

European Monitoring Centre on Racism and Xenophobia
Observatoire Européen des Phénomènes Racistes et Xénophobes
Europäische Stelle zur Beobachtung von Rassismus und Fremdenfeindlichkeit



MIGRANTS, MINORITIES AND EMPLOYMENT IN IRELAND

EXCLUSION, DISCRIMINATION AND ANTI-DISCRIMINATION

**RAXEN 3 Report
to the ▲ European Monitoring Centre on
Racism and Xenophobia (EUMC)**

by the ▲ RAXEN Focal Point for Ireland
▲ Equality Authority
and
▲ National Consultative Committee on Racism and Interculturalism
(NCCRI)

September 2002

TABLE OF CONTENTS

1.	Introduction	7
2.	Contexts	8
2.1.	Cultural diversity in Ireland	8
2.2.	Labour Market Supply and Demand	14
2.3.	Immigration and Residence Policy	15
2.4.	Racism in the Workplace	16
3.	Methodology	17
4.	Description of existing and non-existing data and sources	18
5.	Emerging knowledge/good practice in tackling racism and supporting diversity in employment	21
5.1.	The Establishment of National Bodies	21
6.	Analysis	30
6.1.	Discrimination in Employment	30
6.2.	Cultural diversity and racism related to employment	34
7.	Conclusion.....	41
7.1.	Tackling racism and promoting diversity in the workplace	42
7.2.	Legislation: analysis	43
7.3.	Policies and Strategies to address racism: analysis	45
7.4.	Immigration and Residence Policy: Analysis	46
7.5.	Refugee and asylum Policy: Analysis	49
7.6.	Policy impacting on Travellers: Analysis	49
	Annex One	50
	Annex Two: 2002 Census of Population Questions	52
	Annex Three: Bibliography and Websites	53
	Annex Four: Work Permits Disaggregated by Country	56

DISCLAIMER: This study has been compiled by the National Focal Point of the European Monitoring Centre on Racism and Xenophobia (EUMC). The opinions expressed by the author/s do not necessarily reflect the opinion or position of the EUMC. No mention of any authority, organisation, company or individual shall imply any approval as to their standing and capability on the part of the EUMC. This study is provided by the National Focal Point as information guide only, and in particular does not constitute legal advice.

Executive Summary

This analytical study is part of the third phase of ▲ RAXEN and has been undertaken by the ▲ Equality Authority and the ▲ National Consultative Committee on Racism (NCCRI) and completed in September 2002. The focus of the study is on addressing racism and supporting diversity in the area of employment.

The introduction provides a summary of the aims, the purpose and the structure of the study. The key aims, as set out in the guidelines for the study, are to give a descriptive summary report of the current situation, major activities and recent developments 2000-2002, and to present an analysis of the situation, their causes and consequences.

[Part One](#) of the study provides the contextual background to the study under the following headings: [Cultural diversity in Ireland](#); [labour market supply and demand](#); [immigration and residence policy](#) and [racism in the workplace](#).

This part of the study concludes that Ireland has undergone dramatic socio economic and demographic changes in recent years. Emigration levels have declined and Ireland has become a country of net inward migration for only the second intercensal period since the foundation of the State in 1921.

In the period up to 2001 Ireland's economic growth rate was more than double any other member state in the EU. This has resulted in significant labour and skills shortages across the whole of the labour market. There has been a dramatic fall in unemployment in recent years from over 20% in the 1980's to less than 5% in 2002. As a consequence there has been active recruitment of workers from both EEA¹ and non-EEA countries. Labour force surveys and work permit/visa applications reveal that there has been a strong increase in inward migration from EU accession countries and the former USSR and countries such as the Philippines and a concomitant decrease in migrants from the UK and the USA. Just under half of inward migration into Ireland in recent years has been comprised of Irish nationals (returning emigrants). The proportion of Irish nationals returning to Ireland peaked in 1999 and the current trend is that their share of the total will fall over the next few years in favour of an increase of people from outside the European Economic Area. A Government report in 2001 warned that without inward migration, Ireland's future economic growth will be jeopardised.

Despite economic downturns at global and national levels and a re-tightening of accessibility criteria for work permits available to non-EEA workers, the demand for migrant labour actually increased in the first half of 2002. In May 2002, the Irish Government renewed its promise to review immigration and residence policy to manage these changes.

There is a growing awareness of the need to address racism and support cultural diversity in the employment arena in Ireland. Key stakeholders within the workplace, including employer bodies are anxious to both attract and retain staff recruited from abroad to fill skill and labour shortages. There is an increasing recognition by employers and the Government of the importance of the diverse customer base both at home and internationally. Trade unions are anxious to prevent migrants being exploited, particularly in low and semi skilled jobs in industries such as hotel, tourism and catering, agriculture and food processing.

¹ The European Economic Area (EEA) consists of the EU, Norway, Iceland and Liechtenstein.

Workplace equality is supported by the law, principally the § Employment Equality Act (1998), which prohibits discrimination and harassment in the workplace on nine grounds, the most relevant to this study being ‘Race’ and ‘membership of the Traveller community’, an indigenous minority ethnic group.

[Part Two](#) of this study outlines the methodology of the study, including the challenges to its completion, which is guided by the guidelines provided by the EUMC.

[Part Three](#) provides a description of the existing data sources in respect of discrimination and cultural diversity in the workplace in Ireland. The primary sources for this data are the cases referred to the ▲ ODEI-The Equality Tribunal under the § Employment Equality Act. A second, more informal source is the incidents related to racism reported to the ▲ NCCRI since May 2001. A major challenge to the completion of this study is the limited availability of disaggregated data in data surveys at both a national and workplace level. As a consequence there is only partial data available on the extent of cultural diversity in Ireland as a whole and in the workplace in particular.

There are no figures available on the level of unemployment among black and minority ethnic groups and the full extent of discrimination in the workplace and trends over a period of time. However data is beginning to be generated, mainly because of cases referred under the § Employment Equality Act and the recent establishment of related equality infrastructure to enforce this legislation.

This part of the report points out that next to ‘Gender’, ‘Race’ is the most common ground for referred cases to the ▲ ODEI-The Equality Tribunal. It further points out that there are very few cases related to Travellers and employment because of their marginalisation from the mainstream workforce and the historical legacy of racism that they have experienced.

This part of the report also seeks to provide a more detailed profile of cultural diversity related to employment in Ireland under the following headings:

- People from EEA countries working in Ireland.
- People from non-EEA countries who are working in Ireland.
- Refugees and Asylum seekers
- Black and minority ethnic background in Ireland, including Travellers

Most migrant workers are employed in the service sector; hotel and catering; agriculture and fisheries; industrial; and medical and nursing sectors. They are an invaluable part of the general Irish labour force. For example in some hospitals non-EEA nurses comprise one third of the workforce and almost one half of all non- consultant doctors in Irish hospitals are from outside the European Economic Area.

Recognised refugees have the same employment rights as Irish nationals. However, research has shown that refugees experience a number of barriers to obtaining employment, of which racism ranked as the most important by those surveyed. Asylum seekers are for the most part prevented from working in Ireland, despite considerable lobbying on this issue by NGO’s. There is some anecdotal evidence of asylum seekers dropping out of the formal direct provision system for asylum seekers and working in the informal economy as undocumented workers. However most are concerned not to engage in employment, partly out of concern that it may jeopardise their application for refugee status.

There is also some evidence beginning to emerge of other undocumented workers in Ireland, such as some people on student visas and migrants whose work permits have expired. Some

of these people have been made unintentionally or temporarily illegal because of the failure or delays on the part of employers to renew work permits, or through misleading or inadequate information. There is significantly more potential for the exploitation of undocumented workers, and a reluctance to report incidents of racism because of their status.

Traveller participation in the mainstream workforce is very low. The difficulties stem from the discrimination Travellers experience in school, in training courses and accessing the work environment. There is evidence from recent research of greater demand by Travellers for participation in mainstream employment, that discrimination persists and that legislation alone will not resolve these realities.

There has been very little research or data generated related to employment on the experience of Irish and other EU citizens from black and minority ethnic backgrounds. However some identification of the issues can be drawn from research in Britain.

[Part Four](#) of this study focuses on emerging knowledge of importance, in particular good practice in tackling racism and supporting diversity in employment under the headings of the establishment of [national bodies](#), [national initiatives](#) and [organisational policies and training](#).

The emergence of the recent equality legislation and equality bodies in the form of the ▲ Equality Authority and the ▲ ODEI-The Equality Tribunal is highlighted along with the work of ▲ NCCRI. The important role of the ☀ ‘Know Racism’, the national public awareness programme, is also noted.

The inclusion of an equality/anti-racism dimension in national initiatives such as the National Anti-Poverty Strategy for Social Inclusion and the Quality Customer Service Initiative (public service reform), and progress on equality proofing are also outlined. The work of the Gardai (Irish police), initiatives linked to cultural diversity in the health services, anti-racism training, research and training in Irish prisons on diversity and racism, and good practice examples from the statutory, semi-state and private sectors are also described.

[Part Five](#) provides an analysis based on the issues emerging from the previous parts of the report. This includes a rationale for tackling racism in the workplace, an analysis of the legislation and proposed changes in legislation, including the Employment Equality Act and the potential impact of EU Directives on Irish law.

An analysis of policies and strategies to address racism in Ireland includes reference to the conclusions from the ■ Second ECRI report on Ireland² related to employment and migrant workers. The forthcoming ■ National Action Plan Against Racism arising from the ☀ World Conference Against Racism is highlighted as an important opportunity to develop a more cohesive and integrated response to racism, including in the employment sphere.

The final section concludes the report and makes a number of suggested recommendations. Including the need to develop further policy aimed at accommodating diversity, the importance of workplace policies and practices and the mainstreaming and data collection at national local and workplace levels. There are also a number of specific recommendations around migrant workers, refugees and asylum seekers and Travellers.

[Annex One](#) provides a summary of cases referred to the ▲ ODEI-The Equality Tribunal in 2001 and the first six months of 2002. [Annex Two](#) outlines the explanatory notes provided by the ▲ Central Statistic Office for the inclusion of the questions on nationality and ethnicity in the 2002 Census, which although limited in their scope, recognises for the first

² ECRI report launched April 23, 2002

time that diversity is a key issue for Irish society. [Annex Three](#) provides a bibliography and list of websites used in the compilation of this report.

1. Introduction

As part of the third phase of ▲ RAXEN3, the ▲ European Monitoring Centre on Racism and Xenophobia has decided to undertake analytical studies in four data collection areas across the fifteen member states of the European Union. The ▲ National Focal Point in each member state has undertaken these studies. In Ireland the National Focal Point is the ▲ Equality Authority and the ▲ National Consultative Committee on Racism and Interculturalism (NCCRI). The four data collection areas of RAXEN3 are employment, education, racial violence and legislation.

This analytical study focuses on reducing racism and supporting diversity in the area of employment in Ireland. The aims of the study are set out in the ■ RAXEN3 guidelines to:⁴

Give a descriptive summary report of the current situation; major activities and recent development 2000-2002, and

Present an analysis of the situation, their causes and consequences

The analytical studies are primarily aimed at policy makers at both European Union level and member state level and the expected outcomes are:

- The situation for migrants, minorities and non-nationals in the labour market.
- New policies and legislation on integration in the employment sector and working permits for migrant workers.
- Other current initiatives and perspectives to support diversity in the labour market and the employment sector.
- Groups vulnerable to discrimination in the labour market and employment sector
- Acts of discrimination, court cases of general interest and jurisprudence.
- Trends regarding and tendencies regarding direct and indirect discrimination in the labour market and employment sector.
- Theoretically based explanations, causes and consequences related to the findings
- Suggestions for recommendations to the Government.

³ ▲ RAXEN is an EU wide initiative to collect and to promote good practice in addressing racism and supporting cultural diversity.

