstream funding. We would urge the government to expand the scheme so that it can provide a more general interpreting service throughout the public sector. We would also like the scheme to be extended to include a translation service.**

## Enforcement/regulation of relevant employment legislation and regulations in Northern Ireland

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It has been estimated that the approximate number of undocumented migrant workers in Northern Ireland may be anywhere between 3,000 and 12,000.<sup>29</sup> The undocumented status of these workers poses serious problems for the workers themselves, law-abiding employers, and for the public sector and voluntary agencies who offer support to migrant workers. Firstly, such workers are often being paid at below the levels permitted under minimum wage legislation and are likely to be frightened of complaining about poor working conditions, for fear of their undocumented status being discovered.<sup>30</sup> This provides companies employing such workers with an unfair competitive advantage over law-abiding employers. At the same time, it must be borne in mind that unscrupulous employers also exploit migrant workers who have all the correct documentation.<sup>31</sup>

Secondly, if the workers lose their employment, they have no entitlement to state benefits. Where they are in accommodation provided by the employer and lose their job, they also have no entitlement to emergency rehousing. Finally, it is impossible for agencies such as the Housing Executive to gauge and predict accurately the needs of migrant workers when a substantial number do not exist on any official database.

We believe that the most effective way to address this problem is through reducing the incentives for employers to recruit migrant workers through illegal means, rather than through tougher enforcement of the legislation and regulations governing immigration. If the latter path was pursued by the Home Office, it is likely that some unscrupulous employers would simply make more strenuous efforts to avoid being detected. Instead, we would advocate providing an environment which discourages both illegal and exploitative employment of migrant workers through:

- simplifying the procedures relating to the employment of migrant workers;
- providing both employers and workers with clear information on their rights and responsibilities;
- much tougher enforcement of employment legislation and regulations governing pay and conditions of work, than has existed in Northern Ireland to date.

<sup>28</sup>An evaluation of the Regional Health and Social Services Interpreting Project, commissioned by the Department of Health, Social Services and Public Safety, recommended the continuation of the service. DHSPSS 'Evaluation of the Regional Health and Social Services Interpreting Project and Service. Final Report.' February 2005. (Unpublished).

<sup>29</sup>Jarman, op. cit., pp. 14-15. Jarman's estimate is drawn from a national estimate in a Home Office paper and comprises precise lower and upper figures.

<sup>30</sup>Bell, Jarman and Lefebvre, op. cit., p. 67.

<sup>31</sup>See Animate 'Information Paper. Baseline Exploitation of Migrant Workers in the Dungannon, Cookstown and Craigavon areas'. Available at: <http://www.animate-ccd.net/info.htm>

Research evidence suggests that some migrant workers in Northern Ireland experience poor working conditions.<sup>32</sup> The Department of Employment and Learning (DEL) recently acquired powers to enter employers' premises and inspect records to assist with its role in enforcing employment legislation and regulations. These powers will be devolved to the Northern Ireland Trading Standards Service which will carry out inspections on behalf of the DEL. At the time of writing, the DEL and the Trading Standards Service had made no decision as to whether new inspectors would be recruited for this purpose and, if so, how many.<sup>33</sup>

It is vital that sufficient inspectors are recruited to carry out this task effectively. In the Republic, ICTU and the trade union SIPTU have urged the government to increase the number of labour inspectors employed by its Employment Rights Enforcement Unit to between 70 and 100.<sup>34</sup> On a very approximate per capita basis, this would suggest that Northern Ireland needs at least 30 employment inspectors. If the Trading Standards Service decides not to have dedicated employment inspectors, the number of additional inspectors required would obviously be even higher.

