

Committee issue document in response to the  
Racial Equality Strategy Consultation 2014

Prepared by the  
Northern Ireland Council for Ethnic Minority Communities  
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Committee for Agriculture and Rural Development

**Agriculture and Migrant Labour in Northern Ireland**

- According to recent research, migrant labour is essential to the Agri-food industry
- While data is lacking, most believe migrant workers to be employed in the Agri-food industry.
- This has implications for the NI economy as a whole, as the Agri-food industry is more central to the NI economy than anywhere else in the UK (provided around 20% of all private sector employment in 2010)
- Despite the importance of the Agri-food industry, there are no official figures on the impact of migrant workers on this industry.
- There are fears that a labour shortage in lower-skilled food production/processing occupations may arise due to:

1. The economic recovery providing greater choice for the resident labour force

2. Worsening economic conditions in the UK
3. Stronger economic conditions in Eastern Europe

- There is a lack of data pertaining to the role of economic migration in promoting growth, in contrast to that gathered in England (which reports on patterns in migrant occupation/employment sectors)
- The NI economic strategy has recognised the Agri-food industry as being one of the sectors with the greatest potential for growth
- Around 8% of the Agriculture industry is reported as having a skill gap and the requisite skills are expected to change due to issues like climate change

### **Shortcomings of the Draft Racial Equality Strategy**

- Doesn't mention or draw from recent research that raises the above points, despite their relevance to migrant workers and the economic strategy's focus on developing the Agri-food sector
- Doesn't mention the role of migrant workers in the Agri-food industry and how their equality rights/interests are to be protected in doing this work (the Committee itself has been given evidence suggesting the particular vulnerability of these workers), despite the fact that attracting these workers is central to an industry that makes up 20% of the private sector
- Doesn't make any commitment to gathering data on the prevalence of migrant workers in the Agri-food industry, which is vital to mapping the skill gap in this sector and how it is to be filled
- Doesn't commit to the gathering of data on how migrants are promoting economic growth generally, in line with data collected in England that analyses migrant employment patterns
- Makes no measures to address, research or consider the potential labour shortage in the Agri-food industry consequent from increasing job options and strengthening economic conditions in Eastern Europe

### Committee for Culture, Arts and Leisure

#### **BME Communities and Culture, Arts and Leisure**

- Ethnic minority communities have had a significant influence on arts and culture in Northern Ireland. There are many popular BME cultural events in Northern Ireland each year and BME artists have made significant contributions to more general cultural celebrations (such as the Derry/Londonderry City of Culture events).

- Additionally, organisations illustrate the contributions of BME communities to the arts specifically, with the provision of intercultural artistic workshops etc.
- Artistic and cultural expression are a vital part of equal participation in society (for example, BME communities may use artistic practice as a form of political expression)

### **Shortcomings of the Draft Racial Equality Strategy**

- The Strategy makes no commitments on or provisions of funding for promoting BME cultural/artistic events/participation
- Makes no mention of the Intercultural Arts Strategy, or how it could deliver on increasing BME participation in cultural life, as is aspired to within the Strategy
- Does not reference recent figures provided by DCAL on BME participation in sport
- Does not reference recent research on social inclusion in the arts, which emphasises the total lack of data regarding ethnic minority participation in this area - consequently, no commitment to address this dearth of data is made
- A proposed seventh Shared Aim on the protection of cultural identity is criticised in the Strategy on the basis that it could promote practices such as FGM. This seems an unduly narrow interpretation of the diversity of ethnic minority cultural practices, especially when viewed alongside DCAL's good work in facilitating the expression of ethnic cultures through various organisations, workshops and events. It is also notable that FGM has been legislated against in the UK, thus it is unclear what effect it is supposed that a policy statement on cultural identity could have in promoting its practice.

### Committee for Education

#### **BME individuals and Education**

- Racist bullying is a significant issue in Northern Ireland's schools – DENI research has indicated that 14% of Year 6 and 7.6% of Year 9 students surveyed had experienced racist bullying
- There is no anti-racist bullying policy/guidance equivalent to that supplied by Westminster's Department for Education and Skills
- Non-Christian religions receive little attention in the current RE syllabus, which has been reviewed by representatives of Christian churches

- Academic selection constitutes a significant barrier to high standards of education for newcomer pupils (13.7% of newcomers attend grammar schools, compared to 42.5% of non-newcomers)
- Language difficulties may present a hidden hindrance to newcomer pupil performance. Pupils with English as a second language and whom converse socially on a par with indigenous peers may still remain years away from using English on the same level academically.