⁴ European Monitoring Centre on Racism and Xenophobia. (2002) Annex II to the RAXEN 3 contract. Guidelines for the RAXEN 3 Phase.

2. Contexts

This section seeks to provide the contextual background to this study under the following headings:

- Cultural diversity in Ireland
- Inward migration into Ireland
- Labour market supply and demand
- Immigration and residence policy
- Racism in the workplace

2.1. Cultural diversity in Ireland

There has always been cultural diversity in Ireland, despite the widely believed myth that Ireland has always been and still is a homogeneous and a mono-cultural society. The Traveller community, an indigenous Irish group, with an estimated population of 22,000 people and remains the largest minority ethnic group in Ireland. There has been a long established Jewish community and growing Islamic, Asian and Chinese communities in Ireland.

However, there has been a significant broadening of cultural diversity in recent years, both in terms of numbers of people and national or ethnic origin. There are now refugees and asylum seekers from over 100 countries in Ireland including Vietnam, Bosnia, Kosovo, Nigeria, Romania, Algeria, Congo, and Somalia and from ethnic groups that transcend geographical boundaries, such as the Roma and the Kurds.

There has been a significant increase in the numbers of migrant workers coming to Ireland from outside the European Economic Area. This is a direct consequence of skill and labour force shortages in recent years. The number of students and the diversity of their backgrounds have also added to the more widely held perception that Ireland has become a more multicultural society.

In Ireland there are now more visible populations of black Irish and other EU and non-EU citizens living in Ireland who experience racism on the basis of skin colour and ethnic origin.

1.2.1. Population and Inward migration into Ireland

Ireland has been traditionally associated as a country of mass emigration. Largely as a consequence of almost continuous, though fluctuating levels of emigration, Ireland's population actually declined from 3m in 1926 to 2.8m in 1961. Between 1996 and 2002 the population of Ireland rose from 3.6m to 3.9m⁵, the most rapid increase in population since the foundation of the State (see Table One).

The most important factors that have caused Ireland's population to increase in recent years are the rise in net immigration (the balance between inward and outward migration) caused by a decline in emigration and an increase in immigration, and through natural increase in

⁵ Central Statistics Office, (September 2002). ■ Preliminary Report 2002 Census.

the population, where the number of births exceeds the number of deaths (calculated as births minus deaths).

While the natural increase in the population has been positive in each intercensal period since 1926, the most recent period 1996-2002 is the first in which immigration has had a greater impact on population growth (i.e. 6.8 per thousand compared with 6.1 per thousand). Natural increase in 2002 was 29,300, the largest recorded since 1984. These trends have resulted in Ireland's population growing by 1.5% in the year to April 2002.

Table One: Population of Republic of Ireland 1926-2002 (CSO)⁶

1926	2,971,992
1936	2,968,420
1946	2,955,107
1951	2,960,593
1961	2,818,341
1971	2,978,248
1981	3,443,405
1991	3,525,719
1996	3,626,087
2002 ⁷	3,917,336

1.2.2. Inward Migration

Since the establishment of the State in 1921, the Republic of Ireland has consistently been a country where emigration has exceeded immigration, with the exceptions of the periods 1971-1979 and 1991-2002. The highest levels of net outward migration occurred between 1951 and 1961, at a level, which is twice that of the highest level of net inward migration. The highest level of net inward migration to Ireland since the foundation of the State occurred in the most recent period, 1996 and 2002 (see Table Two). On an annual basis net inward migration of 25,500 for the most recent period, was almost twice the average recorded during the 1970's⁸.

The preliminary statistics from the 2002 Census indicate that all 26 counties in the Republic of Ireland benefited from the combined effect of inward and internal migration flows during 1996 to 2002. The counties that gained most are predominantly in the eastern Irish province of Leinster where Dublin is situated. These include in descending order: Meath (plus 24 per thousand), Kildare (plus 20), Westmeath (plus 15), Wexford (plus 12) and Laois (plus 11).

With the exception of Galway (plus 11 per thousand), the counties where major cities are located have experienced significantly less net inward migration per average population over the period 1996-2002. Dublin (plus 2 per thousand), Cork (plus 5.2) and Limerick (plus 4.2). While further analysis is necessary, these figures may be indicative of the significant pressures on infrastructure in major Irish cities which is again linked to economic growth, including accommodation prices and increased traffic.

⁶ ▲ Central Statistics Office. ■ Census of Population. <http://www.cso.ie>

⁷ The Census was undertaken in 2002 because of the precautions against the spread of Foot and Mouth disease in Ireland in 2001.

⁸ Central Statistics Office (September 2002). ■ Preliminary Report 2002 Census. P11

Table Two: Average Annual Estimated Net Migration (Inward Less Outward) Per 1,000 Population 1926-2002 (CSO)⁹

Intercensal Period	Per 1,000 Population
1926-1936	-5.6
1936-1946	-6.3
1946-1951	-8.2
1951-1956	-13.4
1956-1961	-14.4
1961-1966	-5.7
1966-1971	-3.7
1971-1979	4.3
1979-1981	-0.7
1981-1986	-4.1
1986-1991	-7.6
1991-1996	-0.5
1996-2002	6.8

The pattern of inward migration into Ireland in relation to the origin of migrants has changed dramatically in recent years. Between the period 1996 and 2002, returned Irish nationals accounted for 46% of immigration into Ireland, however this share has been declining since 1999, when it peaked at 55% share of total inward migration.

The most significant trend emerging in the most recent intercensal period, 1996 to 2002 has been the increase in the share of migrants coming to Ireland from the rest of the world¹⁰. Immigration from the rest of the world accounted for 35% of immigration in 2002, compared with 11% in 1996. Averaged out over the period 1996-2002, the proportion of people from the rest of the world was roughly the same as immigrants from the UK to Ireland.

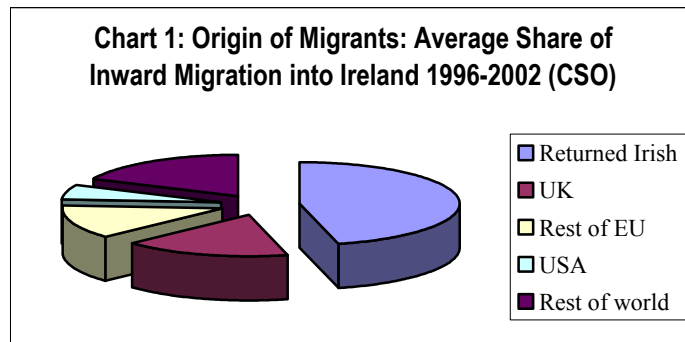
Concomitant with this increase of migrants from the rest of the world, there has been a parallel decrease in the share and number of UK and USA migrants over the same period. The actual number of US immigrants to Ireland fell by half between 1996 and 2002 and their share of the total declined from 10% to 6%. The number of immigrants from the UK to Ireland declined by 39% between 1996 and 2002 as well as their share falling from 21% to 11% over the same period. The rest of the European Union's share of immigration into Ireland has remained almost static at 13% between 1996 and 2002.

⁹ibid

¹⁰ This category defined in the census as all countries in the world, excluding the US and the EU.

Table Three: Inward Migration into Ireland, Origin (% of Total), Inward Migration into Ireland in 1996, 1999 and 2002 (CSO)¹¹

Origin	1996	1999	2002	Average 1996-2002 (Chart One)
Returned Irish	45%	55%	38%	46%
UK	21%	17%	11%	17%
Rest of EU	13%	14%	13%	13%
USA	10%	5%	3%	6%
Rest of world	11%	9%	35%	18%

**Table Four: Inward Migration into Ireland, Number of Immigrants (000) in 1996, 1999 and 2002 (CSO)¹²**

Year	1996	1999	2002
Number (000)	39.2	47.5	47.5

Table Five: Usually resident population in Ireland classified by Place of Birth in 1996 (CSO)¹³

Place of Birth	Numbers	% of Total Population
Outside the Republic of Ireland	251,624	6.9

Table five shows usually resident population in Ireland classified by place of birth in 1996 (figures for 2002 are not yet available). However it is of very limited value to this study as it includes people born in Northern Ireland, Britain and other EU countries and it excludes migrants. The 2002 Census will provide information on nationality for the first time. There are no figures available on absolute numbers of foreigners in Ireland or members of minority ethnic groups.

¹¹ Central Statistics Office (5 September 2002). ■ Population and migration Estimates. April 2002.

¹² ibid

¹³ Central Statistics Office

1.2.3. Refugees and Asylum Seekers

The number of asylum seekers to Ireland has increased significantly in recent years but appears to have levelled out at approximately 10,500 per year in recent years (table five). This is slightly higher than the EU average per head of population.

However it is also the case that the total number of asylum seekers and refugees in Ireland is much less than many other EU countries per head of population as there was virtually no asylum seekers coming to Ireland before 1996. The main countries of origin for asylum seekers in Ireland in 2001 was Nigeria (33.5%) Romania (13.1%), Moldova (5.3%), Ukraine (3.6%), Russia (3.0%), Croatia (2.8%) Other (38.7%)¹⁴ (See Chart Two).

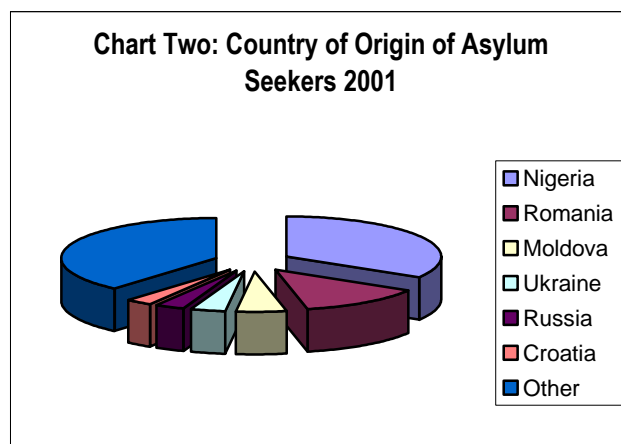


Table Six: Asylum Applications to Ireland 1992-2001 (▲ Dept of Justice, Equality and Law Reform)¹⁵

Year	Numbers Seeking Asylum
2001	10325
2000	10938
1999	7724
1998	4626
1997	3883
1996	1179
1995	424
1994	362
1993	91
1992	39

¹⁴ Office of the Refugee Applications Commissioner, (2002) ■ Annual Report 2001. available at <http://www.orac.ie>

¹⁵ <http://www.justice.ie>

1.2.4. Migrant Workers

Because of skills and labour shortages, Irish businesses and employers and State agencies have been actively recruiting out of the European Economic Area in recent years. In 1999 there were 6000 work permits issued, in 2000 there were 20,000 issued and in 2001 this figure had increased to over 36,000 and 2002 to over 40,000.¹⁶

The main countries of origin are Latvia, USA, Philippines, Czech Republic and Poland. Almost 40% of migrant workers coming to Ireland in 2001 were from EU accession countries, such as Poland, Latvia and the Czech Republic. Most migrant workers in 2002 were employed in the service sector (37%), catering (25%) agriculture and fisheries (15.4%) industrial (7.6%) and the medical and nursing sector (7.1%)¹⁷.

There are basically two types of work permits, which are work visas/authorisations and work permits. The basic difference between the two systems is that work visas/authorisations are for skilled employment where there are labour shortages in Ireland, including nursing and the construction industry. The work visa scheme has enhanced family reunification rights. Work visas are applied for in Irish embassies abroad and the visa belongs to the migrant worker allowing for mobility of employment. After five years of working and living in Ireland a migrant worker is entitled to apply for permanent residency and then citizenship.

The work permit system is by far the most common category and is applied for by the employer.