Gangmasters and recruitment agencies which provide migrant labour for certain sectors are subject to the Gangmasters (Licensing) Act 2004. This will be enforced by staff from the Gangmasters Licensing Authority (GLA) which will also be responsible for issuing licences to gangmasters and recruitment agencies under the Act. The GLA is based in Nottingham. It will not be setting up regional offices. It is currently recruiting a team of compliance and enforcement inspectors who will be based throughout the UK, but working from home rather than from regional offices. One of these inspectors will have responsibility for Northern Ireland. It remains to be seen whether or not he/she will be based in Northern Ireland.<sup>35</sup> As with the IND, we believe such enforcement can only be effective if the inspector(s) in question are based in Northern Ireland.

## Case study – an example of bad practice

In December, 2005, JSD Recruitment Services was ordered to pay a total of £70,000 compensation to three Portuguese workers based in Dungannon. The Tribunal found that JSD Recruitment Services had racially discriminated against the workers. The Tribunal's Decision said that the workers were treated unfavourably compared to indigenous employees of the company where they were working; they were paid less, they were forced to work overtime, and their overtime rates were less than those received by colleagues from Northern Ireland. (Source: Legal-Island)

## Case study – an example of good practice

Northbrook Technology is a Northern Ireland-based software services provider. Approximately 100 of its 1500 employees are foreign nationals. Northbrook goes out of its way to ensure that its migrant workers receive full support.

"When we recruit workers from Poland, for example, we know the cost of coming to Northern Ireland can be prohibitive for them, as the average wage in that country is much lower than ours," says Jim Norris, Senior Human Resources Manager for Northbrook. "So we pay for their flights and provide them with accommodation for the first six months, the first month of which is free. We'll also help them to arrange bank accounts, to obtain their National Insurance number and to register under the Worker Registration Scheme."

The company has set up 'buddy groups' so that migrant workers can get to know each other, and it holds English language improvement classes. Ongoing support and advice is also provided to the workers.

"We appreciate that it can be very daunting for migrant workers when they arrive here," says Mr Norris. "So we do everything we can to support our overseas workers from the moment they arrive. We believe in valuing all our staff equally. It makes ethical sense, but it also makes business sense because workers who are treated well aren't tempted to go and get another job with a competitor."

See also findings from the Cookstown Migrant Worker Health Impact Assessment, available from Animate. Animate provides research and data on migrant workers in the aforementioned areas. Poor working conditions was also highlighted as one of the major problems experienced by migrant workers interviewed for a study reported in Bell, Jarman and Lefebvre, op. cit., p.6 and pp. 63-66.

<sup>32</sup>Bell, Jarman and Lefebvre, op. cit., p.6.

<sup>33</sup>Information from Department of Employment and Learning.

<sup>34</sup>Information from SIPTU.

<sup>35</sup>Information from the Gangmasters Licensing Authority.

**Recommendation 14:** The Department of Employment and Learning, together with the Northern Ireland Trading Standards Service, should seek to ensure that the Trading Standards Service has a sufficient number of employment inspectors to enable it to enforce effectively compliance with employment legislation and regulations.

**Recommendation 15:** The Gangmasters Licensing Authority should have an inspector based in Northern Ireland.

## UK-level government policy and practice: the need for change

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The government's recent consultation on its proposals for a more streamlined system of managed migration demonstrates a recognition on the part of the government that the present system is needlessly bureaucratic and complex, helping neither the migrant worker nor the employer. Unfortunately, these proposals cover only immigration from countries outside the EU and the European Economic Area. Many problems still remain which need to be tackled at a UK level, but which do not fall directly within the scope of the current proposed changes.

Migrant workers from the A8 countries or other countries outside the EU face particular problems if they live in accommodation provided by their employers, and either lose or leave their job. Many individuals in this position are not entitled to government assistance with emergency rehousing, and often find themselves temporarily homeless. Many migrant workers fail to go through official registration processes (undocumented workers) and they face the same dilemma.

**Recommendation 16:** The current restrictions on the categories of migrant workers who are entitled to government assistance with emergency rehousing should be lifted.

Furthermore, many migrant workers are not entitled to Housing Benefit as there are a number of restrictions on eligibility to this benefit. Circumstantial evidence from voluntary organisations supporting migrant workers suggests that this is contributing to considerable hardship in certain cases.