### **Shortcomings of the Draft Racial Equality Strategy**

- Makes no practical commitments on actions to address the issues it raises (such as how to address the language barrier, how/when data on educational outcomes will be collected, how actions arising from the Strategy will align with existing education policy etc.)
- Fails to consider how further understanding of non-Christian religions may be developed in RE lessons and the beneficial effect that this may have for BME pupils
- Does not specifically address the issue of racist bullying, despite its prevalence
- Similarly, makes no provision for the creation of guidance on addressing racist bullying, in line with that provided elsewhere in the UK
- Does not consider any actions to mitigate the disproportionately detrimental effect of the de facto system of academic selection in NI on newcomer students

### **Committee for Employment and Learning**

#### **BME Communities and Employment/Learning**

- Many migrant workers in NI are employed through agencies, with 3%-4.5% of the working population being estimated to be agency workers
- As agency workers do not count as ‘employees’, they lack numerous important protections that this status entitles one to. Agency workers with a contract for service may not attend a Fair Employment Tribunal, cannot claim unfair dismissal and are not entitled to redundancy pay. Furthermore, agency workers are not entitled to maternity/paternity leave, nor are they entitled to statutory sick pay unless they have worked for the same agency for more than three months
- Where agency workers have a contract for service, they also surrender their anti-discrimination law protections related to employment, as they are technically self-employed

- Racial harassment is prevalent in the workplace: research conducted by NICEM amongst the Filipino community showed that 41.5% of respondents had experienced racial harassment in the workplace, with 33.3% of these respondents having experienced this harassment from their boss
- There is no detailed breakdown by nationality of what employment sectors migrants are working in, thus making it difficult to identify overarching trends, issues and obstacles in migrant employment.

### **Shortcomings of the RES**

- Does not commit to specific actions to address the issues it highlights (such as the language barrier, racism in the workplace and over-qualification/under-employment amongst BME groups)
- Fails to consider agency workers or commit to actions to ameliorate their lack of protection
- Does not make a definite commitment to ethnic monitoring (data-gathering), but states that Departments themselves will consider where it is appropriate to implement such monitoring
- Omits to elaborate on how ethnic monitoring will be handled on a cross-departmental level, in terms of how data will be shared, relevant themes/employment patterns identified and duplication avoided

### **Committee for Enterprise, Trade and Investment**

#### **BME individuals and Enterprise, Trade and Investment**

- Tourism is an obvious manner in which BME individuals who are not resident in NI may contribute to its economy. This market generates a huge amount of revenue for NI (£538 million was spent by overnight visitors to NI between April 2013 and March 2014). Furthermore, this is a growing market (expenditure from overnight visitors is up 9% from April 2012-March 2013)
- Tourists have in the past been targeted by racist attacks, thus racial equality provisions are very relevant to this business
- Energy and utilities companies face serious difficulty in recruiting appropriately qualified indigenous individuals for senior and technical roles, as the sector is unappealing to relevant graduates. As there is an EU-wide shortage of relevant graduates, non-EEA migrants must fill these crucial roles until the indigenous population can be trained to adopt these positions
- The growing demand for the decarbonisation of our energy processes will increase the need for STEM graduates and specialised workers in these fields, and the fact that £200 billion will be spent in the UK over the coming 10-15 years on new power generations/transmission/distribution systems means that

this will be an area of significant activity, which will require expert, qualified management. Consequently, it is vital that these positions are attractive and workable for any migrant workers that businesses may seek to employ

- Foreign Direct Investment (FDI) is a significant contributor to the development of enterprise in NI. Between April 2008 and March 2011, Invest NI secured 7,500 new jobs as a consequence of FDI. Invest NI's latest Corporate Plan, covering 2011-15, aims to promote 5,900 jobs from 'inward investors'. Invest NI hopes that it will secure £375 million (and \$145 million in wages/salaries), simply from the growth/development of externally owned businesses in this period.

### **Shortcomings of the Draft Racial Equality Strategy**

- Makes no provision for specific actions to address the issues it raises (such as the differing migration needs of NI, racism/inequality/discrimination in business and BME participation in business, enterprise etc.)
- Does not mention any measures to prevent discrimination/violence against BME visitors (i.e. tourists), despite the revenue they generate for NI
- Similarly, no measures to prevent discrimination against migrant workers are considered, despite the vitality of these workers to the energy/utility sectors and the likely increased need to attract more of these workers in light of changing energy generation/provision processes
- Fails to consider how an increase in racist attacks and recent negative media attention focused on public figures could impact on FDI, despite the importance of this investment to the NI economy.

### **Committee for Health, Social Services and Public Safety**

#### **BME Communities and Health/Social Services/Public Safety**

- Private healthcare services have a tradition of hiring large numbers of migrants (estimations place migrants as comprising 1.7% to 8.5% of the domiciliary care sector) and employers report that migrant workers are leaving for their country of origin due to the economic climate, thus raising the possibility (amidst the aging of the UK population) of a shortage of care workers. Consequently, it is important that the work environment of those willing to work in this area is not blighted by racial discrimination, intimidation etc.
- Migrants working in the health care system may be particularly vulnerable to discriminatory treatment. For example, one Equality Commission case concerned an Indian health worker was denied sick leave by her employer, with her manager insisting that her immigration status could be at risk if she did not attend work. Upon securing alternative employment, her employer

provided her with a damaging reference that resulted in the offer for employment being withdrawn