Table Seven: Total Work Permits issued by Year and by category: 1999-2002¹⁸

Year	New Permits	Renewals	Group Permits	Total
1999	4,328	1653	269	6250
2000	15,434	2,271	301	18,006
2001	29,594	6,485	357	36,436
2002	23,326	16,562	433	40,321

Table Eight: Analysis of work permits by sector: 1999-2002¹⁹

Sector	1999	2000	2001	2002
Service	3,010	6,538	14,018	15068
Catering	694	3,907	9,129	10306
Agriculture/Fisheries	449	2,963	5,714	6248
Industry	414	1,744	3,119	3094
Medical and Nursing	721	1,353	2,252	2883
Entertainment	452	650	1,021	874
Domestic	80	195	521	788
Education	304	364	480	610
Sport	60	118	121	153

¹⁶ A significant proportion of the 36,000 permits in 2001 were from migrants renewing their work permits.

¹⁷ *ibid*

¹⁸ <http://www.entemp.ie> Department of Enterprise Trade and Employment

¹⁹ <http://www.entemp.ie> Department of Enterprise, Trade and Employment

2.2. Labour Market Supply and Demand

Ireland has experienced rapid economic growth in recent years and is now recognised as an efficient competitive economy, characterised by low unemployment, high numbers of vacancies and reports of skill and labour shortages. The ‘Celtic Tiger’ boom has resulted in real growth rates at more than 8% GDP in the late 1990’s, which were the highest in the OECD area, which exceeded any member state by a factor of more than two.²⁰ By June 2002, unemployment was 4.2% and inflation 4.4%.²¹

Table Nine: Unemployment Rates in Ireland 1997-2002²²

1997	1998	1999	2000	2001	2002
9.8	7.4	5.5	4.1	3.8	4.2

The report of the Interdepartmental/agency Group on Immigration Policy forecast that 33% of the employment growth over the period of the current National Development Plan 2001-2006 will be filled by immigrants with 75% of the vacancies arising filled by immigrants²³. It was estimated that half of all immigrants will likely be returned Irish emigrants, but indications are that this proportion is already decreasing in favour of people from the rest of the world. Total immigration flows over the plan were predicted at 336,000, or 48,000 annually. The report warned ‘in the absence of immigration, labour shortages will raise wage costs thereby diminishing competitiveness and output, give rise to loss of market share, resulting job losses and unemployment.’²⁴

Despite recent evidence of economic slowdown in Ireland’s economy with an expected growth rate of just 1% in 2002, and an increase in unemployment, the level of vacancies remains high, with the greatest number of vacancies for general operatives and labourers, followed by management and supervisory staff²⁵. Ireland’s employment level grew by 2.8% and its labour force by 2.1% between the second quarter of 2000 and 2001. This compares with corresponding growth rates of 1.1% and 0.2% respectively for the 15 EU states²⁶.

While there are worrying signs of a sharp decline in industrial employment, there have been increases in the public sector, including the health sector where many non-nationals are employed. The demand for work permits for non-EEA workers for the first six months of 2002 actually increased compared with the same period for 2001. This increase is all the more remarkable because eligibility criteria for work permits was retightened in by the Government in early 2002, in response to the economic slowdown and concerns about the upwards unemployment rate.

One of the biggest employers of non-EEA workers, and more broadly, employees from minority ethnic groups in Ireland, is the health care sector. Recent headlines in Irish newspapers reflect the increasing demand on the Irish healthcare sector to recruit and retain

²⁰ Mac Éinrí, P. (2001). ■ Immigration Policy in Ireland, in Farrell, F and Watt, P. ■ Responding to Racism in Ireland. Veritas, p 48.

²¹ Irish Times July 13, 2002

²² Central Statistics Office. <http://www.cso.ie>

²³ ■ Report of the Interdepartmental/agency Group on Immigration Policy. (2001) Unpublished

²⁴ Ibid p5

²⁵ Chambers of Commerce of Ireland, (2001). ■ Economic Migration.

²⁶ Central Statistics Office, (5 September 2002). ■ Quarterly National Household survey. Second Quarter 2002.

staff and the development of policies to attract workers from both within and outside the European Economic Area²⁷.

- ‘Number of foreign nurses steadily increasing’.²⁸
- ‘Calling all medics. The health boards are paying increasing attention to human resources issues in their attempts to attract and hold onto staff’²⁹
- ‘£6,000 grant scheme to attract UK nurses’³⁰
- ‘Hospital hit by shortage of productive young doctors’³¹
- ‘Chinese nurses for Dublin’³²

A further example of the reliance of the Irish health sector on non-EEA staff can be illustrated by the decision by the Government effective from May 1 2002, to offer temporarily registered doctors to remain beyond the previous seven year limit. Non-EEA doctors now comprise almost 50% of non-consultant doctors in Irish hospitals³³.

2.3. Immigration and Residence Policy

In June 2001 the ▲ Department of Justice, Equality and Law Reform announced a public consultation process on immigration and residence policy. The ▲ Department of Enterprise Trade and Employment also announced a parallel review of the work visa and work permit/visa system, on a statutory basis, replacing the administrative basis that currently underpins the system³⁴.

The review of immigration and residence policy will also inevitably take into account British Government policy and developing policy within the EU. The § Schengen Acquis (Agreement), which predates the § Amsterdam Treaty, provides for an area of free movement and for common immigration and visa procedures among participating states within the EU. To date, the UK and Ireland have opted out of this agreement for security reasons and to preserve the [Common Travel Area](#) between Britain and Ireland.

The review of immigration policy in Ireland coincides with the increasing harmonisation of migration policy at EU level and even with the opt out option, the development of EU migration policy will inevitably influence Irish policy in respect of:

- The conditions and entry of third country nationals and the procedures for issuing visas and residence permits.
- Entitlements of non-EU nationals to family reunification, employment, social protection, housing, education and training.
- Measures related to the harmonisation of refugee and asylum policy across the European Union.

²⁷ NCCRI, IHSMI, ■ Cultural Diversity in the Irish Health Care Sector: Towards the Development of Policy and Practice Guidelines 2002, p. 11

²⁸ Irish Times, April 30 2001

²⁹ Sunday Tribune, March 5 2001

³⁰ Irish Times, March 12 2001.

³¹ Irish Independent, January 4 2001

³² Irish Times, February 25 2002

³³ Irish Medical Organisation. Press Release, 14 January 2002.

³⁴ Heads of Bill of the new work permit legislation were published in April 2002.

2.4. Racism in the Workplace

There is a growing realisation from a diverse range of sectors that racism in the workplace needs to be addressed. Specialised bodies, such as the ▲ NCCRI and the ▲ Equality Authority and trade union and the employer/business sector, have raised concern about this issue. The particular reasons for this concern vary between different bodies, but include the following:

- Employers and Irish businesses are anxious to both attract and retain staff recruited from abroad to fill skill and labour shortages in Ireland in an increasingly competitive international labour market.
- There is increasing recognition of the diverse customer base both at home and abroad.
- Workplace equality is supported by the law, principally the § Employment Equality Act (1998), which prohibits discrimination and harassment in the workplace on nine grounds, including ‘Race’ and membership of the Traveller community.
- Further linked legislation is the § Equal Status Act, 2000, which, covers a wider arena where people buy goods, use services, obtain accommodation and participate in education across the same nine grounds.³⁵
- There is increased recognition of the value cultural diversity brings to the workplace, in terms of competitiveness and innovation.³⁶

³⁵ Equality Authority. (2001) ■ Promoting an Intercultural Workplace: Examples of Good Practice.

³⁶ Fullerton, J and Kandola, R. (1999). ■ Managing Diversity in Ireland. Implementing the Employment Equality Act, 1998, Oak Tree Press.

3. Methodology

This part of the study seeks to outline the methodology for undertaking this analytical study

The methodology used for undertaking this study can be summarised as follows:

- The guidelines for undertaking ▲ RAXEN 3, which have been developed by the ▲ EUMC in consultation with the 15 NFP's³⁷.
- A review of the data sources on employment referenced and summarised in ▲ RAXEN 2.
- The identification of data sources on employment, which have been updated since RAXEN 2 as part of RAXEN 3.
- A desktop review and analysis of existing publications, media reports, websites and other data sources, including recent data published by the ▲ Central Statistics Office.


³⁷ *ibid*

4. Description of existing and non-existing data and sources

The  Equality Authority has stated that:

‘The availability of appropriate quantitative and qualitative data is essential to the pursuit of equality. Data is required to establish baseline positions. Is there a problem of inequalities, and what are the dimensions of the problem? There is a need for data to track progress made, or the lack of success. Monitoring also means that data needs to be made available in comparable form over a period of time, in order to establish trends and to verify changes that are taking place in workplaces and other arenas.’³⁸

The general absence of appropriate data has been identified as a barrier to the inclusion of minority ethnic groups within key policy strategies in Ireland. The NCCRI have contended that the paucity of demographic and socio-economic data on minority ethnic groups in a range of data sources is an indicator ‘of the low or uneven priority that has characterised policy responses to the needs of minority ethnic groups in Ireland’.³⁹

The importance of adequate and appropriate data has also been emphasised by the  United Kingdom Cabinet Office.


‘One of the reasons why policies and services have failed minority ethnic groups in the past is the lack of information available about them. Much information that is currently collected is not broken down by ethnic group. In addition, because people from minority ethnic communities make up a small proportion of the population, their representation in many surveys is so low as to make it difficult to use the results with confidence. The resulting lack of detailed local and robust data that covers the whole country means that it is often difficult to adequately diagnose the problems experienced by minority ethnic groups, better target policies or services, and monitor the impact on them’.⁴⁰



There are a number of key sources of national socio-economic data in Ireland:

- Census of Population
- Quarterly National Household Survey
- Live Register of the Unemployed
- Household Budget Survey
- Living in Ireland Survey

There are also a number of other regularly updated data sources and projections produced by a Government Department or statutory agency that have particular relevance to this study, including:

³⁸ Crowley, N in Equality Authority, (2000)  Building the Picture. The Role of Data in Achieving Equality, Foreword.

³⁹ NCCRI. (2001)  Racism as a cause of poverty, p.3.

⁴⁰ Cabinet Office, (2000).  Minority Ethnic Issues in Social Exclusion and neighbourhood Renewal. Cited in Combat Poverty Agency, NCCRI (forthcoming).  Ethnicity, Racism and Social Exclusion in Ireland.

Type of Data	Source of Data
Work permits issued	▲ Department of Enterprise, Trade and Employment
Work visas issued	Department of Enterprise, Trade and Employment
Work authorisations issued	Department of Enterprise, Trade and Employment
Refugee Applications and related statistics	▲ Department of Justice, Equality and Law Reform
Cases referred under the equality legislation	▲ ODEI-The Equality Tribunal
Population and Migration Estimates	▲ Central Statistics Office
Population and Labour Force Projections	Central Statistics Office
Evaluation of National Development Plan	▲ CSF Evaluation Unit
Trends in International Migration	▲ OECD
Labour Force Surveys	▲ Eurostat

The Census of Population illustrates the weaknesses in the present collection of disaggregated data. A profile of the new and expanding minority ethnic communities in Ireland will only be partially available from the data collected in the 2002 Census of Population. Until the 2002 Census the only information available was statistics on usually resident population classified by place of birth and information relation to inward migration. The 2002 Census included a section on nationality for the first time. However, the only question on ethnicity was limited to the Traveller community (See [Annex Two](#)). This approach creates problems. Nationality and ethnicity may be mutually exclusive. A person may be of ethnic Arab origin, but be a French citizen, or a person may be a Rom⁴¹, but may be a Czech national. Although there will always be challenges and over time there may be changes to the categories that are used in defining ethnicity, the experience in other countries such as Britain and the United States emphasises the importance of collecting such data from an ethnic equality perspective.