**Recommendation 17:** We would like all workers to be treated equally in the assessment of eligibility for Housing Benefit.

Employers who wish to extend the employment period for migrant workers often encounter great difficulty. In particular, employers in Northern Ireland are concerned at lengthy and unacceptable delays in the current system for processing applications for Further Leave to Remain (FLR). Delays of 5-6 months in processing applications are not uncommon. Moreover, employers have found great difficulty in getting back workers' passports which have been sent to the Home Office for FLR registration.

Employers are also frustrated with the limitations imposed by the Sector Based Scheme (SBS), designed to help provide shortage skills. SBS permits only last 12 months. If an applicant wishes to extend their stay in the UK, they must first leave the country for two months. This is often an impractical or highly inconvenient option for both the employer and employee.

**Recommendation 18:** The government should provide the IND with sufficient staff to deal with the backlog in FLR applications which has built up. It should then ensure that the IND has enough staff on an ongoing basis to process applications swiftly.

**Recommendation 19:** The government should extend the period of Sector Based Scheme permits from 12 months to 24 months. It should permit applicants applying for renewal of SBS permits to remain in the UK while their application is being processed.

Nationals from many countries are currently required to register with the police if they are visiting the UK for more than six months. The £34 fee for registration places a considerable financial burden on many migrant workers. We believe this requirement should be dropped for migrant workers.

**Recommendation 20:** The government should do away with the requirement that migrant workers from certain countries must register with the police if they are staying in the UK for more than six months.

## Conclusion

Migrant workers are making a very valuable contribution to Northern Ireland's economy and society. It is vital that they are not treated as second-class citizens, but as respected members of our community. It is also important that employers do not face undue hurdles in seeking to recruit migrant workers when they have a genuine need for migrant labour, and that they do not face unnecessary obstacles in being able to provide the fullest possible support to those individuals.

At present, the needs of both migrant workers and their employers are not being fully met within Northern Ireland. The government must take a strategic lead in providing a really supportive and welcoming environment for migrant workers. Concordia shares the government's aspiration to make Northern Ireland as competitive as possible within the global marketplace. The use of migrant labour is helping to meet that goal. It is imperative that the government now takes the necessary steps to ensure that it offers the fullest possible support to migrant workers and their employers.



## Partners:

The CBI is an independent, non profit making, non party political organisation funded by member subscriptions. Its mission is to help create and sustain the conditions in which the UK business can compete and prosper. It is the voice of business. It represents the interests of members from every sector of industrial and commercial activity - from multi-national organisations with numerous subsidiaries to small start up firms. Its work involves lobbying government , civil servants and key opinion formers to bring out policies which allow business to develop and prosper.



The Northern Ireland Council for Voluntary Action (NICVA) is an umbrella body for voluntary, community and charitable groups in Northern Ireland. It provides over 1000 affiliated members with information, advice and training on a wide range of issues from management consultancy and finance, through to policy development and lobbying. Its mission is to achieve progressive social change by tackling disadvantage through voluntary action and community development.



The Irish Congress of Trade Unions is the single umbrella organisation for trade unions in Ireland representing a wide range of interests of almost 734,842 working people, both in the Republic of Ireland and 36 unions with 215,478 members in Northern Ireland. Its work involves protecting the rights of trade union members to be treated fairly and equally in all aspects of their employment.



The Ulster Farmers' Union is the democratic voluntary organisation representing farmers and growers in Northern Ireland. Its central objective is to promote their interests both at home and abroad through professional lobbying.



The Ulster Farmers' Union takes a close interest in rural affairs and services, and works with politicians both in the U.K. and internationally, and other groups and organisations to advance rural interests. It has particularly close links with consumer groups, countryside and wildlife bodies, animal welfare organisations and academics.

While it does not intervene directly in the market place, the Ulster Farmers' Union focuses a great deal of its attention on developing access to new markets and encouraging buyers and purchasers to choose home produced supplies.

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