- Many BME individuals face particular problems regarding domestic and sexual violence (for example, migrants with no recourse to public funds may face destitution if they leave abusive partners and some BME women are at risk of practices such as forced marriage and FGM)
- Some BME groups are more vulnerable to particular health issues (for example, suicide and chronic disease rates are above average for members of the travelling community, with mortality rates being 3.5 times higher than that of the general population)
- BME communities generally tend to have a lack of knowledge of health and social care services
- Mental health issues are a particular consideration for new arrivals in NI and asylum seekers

### **Shortcomings of the Draft Racial Equality Strategy**

- Does not commit to any actions to address the problems it raises (the language barrier, the lack of data on BME health outcomes)
- Does not state whether or not the DHSSPS's current system of data collection satisfies its duties under the forthcoming system of ethnic monitoring (described within the Strategy)
- Fails to consider the role of migrant workers in the NHS and issues of equality regarding this (equal pay, treatment, prevention of discriminatory treatment by staff or patients)
- Fails to address the particular issues facing some migrants who are victims of domestic/sexual violence
- Omits to consider the particular health vulnerabilities of certain minority groups (e.g. Travellers) or measures to mitigate these vulnerabilities
- Considers no measures to address the general lack of knowledge of available services amongst some BME communities
- Does not address measures to tackle the mental health vulnerabilities of new arrivals in NI

### **Committee for Justice**

### **BME Communities and Justice**

- Race hate incident rates are in a state of constant flux in NI, with recent statistics revealing a rise in incidents (from 750 in 2012/13 to 982 in 2013/14)
- Unlike in England and Wales, the question of institutional racism in the police force has never been comprehensively addressed in NI. Research has suggested that NI has not sufficiently drawn on the MacPherson Report to develop a response to racist crime/institutional racism, with NI remaining in a 'pre-MacPherson situation'
- BME individuals are significantly under-represented in the police force (making up only 0.52% of police officers and 0.53% of police staff, despite constituting 1.8% of the population)
- BME individuals are also over-represented as offenders within the CJS (for example, 6% of domestic violence offenders identified in 2013/14 were from a BME background)
- Human Trafficking remains a significant issue in the UK, with 1746 potential victims having been referred to the NRM in 2013 and estimations suggesting that the true number of victims could be around 5000-8000

### **Shortcomings of the Draft Racial Equality Strategy**

- Does not propose any concrete actions to address racist crime
- Makes no mention of current efforts to tackle racist hate crime (e.g. Operation Reiner) and what lessons, if any, may be drawn from them
- Fails to mention human trafficking or consider how the RES may interact with/inform current mechanisms relevant to that area
- Does not consider any measures to address institutional racism or implement the MacPherson recommendations
- Makes no mention of the underrepresentation of BME communities in the police force nor of any measures to address this
- Does not consider the overrepresentation of BME individuals in the CJS, nor the lack of data on arrests/prosecutions of BME individuals

### Committee for Regional Development

### **BME Communities and Regional Development**

- The Energy and Utilities sector has a vital need of STEM graduates (89% of energy/water employers seeking scientifically/mathematically skilled staff. However, there is an EU-wide shortage of such individuals, meaning that qualified staff need to be employed from non-EEA areas. These migrants



would be filling ‘crucial roles’ in a country where local graduates appear unwilling to seek employment in utilities

- The fishing industry in NI makes use of migrant workers and there has been evidence of discriminatory treatment and exploitation of these workers (low pay, violence/aggression, forced labour etc.).

### **Shortcomings of the Draft Racial Equality Strategy**

- Does not create measures to ensure that migrant workers are not deterred from adopting vital posts (such as in the utilities sector) due to workplace discrimination
- Fails to consider measures to address exploitative employment conditions (such as those experienced by some fishing/seafaring migrant workers)

### **Committee for Social Development**

#### **BME Communities and Social Development**

- Housing is an area that produces particular difficulties for many BME individuals. For some migrant families, low pay combined with a lack of access to housing benefits, a poor understanding of one’s rights and poor language skills can obstruct access to housing
- Indeed, migrants are, due to their frequent lack of a family support network in the country, at an increased risk of homelessness
- Many BME individuals/families have difficulty in utilising childcare, due to a lack of awareness of their entitlements to child support. Research has shown that 69.5% of surveyed BME families were unaware of the Childcare Voucher Scheme and 25.5% were not aware of the Working Tax Credit. Indeed, only one quarter of respondents had actually accessed childcare-related financial assistance
- The DSD lacks monitoring data on the uptake of benefits by BME communities, which was a contributing factor to its incomplete EQIA on the Welfare Reform Bill. Consequently, it is apparent that this dearth of data impedes the proper assessment of BME communities’ equality interests regarding areas under the DSD’s remit.

### **Shortcomings of the Racial Equality Strategy**

- Does not consider any measures to address the particular difficulties faced by some BME individuals that obstruct access to housing
- Does not consider the increased risk of homelessness for some migrants or any measures to address this

- Fails to consider measures to address the particular difficulties that many BME families have in securing childcare, or to raise awareness amongst BME families of their entitlements of support in this regard
- Does not mention the lack of monitoring data on benefit uptake amongst BME communities, or elaborate on whether the collection of such data will constitute a part of the ethnic monitoring proposals contained within the Strategy.

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