Despite these challenges, there are opportunities to generate data on minority ethnic groups, including information directly related to employment through the ■ Living in Ireland Survey, the ■ Irish National Employment Action Plan, the ■ National Action Plan Against Poverty and Social Exclusion, the ■ Household Budget and National Household surveys. It remains to be seen if this potential will be fulfilled.

There is very little indication that disaggregated data on the ethnic profile of workplaces is being produced. This contrasts with, for example, religious monitoring in Northern Ireland where medium and large employers are required by legislation to monitor the religious profile of their workers (but not their ethnic profile).

As a consequence of the paucity of disaggregated data on the demographic and socio-economic status of minority ethnic groups in Ireland, and the newness of the equality legislation, which is now beginning to generate data related to employment, there are inevitably gaps in this study. These gaps include the full extent and trends in respect of cultural diversity in the workplace in Ireland and the full extent and trends of discrimination in the workplace. There is however sufficient data to provide a picture of some of the key issues that are emerging.

⁴¹ Rom is singular of Roma.

The ▲ Equality Authority has highlighted the need to develop four different data types in this area.

- Baseline social and economic data on the situation of black and Minority Ethnic Groups.
- Data on systems, organisations and structures, which have an impact on progress towards equality.
- Data on the way in which social attitudes are changing over time. Data on the development of resources within black and Minority Ethnic communities.

The ▲ National Statistics Board has developed an important initiative to progress these issues. They are implementing a project to develop a strategy for social and equality data.

The need for safeguards to be built into the process of developing systems to generate disaggregated data on black and minority ethnic groups in Ireland has been highlighted in a recent report commissioned by the ▲ Department of Justice, Equality and Law Reform⁴². This report acknowledges how data collection was used to perpetuate discrimination through devices such as the ‘racial profiling’ of potential offenders which has been used in the United States. The report further highlights how data protection guidelines and legislation can be suspended at times of perceived national emergency.

⁴² Conroy, P. (2002). ■ Data Collection and Ethnicity. Department of Justice, Equality and Law Reform (Unpublished).

5. Emerging knowledge/good practice in tackling racism and supporting diversity in employment




This section focuses on emerging knowledge and in particular good practice and is structured as follows:




- The establishment of national bodies
- National Initiatives
- Organisational Policies and Training

5.1. The Establishment of National Bodies


The establishment of specialised and expert bodies in the area of equality, anti-racism and human rights, has been an important development in recent years.

1.5.1. Equality Authority

The  Equality Authority was established in October 1999. Its mandate is set out in the  Employment Equality Act 1998 and is further expanded under the  Equal Status Act 2000. This mandate is to:

- Work towards the elimination of discrimination and prohibited conduct under equality legislation.
- Promote equality of opportunity in relation to the matters to which equality legislation applies.
- Provide information to the public on the working of equality legislation, to keep this legislation under review and to make proposals for necessary change in the legislation.
- Provide information to the public on the  Parental Leave Act 1998, the  Maternity Protection Act 1994 and the  Adoptive Leave Act 1995.

This mandate covers nine grounds - gender, family status, marital status, age, sexual orientation, disability, race, religion and membership of the Traveller community.

 Initiatives, which have a direct relevance to combating racism in employment, include:

- Providing advice and legal representation to those who have experienced discrimination in cases that have a strategic impact.
- Preparing codes of practice under the legislation. The first code addresses sexual harassment and harassment in the workplace.
- Developing initiatives to build a consciousness of rights under the legislation among black and minority ethnic groups.
- Anti-racist workplace week.

- Supporting employment equality reviews and action plans in businesses. Researching labour market inequalities for Black and minority ethnic groups. Developing partnership with NCCRI the National Focal Point against Racism in Ireland (see below).

5.1.1.1. National Consultative Committee on Racism and Interculturalism. NCCRI.

The ▲ National Consultative Committee on Racism and Interculturalism was established in July 1998, with funding from the ▲ Department of Justice, Equality and Law Reform. Its functions are:

- To act as an expert body to develop an integrated and strategic approach to racism and its prevention, and to foster interculturalism within Ireland.
- To inform policy development and seek to build consensus through dialogue in relation to the issues of racism and interculturalism to promote the understanding and celebration of cultural diversity within Ireland.
- To establish links with other organisations or individuals involved in issues of racism and interculturalism arising from developments at European Union and international levels.

PROJECT ☀ INITIATIVES OF THE NCCRI RELEVANT TO EMPLOYMENT, INCLUDE:

- Developing the training and resource unit that has been actively involved in delivering anti racism training both to Government and Non-Government agencies.
- Providing technical assistance and support for the development of a National Action Plan Against Racism, including a focus on employment
- Providing technical assistance and support for the development of a National Public Awareness Programme ☀ ‘Know racism’, which includes a focus on employment
- Publication of a range of materials, resources and publications on addressing racism in Ireland, including guidelines on anti-racism training.
- A system of reporting and responding to racist incidents and the publication of a report of these incidents every 6 months, including reports related to employment
- In partnership with the Equality Authority, to act as the National Focal Point in Ireland for the EU Monitoring Centre on Racism and Xenophobia based in Vienna.
- To continue with policy submissions and round tables, which will contribute to policy development on issues through the participation of the NGO sector.
- To develop initiatives on a North/South basis and to implement awareness raising initiatives and events through continued liaison with the Equality Commission for Northern Ireland in areas of concern such as education and health.
- Supporting and advocating an anti-racism dimension to the National Anti Poverty Strategy.
- Supporting community development through a specialised unit within the NCCRI.
- Capacity building and leadership training for groups representing ethnic minorities.

5.1.1.2. ODEI-The Equality Tribunal. Office of the Director of Equality Investigations.

The ▲ Office of the Director of Equality Investigations was established in October 1999. It provides redress for victims of discrimination on any of the grounds in the Equality Legislation in employment and in the area of provision of goods and services. Anyone who

feels that they have been discriminated against may lodge a complaint to the Director. The findings of the Director in each case are published.

5.1.1.3. Irish Human Rights Commission

Arising from the Belfast Agreement, the ▲ Human Rights Commission was formally established under the § Human Rights Commission Act, 2000. The Commission is a new independent body charged with the task of keeping under review the adequacy and effectiveness of our laws in relation to the protection of human rights in their widest sense. It will be within the competence of this body to commission surveys on discrimination. To date the IHRC has been active on the issue of racism through:

The establishment of a ☀ sub-committee on racism drawn from its own membership and the members of the Northern Ireland Human Rights Commissions.

Participating in the development of the ☀ National Action Plan Against Racism.

5.1.1.4. The Labour Court

The ▲ Labour Court is not a court of law. It operates as an industrial relations tribunal hearing both sides in a case and then issuing a Recommendation (or Determination/Decision/Order, depending of the type of case) setting out its opinion on the dispute and the terms on which it should be settled. The Labour Court is a court of last resort – cases should only be referred to the Court when all other efforts to resolve a dispute have failed. The Labour Court's role under the § Employment Equality Act is to:

Hear appeals of decisions and recommendations under the Employment Equality Act, 1998.

Investigate complaints of dismissal under the Employment Equality Act, 1998.

Hear appeals of Non-discrimination Notices and Substantive Notices issued by the Equality Authority.

5.1.1.5. Garda Racial and Intercultural Office

The ▲ Garda Racial and Intercultural Office was established in July 2000. The Office operates under the auspices of the Garda Community Relations Section and is responsible for coordinating, monitoring and advising on all aspects of policing in the area of racial, ethnic and cultural diversity. The Garda Síochána has developed a ☀ working definition of a "racial incident", which takes into account the views of victims and is currently developing a system for capturing data on racially motivated crimes. The Garda Racial and Intercultural Office won an award of €30,000 as an innovation prize from the EU. The office has developed a ☀ training video and ☀ resource booklets that informs members of the force about cultural diversity in Ireland

1.5.2. National Initiatives

5.1.2.1. Anti Racist Workplace Week⁴³

☀ Anti Racist Workplace week is a joint venture between the ▲ Equality Authority, ▲ IBEC (Irish Business and Employer's Confederation), ▲ ICTU (Irish Congress of Trade Unions) and the ▲ Construction Industry Federation (CIF) takes place over a week in November. It supported the National Anti-Racism Awareness Programme 'Know Racism'. The emphasis of the second annual workplace week was on organising practical activities at enterprise level that could lay the foundation for longer-term practice.

⁴³ Equality Authority, (2002). ■ Annual Report 2001. p50.

The week involved ☀:

- An anti racist workplace leaflet
- A range of posters for display in offices
- Handbook of good practice
- A panel of anti racism trainers
- An extensive public education campaign including advertising at a national level
- The production of a pack (from the previous year)

5.1.2.2. National Action Plan Against Racism.

The development of a ☀ National Action Plan Against Racism in Ireland (NPAR) represents a significant opportunity to both build upon and enhance existing policies and strategies to address racism in Ireland and to identify new priorities, aspirations and areas of work that can be drawn together into an overall, cohesive plan. The Plan, which arises from commitments given at the ☀ [World Conference Against Racism](#) in 2001, includes a focus on the areas of employment and the workplace.

A number of factors provide a strong rationale for developing a NPAR at this point in time in Ireland:

- The increased recognition of the serious challenges posed by racism at global, regional and national levels and the need for greater consistency and effectiveness on how these challenges are addressed.
- Increased awareness of the value of cultural diversity at global, regional and national levels and the need to build inclusive, intercultural and equality priorities into public policy.
- The specific outcomes from the World Conference Against Racism, in particular Irish Government commitments to the Declaration and Programme of Action arising from the Conference.
- The increased potential of strengthening North/South co-operation and partnership in addressing racism in Ireland.

It is intended that the NPAR will be completed and approved by the Irish Government in the first half of 2003, following a comprehensive consultation process.

5.1.2.3. International Day Against Racism, March 21 2002.⁴⁴

☀ International Day against Racism and the related European Week Against Racism 18-22nd of March. The coordination of this initiative is on a North/South basis and involves the NCCRI and the Equality Commission for Northern Ireland in association with the ☀ Know Racism Programme. Over 120 events took place in Ireland, North and South, during this period. The key focus of the week in 2002 included the education sector and the health sector, North and South, including a focus on cultural diversity in the workplace.

⁴⁴ NCCRI, Equality Commission for Northern Ireland, (2001). ■ International Day Against Racism. Programme of Events

5.1.2.4. Know Racism: National Anti Racism Public Awareness programme

The three-year ☀ National Anti-Racism Awareness Programme was officially launched by An Taoiseach, Mr. ● Bertie Ahern T.D. on 24 October (<http://www.knowracism.ie>)

The initial strategy adopted by the Steering Group in the first phase of the Awareness Programme was to (a) to engage with community groups and (b) to embark on a number of partnership ventures. One of the most significant partnership initiatives was the anti racism workplace week.

5.1.2.5. Support for Local Awareness Initiatives - Grant Schemes

The first major initiative of the Steering Group was to launch two ☀ grant schemes in May to assist community groups (including minority ethnic groups) and non-Government organisations with anti-racism awareness initiatives. Following the success of the first round, the Steering Group launched a second round of grant schemes in October. A total amount of €635,000 was paid out in grants during the year to 300 successful projects in 23 counties. The Know Racism programme works to develop initiatives in partnership, for example with Anti Racist Workplace Week and events linked to March 21st, ☀ International Day Against Racism (see below).

5.1.2.6. EQUAL

The Equal community initiative seeks to promote new means of combating all forms of discrimination and equality in connection with the labour market. A number of the EQUAL initiatives in Ireland have a focus on the integration of minority ethnic groups into the workplace. One such example is the ☀ ‘Diversity at Work Network’ which is managed by the Chambers of Commerce of Ireland in partnership with the Institute of Technology in Blanchardstown and the NCCRI. The initiative involves anti-racism training and the establishment of a further education course.

5.1.2.7. Equality Proofing Initiatives

In line with a commitment in the Programme for Prosperity and Fairness, a ☀ Working Group on Equality Proofing was established by the Minister for Justice, Equality and Law Reform in September 2000 to commence a learning period on how to incorporate an equality perspective to all policies. The aim is to devise a comprehensive impact assessment method for public policy making across all nine discriminatory grounds including the grounds of race and membership of the Traveller community in the anti-discrimination legislation, rather than devising individual mechanisms to ensure equality for each target group. Pilot projects in the areas of education and training have been selected. The Combat Poverty Agency and the Equality Authority are examining how to develop an equality dimension within current poverty proofing approaches. The Equality Authority has also worked with local authorities (County Development Boards) to pilot equality proofing within their strategic planning.

5.1.2.8. National Anti-Poverty Strategy

The ■ review of the ☀ National Anti-Poverty Strategy under the Programme for Prosperity and Fairness was published in February 2002. It includes specific references to income adequacy and employment. A ■ research report has been published on the interface between poverty and racism.

The overall objective in relation to Travellers is to improve the life experience of Travellers through the provision of appropriate education, health and housing services and to remove

any remaining barriers to the full participation of members of the Traveller community in the work and social life of the country.


The overall objective in relation to migrants and members of ethnic minority groups is to ensure that members of ethnic minority groups resident in Ireland are not more likely to experience poverty than majority group members.

The overall policy approach is to tackle barriers to the integration of ethnic minority residents, and in particular:

- Tackling racism, racial discrimination and related intolerance.
- Providing the resources for fair, efficient and transparent asylum applications process for asylum seekers.
- Developing a new immigration legislative framework to meet the changing needs of Irish society.
- Commitment by the State and social partners to the right to equal treatment under the equality legislation irrespective of race, religion, colour, nationality or ethnic or national origins.

The absence of disaggregated data means that it is not possible to define specific targets for these groups, except for Travellers, where there are commitments on the issues of life expectancy, participation rates at primary, secondary and tertiary levels of education, fulfilment of the five year accommodation plans by local authorities by the end of 2004.

5.1.2.9. Customer Service Initiative


The  Principles of the Quality Customer Service for customers and clients of the public service which were published in July 2000, give a commitment under the Equality/Diversity heading, to:

- Ensure the right to equal treatment established by equality legislation.
- Accommodate diversity, so as to contribute to equality for the grounds covered by the equality legislation.
- Identify and work to eliminate barriers to access to services for people experiencing poverty and social exclusion, and for those facing geographic barriers to services is also given.

The Department of the Taoiseach SMI (Strategic Management Initiative⁴⁵) and the working group convened by the Equality Authority has overseen the development of this initiative.

1.5.3. Organisational Policies and Training.

5.1.3.1. An Garda Síochána (Irish Police) Initiatives.

As a core part of the training of new recruits to An Garda Síochána in the Garda College Training centre there is a module regarding obligations under international human rights instruments including CERD. The Garda Racial and Intercultural Office have an ongoing  anti-racism training programme for immigration officials (who are members of the force). As part of the Council of Europe human rights and policing initiative, the Gardaí have also

⁴⁵ Government initiative aimed at renewing the Civil Service.

established a ☀ working group to develop policy and practice on human rights and policing issues. This is being developed in partnership with specialised and expert bodies and representatives from minority ethnic groups. The Gardaí have also ☀:

- Developed a poster ‘racism-challenge it’ for all Garda Stations
- Developed a video on the type of scenarios that might be experienced by Gardaí.
- Two booklets, one on cultural diversity, the other on information about the law aimed at immigrants have also been produced.
- Appointed liaison officers in local Garda stations.

5.1.3.2. Cultural Diversity in the Health Services

The Irish Health Services Management Institute in partnership with the NCCRI has developed a range of ☀ initiatives focussing on supporting cultural diversity and tackling racism in the health sector. These initiatives include the development of guidelines on cultural diversity in the health sector, anti-racism training and awareness initiatives such as posters and seminars⁴⁶.

A number of health boards, health authorities and individual hospitals are also currently developing policies on anti-racism and diversity in the workplace. Cork University Hospital has for instance developed a ☀ partnership committee within the hospital to examine these issues.

5.1.3.3. Framework Committee for Development of Equal Opportunities at Enterprise Level

This committee is funded under the Programme for Prosperity and Fairness -the current national agreement negotiated with the social partners. It involves employer organisations in the private and public sector and trade unions and is convened by the Equality Authority. It has developed ☀ guidelines for employment equality policies for enterprises and guidance on equality and diversity training at the level of the enterprise. It has supported ☀ clusters of enterprises or organisations to work together on equality issues including a focus on Traveller and minority ethnic employees in the local authority sector. ☀ Training initiatives by employer bodies and trade unions have been supported.⁴⁷

5.1.3.4. NCCRI Anti-Racism Training Unit

In 2000, the National Consultative Committee on Racism and Interculturalism established a training unit which has provided ☀ anti-racism awareness training to over 40 Government Departments and statutory agencies, to national media organisations, to the equality authorities, to trade unions and to employer and community organisations. The training unit is currently developing ☀ best practice guidelines for anti-racism training and resource materials on building a ‘whole organisation’ approach to addressing racism.

5.1.3.5. Irish Congress of Trade Unions Task Force on Racism

The Irish Congress of Trade Unions has established a ☀ Task Force on Racism with representatives drawn from a wide range of Trade Unions and NGO’s.

⁴⁶ NCCRI, IHSMI, ■ Cultural Diversity in the Irish Health Care Sector: Towards the Development of Policy and Practice Guidelines 2002

⁴⁷ IBEC, ICTU, Equality Authority. (2002) ■ Framework for the Development of Equal Opportunities Policies at the Level of Enterprise.

To date the Task Force has:

- Published an indicative action plan⁴⁸.
- Organised a North/South conference on racism held in Armagh in June 2001.
- Organised consultations related to the National Action Plan Against Racism.
- Developed initiatives in relation to racism in the workplace.

5.1.3.6. Staff working with Asylum Seekers

☀ Comprehensive training is provided to staff working in the asylum process. Staff are trained to deal with applicants for asylum in a sympathetic manner and with respect and sensitivity and a full awareness of cultural differences. This training includes procedures to be followed when dealing with sensitive matters such as gender issues and victims of trauma and violence.

5.1.3.7. Prison Service

☀ Anti-racism initiatives are taking place in the prisons. The ▲ Director General of the Irish Prisons Service introduced proposals for the development of a research and training project for staff and inmates of the prison system to increase their awareness of cultural diversity and aspects of racism that are potentially in each prison. The aim of the initiative is to ensure that the Prisons Service will be in a position to head off most problems of racism and to deal speedily and effectively with any problems that may arise. The ▲ NCCRI has participated in providing training.

5.1.3.8. NGO Initiatives

In recent months there have been a range of ☀ initiatives beginning to emerge from the community and voluntary sector, which have a focus on the needs and rights of migrants, including migrant workers. These include the development of three advice centres, two in Dublin and one in Cork.

In addition there are a range of anti racism initiatives organised by bodies such as Comhlamh, Amnesty international, Pavee Point, Irish Traveller Women's Forum and Citizen Traveller. Further information on the work of these groups can be found in RAXEN1 and RAXEN2 and through reference to the websites identified in [Annex Three](#) of this study. NGO's have played an important role in highlighting deficiencies in public policy and for lobbying for change as well as developing partnership initiatives with Government bodies.

5.1.3.9. Department of Social, Community and Family Affairs

In recent years the Department of Social, Community and Family Affairs has developed a comprehensive range of ☀ training and awareness raising programmes to support its staff who deal with the public.

An integrated Customer Service Training Programme has been delivered to approximately 2,600 staff that work directly with the public, whether face-to-face, by telephone or correspondence. The programme included disability awareness and anti-discrimination training, which was delivered to departmental trainers by external trainers expert in these areas.

⁴⁸ ICTU. (2001) ■ Anti Racism. Indicative Action Plan 2001-2003

5.1.3.10. Example in semi state companies

Good practices in relation to developing policies that ☀ address racism and promote cultural diversity in employment have also been identified in semi state companies such as Eircom (telecommunications) and Dublin Bus. Eircom has developed an action plan ☀ ‘Dignity at work’ which includes a focus on anti racism and Dublin Bus have developed awareness initiatives and anti racism training for staff.⁴⁹

5.1.3.11. Example in a local authority

Dublin Corporation in partnership with the Eastern Health Board has developed a policy for promoting interculturalism through its ☀ ‘Many peoples, One City’ Initiative. This has included:

- Ensuring full compliance with the Employment Equality Act
- Introducing anti-discriminatory recruitment practices
- Intercultural awareness training for staff⁵⁰

5.1.3.12. Example from a private company

Jury’s Hotel Group were concerned that employing non-EEA workers in their hotels was leading to a ‘them and us’ situation. Examples of ☀ initiatives taken within the group, include:

- Map of the world showing where individual staff are from, which is continually updated
- Cartoon displays on discrimination
- Nationality days for staff
- Living and working in Dublin booklet
- Tour of Dublin arranged
- Translation of information into different languages
- Translation of staff contracts
- Poster campaign aimed at creating awareness about racism⁵¹

5.1.3.13. Example in an NGO

The Community Development Programme supports over ☀ 100 community projects in Ireland with core funding. An ☀ equality and anti-racism sub-committee has developed guidelines on best practice for all CDP projects and helps to highlight issues at a policy level within the Department of Social, Community and Family Affairs.

⁴⁹ Equality Authority. (2001) ■ Promoting an Intercultural Workplace. P8

⁵⁰ ibid p7.

⁵¹ ICTU, (2001) ■ Anti Racism. Indicative Action Plan. 2001-2003. P15

6. Analysis

This section provides an analysis of the data and is structured as follows

- Discrimination in employment.
- Cultural diversity related to employment in Ireland

6.1. Discrimination in Employment

The data collected as a consequence of the Equality legislation provides data on discrimination in employment in Ireland across nine protected grounds. The legislation in Ireland is relatively recent in respect of protection from discrimination on grounds related to racism. The first full year of operations for the § Employment Equality Act was 2000 and the first full year of operations for the § Equal Status Act was 2001.

The § Employment Equality Act, 1998 prohibits discrimination in relation to employment on nine distinct grounds -gender, marital status, family status, sexual orientation, religious belief, age, disability, race and membership of the Traveller community. With the exception of gender and marital status, complaints of discrimination under any of the other grounds can only be brought in relation to incidents, which occurred after 18 October 1999.

Where a person considers that s/he has been discriminated against on the gender ground, the Act allows the complainant the option of applying directly to the Circuit Court for redress.

The § Employment Equality Act, 1998 covers employees in both the public and private sectors as well as applicants for employment and training. The scope of the Act is comprehensive and deals with discrimination in work related areas, from vocational training to access to employment and employment conditions generally, including training, work experience and advancement within employment. The publication of discriminatory advertisements and discrimination by employment agencies, vocational training bodies and certain vocational bodies i.e. trade unions and employer, professional and trade associations are also outlawed. ([Annex 1](#) of this study provides a summary of cases referred to the ▲ Office of Director of Equality Investigations-The Equality Tribunal⁵² in 2001 and the first six months of 2002.)

The number of complaints in 2001 under the § Employment Equality Act, 1998 rose to 260, which was an 87% increase on the previous year. Of the total number of complaints referred to the ODEI under the Equality legislation, 260 were referred under the Employment Equality Act and the remaining 854 under the § Equal Status Act⁵³. While gender continued to be the most frequent ground there were significant numbers of complaints under the other grounds relevant to racism, which are ‘race’, Traveller community, religion and multiple grounds. Race, Disability and Age were the most significant grounds cited after gender

The ‘race’ ground covers race, colour, nationality, ethnic or national origin. There were 27 (10.4%) in 2001 and 17 (12%) in the first six months of 2002 cases referred to the ODEI-The Equality tribunal. This compares with only 1 case in the year 2000.

⁵² Hereafter referred to as the ODEI

⁵³ ODEI-the Equality Tribunal, (2002) Part One ■ Annual Report 2001, p 29.

Under the Traveller community ground, there were only 3 cases in 2001 and 2 cases in the first six months of 2002. Under the religious ground there was 1 case in 2001 and 1 in the first six months of 2002. This ground along with family status and marital status were the least invoked ground under the Employment Equality Act.

Multiple ground refers to complaints that were received where more than one ground was referred. In 2001 there were 43 (17%) and in the first six months of 2002 there were 38 (27%) referred cases under this category (see [Annex 1](#) for summary of the cases referred under the Employment Equality Act and the Equal Status Act)

The case files of the Equality Authority provide a further insight into the scale and nature of discrimination experienced in employment. Their Annual Report for 2001 indicated that 18% of their case files related to discrimination on the grounds of Race (15.5%) and membership of the Traveller community (2.5%). The issues raised in these case files were

Table Seven: Discrimination Experienced in Employment on Grounds of Race and Membership of the Traveller Community Based on Case files⁵⁴.

Nature of Discrimination	Percentage of Relevant ⁵⁵ Case files
Dismissal	34%
Access to employment	20%
Equal pay	16%
Working conditions	13.5%
Harassment	9.5%
Access to promotion	4%
Access to training	3%

Jurisprudence

In terms of decisions, the ▲ ODEI published 67 Equality Officer findings in 2001 for all Employment and Equal Status cases across the nine grounds⁵⁶. A large number of other claims were withdrawn, settled, mediated or found to be inadmissible. Of the 67 cases decided, 42 were employment discrimination cases. During 2001, two thirds of these were decided in favour of the respondents. Conversely under the Equal Status Act, two thirds of cases favoured the complainant. The ODEI has stated that

‘The fact that the Equal Status Act has only recently come into force, and the possibility that many service providers have not yet adapted to the practice of the Act’s requirements, may explain this differential.’⁵⁷

There were four decisions in 2001 under the race ground, all based on nationality and regarding employment. Two were decided to be inadmissible for jurisdictional reasons (discussed below) and a third failed to prove discrimination. In the fourth case an award was made⁵⁸. Under the case, related to equal pay, a hospital was ordered to pay a doctor who was a Malaysian national occupying an unpaid intern post, the same basic pay, overtime rates and

⁵⁴ Equality Authority. (2002) ■ Annual Report for 2001.

⁵⁵ Race and Traveller Grounds related to employment.

⁵⁶ ODEI-The Equality Tribunal (2002) Part Two ■ Annual Report, 2001. Legal Review and Case Summaries. P53. Also available on website <http://www.odei.ie>

⁵⁷ *ibid* p53.

⁵⁸ *ENG v St James Hospital*

living out allowance as an Irish national doing like work.⁵⁹ The hospital argued that that work permit rules or alternatively European community law, obliged it to give Irish an EEA nationals preference when allocating paid intern positions. The ODEI Equality Officer after a detailed examination of Irish and European case law, held that Community law obliged employers to treat other EEA nationals equally favourably with Irish nationals, but did not oblige them to treat non EEA nationals less favourably, and accordingly did not supersede their obligations under the 1998 § Employment Equality Act. She also held that work permit rules required employers to give preference to Irish and EEA nationals in employment opportunities, but did not oblige them to offer posts to the former and unpaid posts to non-EEA nationals. The Equality Officer made an award of equal pay.⁶⁰ The case was subsequently appealed to the ▲ Labour Court, which upheld the decision of the Equality Officer but ruled that the hospital management acted at all times without discriminatory intent.⁶¹

Welcoming the original decision, the Irish Medical Organisation stated ‘The decision highlights the unique existence of supernumerary posts, which the IMO has continuously campaigned against’⁶².

An important ruling was made by the Labour Court (see Part Four for Labour Court’s role) in respect of unfair dismissal under the § Employment Equality Act⁶³. The claimant complained that she had been discriminated against on grounds of her Gender by being sexually harassed contributed to her dismissal. The complainant further claimed she was discriminated against on grounds of nationality, contributing to her dismissal.

The claimant came to Ireland from Russia to take up a position in a nursing home; instead she was offered a position as an assembly line worker, leading her to believe that she was not being employed legally because of the work permit regulations. She was given no written contract of employment. The woman subsequently worked successfully in an Irish nursing home for one year prior to the case.

The Court determined that the worker had been dismissed in circumstances amounting to discrimination on the grounds of her nationality and awarded the complainant €15,000. Of further significance, the Labour Court

‘Strongly recommends the companies employing non-nationals recognise difficulties that may arise, provide proper induction courses and that they make resources available to enable them to deal with any social and cultural differences which arise in these situations’⁶⁴

There was only one decision on the Traveller ground in 2001 concerning employment. A young Traveller woman who was not offered further employment following a trial day working as a cleaner in a hotel. The hotel claimed she was unable to do the work satisfactorily, but the complainant produced references from her subsequent employer supporting her ability to do hotel cleaning to a high standard.

The ODEI Equality Officer found that the hotel’s assessment of performance and treatment of the complainant had been inadequate and inconsistent, but held that an unreasonable or unfair sequence of events did not in itself prove discrimination. However the ODEI equality

⁵⁹ *ibid* p54

⁶⁰ *ibid* p6

⁶¹ The Labour Court, § Determination EDA023. May 29,2002.

⁶² Irish Medical Organisation. Press release, January 14, 2002.

⁶³ The Labour Court, § Determination ED/01/27

⁶⁴ *ibid* p7

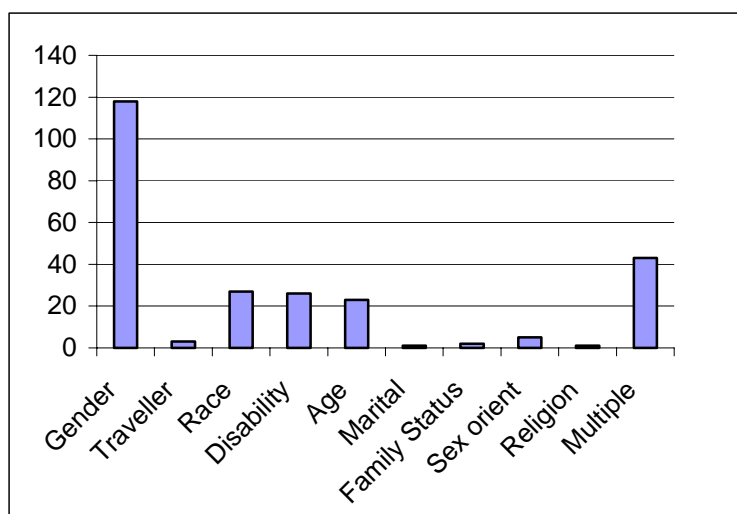
officer accepted evidence by the complainant's supervisor that she 'did not have the same concept of cleaning as other people, but then how could she be expected to, given the way that they lived,' and that this was discriminatory reference to the complainants membership of the Traveller community. The comment established that, on the balance of probabilities, the overall adverse treatment had been due to discrimination⁶⁵.

The ODEI equality officer awarded €6,349 compensation and ordered the respondent to draw up an equal opportunities code of practice and to instruct all staff in regard to its content.⁶⁶

A second, more informal source of data related to discrimination in employment is through the system of reporting racist incidents established by the NCCRI. In May 2001 the ▲ National Consultative Committee on Racism and Interculturalism (NCCRI) established a procedure for reporting racist incidents in Ireland⁶⁷. The purpose of the six monthly reports is:

- To provide an overview of racist incidents reported to the NCCRI
- To draw out the key issues arising from the incidents logged.
- To outline how the NCCRI has responded to the key issues identified in this report.

Chart Three. Cases referred to the ODEI (Equality Tribunal) under the Employment Equality Act, 2001⁶⁸. (ODEI).



The majority of the incidents that are included in these reports were forwarded by non-Government organisations working closely with the NCCRI, including key organisations working with Travellers, refugees and asylum seekers and migrants. Other incidents are reported directly to the NCCRI. There are a number of procedures put in place by the NCCRI to check the veracity of the reports. Two examples of incidents reported are as follows:

⁶⁵ This case was appealed to the Labour Court, which upheld the original judgement.

⁶⁶ ODEI-the equality Tribunal (2002) Part Two ■ Annual Report, 2001. Legal Review and Case Summaries. P8

⁶⁷ Reporting forms can be accessed through the NCCRI website (<http://www.nccri.com>).

⁶⁸ OEDI-The Equality Tribunal. ■ Press Statement, July 19, 2002.

A young woman of Chinese ethnic origin working in a fast food outlet in Dublin 22 was insulted and humiliated by a customer with a number of racist comments related to her ethnic origin. Her supervisor's only response was to sympathise with the customer and to repeat one of the racist comments used. (Action: Supervisor reported to the head office of the fast food outlet).

A barman, who is black and is a British citizen, contends that over a five-month period his supervisor made several racist comments humiliated him in front of customers and other staff.⁶⁹ (Action: Case referred to the Equality Authority).

6.2. Cultural diversity and racism related to employment

There is sufficient data to paint a partial picture of the extent of cultural diversity in employment in Ireland. Cultural diversity is considered under the following headings:

- Migrants from the European Economic Area, working in Ireland.
- Migrants from the non European Economic Area who are working in Ireland.
- Refugees and Asylum seekers.
- Undocumented workers.
- Black and minority ethnic groups in Ireland

2.6.1. Migrants from the European Economic Area, working in Ireland.

There is only partial data on the number of EEA nationals in the State for two reasons. Firstly not all EEA nationals inform the Department of Justice, Equality and Law Reform of their presence in the State, as they are under obligation to collect such figures. Secondly the Census of 1996 did not ask about nationality or ethnicity⁷⁰.

Based on a number of sources, including the numbers of people migrating to Ireland in recent years, the NCCRI estimates that there are approximately 120,000 EEA nationals in Ireland in 2001, accounting for about 3% of the total population.

A study undertaken by the Chambers of Commerce in Ireland in 2001 of their membership, of which 503 companies returned information⁷¹. The key findings are that while the United Kingdom and EEA countries remain the most popular countries that Irish companies recruit from, there has been significant increases between 2000 and 2001 in the proportion of companies recruiting staff from the former USSR/Eastern and Central Europe; the Far East and Africa, with a significant decline in the proportion of countries recruiting from North America.

The survey revealed that the proportion of businesses⁷² recruiting staff from the United Kingdom⁷³ dropped from 56% of recruited non-nationals in 2000 to 43% in 2001.

⁶⁹ NCCRI (2001) ■ Incidents related to racism reported to the NCCRI May to October 2001.

⁷⁰ The 2002 Census had a question on nationality but no question on ethnicity, except in respect of the Traveller community


⁷¹ The Chambers of Commerce of Ireland, (2002). ■ Economic Migration.

⁷² Businesses in this sense are located in the private sector, in transport, manufacturing, construction, retail, financial services, tourism, hotels and catering. The public sector, including the health services which is a major employer of EEA and non-EEA workers are not covered by the survey.

Recruitment from other EEA countries also decreased from 55% to 44%. Meanwhile the proportion of companies recruiting from the former USSR/Eastern/Central Europe has increased from 11% to 21%. There has also been an increase in companies recruiting staff from Africa (5% in 2001 to 16% in 2002) and the Far-East (8% in 2000 to 14% in 2001). New Zealand and Australia remained static at 13% between 2000 and 2001.

The survey further revealed that the hotel/catering/tourism sector has the highest proportion of businesses employing both EEA and non-EEA nationals (28% and 20% respectively). In most companies the proportion of EEA nationals is greater than that of those employing non-EEA nationals. The construction industry is exceptional with 16% of businesses employing non-EEA nationals, compared to 6% for EEA nationals.

2.6.2. Migrant workers/residents from the non European Economic Area who are working in Ireland.


The data in respect of non-EEA workers is more comprehensive because of the requirements of non-EEA workers to be covered by a work permit or work visa. The majority of non-EEA nationals working in Ireland do so under the work permit scheme, which is administered by the  Department of Enterprise, Trade and Employment. The permits are granted to the employer as opposed to the worker and the Department, based on information supplied by the employer, keeps a record of the country of origin of workers employed under the scheme. The Department has also collected and collated occupational information on those employed and is adding data to be collected on occupational categories and the geographical locations of those employed. The Department also keeps information on other schemes such as Work Visas and Work Authorisations aimed at attracting skilled workers. Workers with Visas or Authorisations hold them rather than employers and they have significantly better rights to family reunification than those with work permits.

It is important to note that many migrant workers will only want to remain in Ireland for a short time, in order to remit money and to return to their home countries after a few years. Others will be in Ireland for longer periods and may seek long-term residency or Irish citizenship⁷⁴.

One of the issues that has been identified by migrant workers with visas is that although they are entitled to family reunification with their spouse and immediate dependents, their spouse is not entitled to work in Ireland unless they obtain their own work permit or visa. This anomaly has been highlighted to the Government by the NCCRI and NGO's as an issue that should be resolved within the proposed Government reform of work permits and visas.

A Government report completed in 2001 predicted that 12,600 migrant workers, amounting to 88,000 over the next six years would be needed to fill jobs. The above figures would indicate that these figures underestimated the continuing demand for migrant workers in 2001. While there was some concern that the recent economic downturn in the Irish economy will mean that these figures will have to be revised, it appears that the demand by Irish employers for migrant workers in 2002 has not declined. Between January and July 2002, approximately 20,000 permits have been issued, which involved 2,000 people changing employers, 8,000 renewals and 10,000 first time permits.⁷⁵

⁷³ United Kingdom includes Great Britain and Northern Ireland.

⁷⁴ Department of Justice, Equality and Law Reform, (2002).  Towards a National Action Plan Against Racism

⁷⁵ Irish Times, July 23 2002.

2.6.3. Refugees and Asylum seekers

There has been a significant increase in the number of asylum seekers and refugees in Ireland in recent years from less than 50 per annum in the early 1990's, to about 10,000 per annum in 2002. Access to employment is determined by a range of factors, including rights linked to a particular legal or administrative status. These are considered under the status headings of 'refugees', 'asylum seekers', and 'temporary leave to remain'.

6.2.3.1. Refugees

People with refugee status (Convention Refugees and Programme Refugees) have virtually the same rights as Irish citizens to employment, social welfare benefits and to education, training and labour market schemes. However there are indications that people with refugee status experience a number of barriers to obtaining employment. A small-scale study published by the Irish Business and Employers Confederation (IBEC) in 2000⁷⁶ provides indications of the range of such barriers and their importance. The two most important barriers identified by those surveyed were racism and lack of skills.

6.2.3.2. Temporary leave to Remain

There are a number of informal categories of temporary leave to remain, which is a discretionary power of the Minister of Justice, Equality and Law Reform, including on the basis of parentage of an Irish citizen⁷⁷. Up until recently, any non-national with an Irish child could obtain a residence permit, provided their presence was not considered conducive to the public good. People with a residence permit have the permission to seek and enter employment and to establish a business. They can also access training and language supports provided by the State⁷⁸.

Table Three: Ranking of Barriers to Employment identified by Refugees (1 is most important 10 least important)⁷⁹

Barriers to Obtaining Employment	Rank
Racism	1
Lack of skills	2
Lack of information	3
Cultural difficulties	4
Verification of qualifications	5
Transferability of qualifications	6
Lack of childcare facilities	7
Loss of health board housing subsidy	8
Lack of English	9
Other	10

A study of the Vietnamese and Bosnian refugee community⁸⁰ (who came to Ireland as Programme Refugees) in 1999 concluded that the unemployment levels among both communities was much greater than the general Irish population, with a greater proportion of Bosnians unemployed than Vietnamese.⁸¹ Many participants were pessimistic about their short-term chances of obtaining employment.

⁷⁶ IBEC, (2000). ■ Employment of Non-EU Nationals/Refugees in Ireland. Interact Ireland

⁷⁷ Currently the subject of legal challenge by the Government.

⁷⁸ Ward, T, (2001). ■ Immigration and Residency in Ireland. CDVEC

⁷⁹ *ibid*

⁸⁰ Refugee Agency, (1999). ■ Report of a Survey of the Vietnamese and Bosnian Refugee Communities in Ireland.

⁸¹ This may be because the Vietnamese have been in Ireland longer and they tend to be self-employed.

Barriers identified by the two communities included language; non-recognition of qualifications; the need to attain new qualifications; and the need for more targeted labour force programmes. While racism was not investigated in respect of identified barriers to employment in the survey, some 32% of Vietnamese and 9.5% of Bosnians surveyed had experienced some form of racial abuse.

6.2.3.3. Asylum Seekers

Asylum seekers do not have the right to work or to unemployment assistance, except those asylum seekers who applied for refugee status before July 1999 and who have been resident in Ireland for one year. In general asylum seekers are accommodated in full board accommodation centres in Ireland and receive €19 per adult per week and €9.5 per child and child benefit. Discretionary needs payments are also provided in exceptional circumstances.

Successive reports produced by NGO's⁸² and social science researchers have highlighted with concern that one of the outcomes of the direct provision scheme, combined with the lack of access to employment is the creation of enforced dependency on the State and the effective denial of the opportunity to earn an adequate income. The consensus between many NGO's is that asylum seekers should have the right to seek work if their claim for asylum has not been processed within the Government target of six months.

A study of asylum seekers undertaken by the Applied Social Science Research programme in UCD⁸³ in 2001 concluded:

- Many of those participating in the study have high levels of education and considerable vocational skills.
- The vast majority were in the economically active age groups.
- 28% said that they had very little spoken English, or none at all.
- Less than one in ten had no qualifications, but women were disproportionately represented in this figure.
- The restriction on working was a considerable frustration for many asylum seekers with only 16% surveyed with permission to work.

The study also reflected on the main barriers to employment of those asylum seekers with permission to work, including:

- Non-recognition of qualifications resulting in underemployment.
- Abrupt removal of ancillary benefits.
- Lack of basic English.
- The need for adequate training, support and assessment.

The conclusions from the UCD study would indicate that skills issues, including command of the English language are of less importance than the limitations placed by Government policy on employment entitlement. The issue of racism was only briefly considered in the UCD report and did not form a specific question in the survey. However the report highlights spontaneous responses on this issue in relation to accessing accommodation, which is an important consideration for securing employment for those with work entitlement:

⁸² Irish Refugee Council (2002) and Faughnan, Woods, (2001) ■ Lives on Hold. UCD Social Sciences Centre

⁸³ *ibid*

‘Respondents ...spoke of the prejudice and discrimination they encountered in seeking accommodation – this was accentuated greatly in the case of black asylum seekers.’⁸⁴

In a study undertaken on the needs of asylum seekers in Cork in 2002, 93% of respondents stated that they would like to work if they were allowed to. 82% had been in employment before coming to Ireland, in a wide variety of forms of employment, including teaching, lecturing, banking, various trades, factory work, business and accountancy, engineering, legal profession and the civil service. The report recommended⁸⁵

- Granting of right to work for asylum seekers if their application has not been processed within 6 months.
- Asylum seekers whose application had been turned down but who are legally continuing to live in Ireland be granted the right to work
- Greater supports for asylum seekers in employment should be provided.
- Asylum seekers should have access to third level and vocational training.

Other useful statistical data for monitoring integration of non-nationals are the statistics compiled by the FÁS Asylum Seekers Unit which was established to assist the employment integration of 2500 asylum seekers granted the right to work if their applications were made on or before July 1999. The Unit keeps records on the sectoral breakdown of employment placements⁸⁶.

2.6.4. Undocumented workers

There is also some evidence beginning to emerge of other undocumented workers in Ireland, such as some people on student visas and migrants whose work permits have expired or asylum workers who are legally prevented from working. Some of these people have been made unintentionally or temporarily illegal because of the failure or delays on the part of employers to renew work permits, or through misleading or inadequate information. The desire to contribute positively to Irish society and the relatively low levels of disposable income available to asylum seekers (€19.10 per adult on top of full board accommodation) are key factors in encouraging asylum seekers to seek employment. However there is little evidence of this practice being widespread. There is significantly more potential for the exploitation of undocumented workers, and a reluctance to report incidents of racism because of their illegal status.

2.6.5. Black and minority ethnic groups in Ireland, including Travellers

This section looks at the Black and minority ethnic groups in Ireland, who are not covered by the previous categories of migrants, although all cultural diversity in Ireland can be categorised under this heading.

The Government Task force on the Traveller Community (1995) identified many of the reasons for the low participation of Travellers in employment:

⁸⁴ibid. p 78.

⁸⁵ Collins, A, (2002) ■ The Needs of asylum Seekers in Cork.) NASC, ppxiv

⁸⁶ The unit has since closed because asylum seekers are no longer entitled to work.

‘Traveller participation in the mainstream labour force is very low for many reasons, including low pay and poor work conditions, need for training, cultural factors, lack of acceptance by ‘settled’ counterparts’.⁸⁷

The report emphasised the need in the immediate term to develop strategies to increase development of Traveller community enterprise within the social economy and on the employment of Travellers in the public service, particularly within those areas providing services to or contact with the Traveller community.

The Task Force Report emphasises that despite some popular prejudices there is a significant and distinct work ethic within the Traveller community and Traveller culture and way of life values enterprise and financial independence. A number of features stand out as central to the Traveller economy, including nomadism, focussing on generating income, the family as the basic economic unit, flexibility and the importance of the home base for economic activities.

The progress made since the publication of the Task Force report on issues such as income adequacy and employment have been recognised as being very disappointing by NGO’s and the Government’s own monitoring committee to oversee the implementation of its recommendations. The Monitoring Committee’s First Report (2001) noted:

‘The Committee points out that in terms of access to the mainstream labour market the participation of Travellers continues to be very low. The difficulties stem from the discrimination Travellers experience in school, in training courses, accessing and/or in the work environment; nomadism and the desire for self employment; a logical choice given the levels of discrimination; early school leaving; and a shortage of skills to enable access to the mainstream labour market, in particular employment and prospects’.⁸⁸

Discrimination is clearly identified as a factor impacting on unemployment and income adequacy and the forms that such discrimination takes is usefully defined within the Task Force Report in a way that can be applied to other groups experiencing racism.

‘Travellers experience direct and indirect discrimination at the individual or interpersonal level and at the institutional level. Discrimination at the individual level is most common when a Traveller seeks access to a range of goods, services and facilities, to which access was denied purely on the basis of their identity as a Traveller. There are many examples of public houses refusing to serve Travellers, hotels refusing to book Traveller weddings, leisure facilities barring access to Travellers and insurance companies refusing to provide motor insurance cover.

The Task Force found that at the institutional level discrimination could occur where procedures and practices reflect the lack of acceptance of Traveller’s culture and identity and can involve controls placed on Travellers in excess of those placed on the settled community in similar circumstances. While Travellers are segregated in the provision of various services it can be seen as an imposed setting apart of a group. Legislation, policy making and provision can develop in a manner that only reflects the settled communities culture and identity and ignores the impact it may have in the Travellers as a minority ethnic group. The

⁸⁷ Government Publications. (1995). ■ Task Force on the Travelling Community. Executive Summary p19.

⁸⁸ Department for Justice, Equality and Law Reform, (2002) ■ First progress Report of the Committee to Monitor and Coordinate the Implementation of the Recommendations of the Task Force on the Travelling Community.

Task Force concluded that while legislation alone would not put an end to such discrimination, it would make an essential contribution.’⁸⁹

A recent study undertaken by Pavee Point, the national Traveller resource centre in Ireland, highlighted:

- Travellers’ interest in successfully accessing employment
- The reality of discrimination in the labour market
- The lack of skill and low levels of education among Travellers
- Legislation alone will not solve these realities.⁹⁰

It is often overlooked that there are Black Irish and other EU citizens living in Ireland who are not recent migrants or asylum seekers.

There is very little research available related to employment and income adequacy in relation to this group, which is not surprising giving the absence of disaggregated data on which to measure and benchmark their socio economic status and their progress or lack of progress towards equality with other ethnic groups, including the majority population.

There is however, a considerable amount of evidence related to the socio economic experience of Black people in Britain. Issues that emerge from such research in relation to unemployment and income are summarised as follows:

- Black people and minority ethnic groups in Britain have experienced institutional racism in issues such as recruitment, access to promotion and the experience of higher levels of unemployment.
- The institutional racism they experience is often subtle and can be both intentional and unintentional. Patterns can only be proved through adequate data and research.
- Women from Black and minority ethnic groups are even more disadvantaged and have been concentrated into low paid and low skilled jobs, particularly low paid jobs in the public services such as health services.

⁸⁹ *ibid.* P 32.

⁹⁰ Pavee Point. (2002) ■ Jobs, Vacancies, Vacant Jobs. Travellers inclusion in the Mainstream Labour Market.

7. Conclusion

Irish society has undergone dramatic changes in recent years. These changes have included the most dramatic economic growth in the history of the State, at a rate double or more than any other EU country during the same period. The benefit of this economic growth has been uneven, with increased incomes matched by stresses in housing and transport infrastructure and continued indications that there are many disadvantaged communities, including Travellers have not gained substantially from such growth. For most of its history, Ireland has predominantly been a country of emigration, with millions of Irish citizens emigrating to Britain, America and other destinations, particularly at time of economic or political crisis or famine. In the twentieth century net outward migration peaked in the 1950's and late 1980's, which coincided with periods of high unemployment and economic stagnation.

Ireland's history has been significantly different from any of its closest neighbours, including Britain, Netherlands, France and Belgium. In the period of post World War II reconstruction many of these countries actively encouraged people from their former colonies to take up employment, particularly in the unskilled sector of the labour market. Because of economic and political difficulties and the fact that Ireland was not a colonial nation, this inward migration did not occur in Ireland.

Parallel with strong economic growth rates, there has been a dramatic increase in cultural diversity in Ireland in general and in the Irish workplace in particular. This diversity has primarily been as a consequence of Irish businesses and employer and State companies actively seeking to recruit from outside of the State from both EEA and increasingly, non-EEA countries.

It is also important to note that long established communities, including the Islamic and Jewish communities have been important contributors to the development of the Irish economy for many years. The Traveller community in Ireland has been largely marginalised from mainstream employment because of a range of factors including lack of expectation of being able to access such employment, lack of formal post primary education, lack of qualifications, and discrimination. To date most Travellers have worked within their own economy providing many useful services such as tinsmith and copper making and more recently in recycling scrap metal, trading in carpets and tarring roadways and driveways. There remains strong evidence of Travellers marginalisation from the mainstream workplace for a range of factors including discrimination, the tradition of maintaining the Traveller economy and the need to further upgrade education and training provision, allow for economic activity on sites and access to enterprise supports.

Irish policy on immigration and migrant workers has developed in a rather piecemeal way over several decades. In effect, the admission of immigrants has been largely market-led, with a relaxation and liberalisation of the rules taking place in 2001, followed by some tightening in 2002 as a result of fears and forecasts of a significant downturn in the Irish economy. Despite some tightening of rules, the demand for migrant workers has remained as vibrant in 2002 as it was in 2001.

This market-led policy is now proving inadequate to deal with recent changes in labour market supply and demand and the Government has recently announced that it will revise current Immigration and Residence legislation and will place work permits and work visas on a statutory basis and bring in a wider range of different types of policy and permits.

The access of asylum seekers to mainstream employment has emerged as a contentious issue in the past three years. The Government fears that such a right to employers will act as an additional pull factor to economic migrants who wish to ‘queue jump’ by applying to be recognised as a refugee. Most NGO’s, however, advocate the right to employment after 6 months, if an asylum seeker’s application has not been processed by that time. Employer and trade unions have also been supportive of the right to work from both a human rights and integration perspective and also because of skills and labour shortages in the Irish economy.

7.1. Tackling racism and promoting diversity in the workplace.

The experience of minority ethnic groups in the workplace in Ireland remains mixed, as illustrated by example identified by the Filipino community. In 1990 there were approximately 300 Filipinos in Ireland. By 2002 this figure had risen to 3000 mostly women working in nursing and health care. Many will stay for relatively short periods while remitting money back to family in the Philippines. Others will stay and make their home in Ireland and will be joined by their spouses and children. A representative of the Filipino community in Ireland recently commented

‘We’re slowly integrating ourselves because I can see from my friends that once we got to know people we are working with, we are starting to open up and they are opening up too’⁹¹

However not all experience has been positive. Examples include:

- Examples of Filipino workers being employed with fewer rights than their Irish counterparts.
- Overcharging and overcrowding in provided accommodation.
- Excessive deductions from wage packets.
- Examples of cultural insensitivity in the workplace.
- Recognition of qualifications.

The experience of Filipinos also highlights difficulties with the work permits system, including:

- Over-dependence on the employer, who under the present scheme holds the work permit, rather than the employee.
- The lack of right of spouses of work permit holders to seek employment, unless they have secured a work permit in their own right.
- Limited family reunification rights under the work permit scheme.

Many Filipinos are employed in skilled end of the labour market and many, such as nurses, have work visas as opposed to work permits, which provides additional rights, such as family reunification and is held by the employee and not the employer.

Unskilled and semiskilled workers, particularly in the hotel, catering, agriculture and meat processing sectors experience additional problems, including lack of knowledge of rights,

⁹¹ Irish Times, July 29 2002.

greater uncertainty about consistent employment, fear of reporting incidents of discrimination and poor working conditions arising out of over-reliance on one employer.

Some commentators have been very critical of the whole concept of the present work permit system⁹². However there is evidence to suggest that the present system is operated more flexibly by the Department of Enterprise, Trade and Employment than first appears on paper. For example, many employees who have a work permit and have had a poor experience with one employer have been able to change employers, without having to return home and to reapply. However, the weakness in such an approach is the lack of transparency and clarity of rights. This flexibility is an administrative practice rather than a right⁹³. The flexibility is at the discretion of the official concerned and is sometimes difficult to organise in practice. Further, many may not be aware of this practice, including the most marginalised migrant workers with little English language skills.

This points to a need for more proactive strategies to ensure that migrant workers have access to information about their rights, that they can join a trade union and are encouraged to do so and it further points for the urgent need for the work permit system to be revised and placed on a statutory basis.

7.2. Legislation: analysis

The legislation and equality infrastructure in Ireland is too recent to allow for definitive statements in employment related to employment and the two most related grounds to racism, which are 'Race' and membership of the Traveller community. The Employment equality legislation came into force in 2000 with the establishment of the ▲ Equality Authority and the Office of the Director of Equality Investigations. However from the discussion on the limitations of data presented in part two of this study, a number of trends are beginning to emerge which can be supported by the available data.

Increase in racism related discrimination cases in the workplace.

There has been a significant increase in the number of employment cases referred between 2000 and June 2002 under the 'Race' ground, to the extent that it is now second, behind gender in terms of numbers. The reasons for this increase requires further research, but is likely to be related to a combination of factors, including increased diversity in many Irish workplaces; increased knowledge of minority ethnic groups of their rights in the workplace, including those enshrined in the equality legislation.

There have been few cases related to Travellers and racism-related cases in the workplace.

While the reasons for the small number of Travellers referring cases under the Employment Equality Act are not elaborated on by the ODEI, there are probably a number of factors that provide an explanation for this trend. The most important of these is that there are very few Travellers in mainstream employment⁹⁴. (For further discussion see part 6 of this study). Those Travellers that are employed tend to be self-employed. The picture in respect of the Equal Status Act is very different. Of the 854 cases referred under the Equal Status Act in 2001, 641 (75%) were referred under the Traveller

⁹² See for example MacÉinrí P, op cit (see footnote 21)

⁹³ Dorus Alumní in NCCRI report of incidents related to racism in Ireland (forthcoming, October 2002).

⁹⁴ Task Force on the Travelling Community, (1995). ■ Report of the task force on the Travelling Community. Government Publications.

community ground. Most of these refer to access to hotels, nightclubs and licensed premise (545 of the 641 Traveler community ground Equal Status cases).

There are increasing delays in processing referrals because of the workload generated.

Employment case referrals (for grouped cases) are 3 ½ times higher (at approx. 20 per month) than the referral rate to the LRC Equality Service under the old 1974 & 1977 legislation. By the end of 2002 there will be a backlog of approx. 2 years work in the Employment area and of approx. 3 years work in the Equal Status area. As awareness of rights and responsibilities increases there, may be fewer cases in the future.

Many workers may not be reporting incidents of employment discrimination

It is likely that there may be significant under-reporting incidents of employment discrimination related to race or membership of the Traveller community or religion. This may be because of the vulnerable position of some workers, such as migrant workers who may be reliant on an employer to provide them with a work permit⁹⁵. It may also be the case that some workers, particularly migrant workers may not know their rights, because of language barriers or lack of unionisation.

2.7.1. Proposed Changes in the existing provisions of the Employment Equality Act

The Equality Authority has developed a range of proposals in relation to the revision of the § Employment Equality Act, 1998. Those of relevance to this study, include:

- The extension of positive action to all nine grounds.
- The inclusion of membership of a trade union as a new ground under the legislation.
- The remedies available and the powers of the Equality Authority, in particular consistency in the awards available across all the grounds.
- To review any legislative proposals from an equality perspective.

The Employment Equality Act, 1998 has measures on positive action in relation to the promotion of equal opportunity for:

- Persons over the age of 50
- Persons with a disability

Members of the Traveller Community

In the Employment Equality legislation, there are no specific provisions in respect of positive action on the ground of race⁹⁶.

The provisions on positive action in the § Equal Status Act, 2000 are vague but broader. Positive action measures are permitted for what are called disadvantaged persons and measures which cater for 'special needs of persons' are also allowed. These provisions are broad enough to Ireland to adopt specific measure in relation to disadvantage linked to racial or ethnic origin as envisaged by the Directive.

⁹⁵ Irish Times, July 22 2002. 'SIPTU demands reform of work permit system for immigrants'.

⁹⁶ Barry, E in NCCRI (2000) ■ Report of the Ireland Preparatory Conference for the European and World Conferences Against Racism. Available <http://www.nccri.com>

2.7.2. Prohibition of Incitement to Hatred Act, 1989.

The use of words, behaviour or the publication or distribution of material, which is threatening, abusive or insulting and are intended, or are likely to stir up hatred are prohibited under the § Prohibition of Incitement to Hatred Act, 1989. Furthermore the § Public Order Act, 1994 may be used in some cases to combat racist acts on public order grounds. The Prohibition of Incitement to Hatred Act is currently being reviewed in the Department of Justice, Equality and Law Reform with a view to improving its effectiveness⁹⁷.

2.7.3. Impact of the EU Directives

Two EU Directives have been adopted by the EU Council pursuant to § Article 13 of the Treaty establishing the European Community. The Directives allow the Community to take action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The first Directive, known as the § ‘Race Directive’⁹⁸, binds EU Member States to implement the principle of equal treatment between persons irrespective of racial or ethnic origin in the employment and non-employment areas.

Concern has been expressed at the limited scope of the ‘Race’ Directive because it does not address discrimination against third party nationals in relation to processes for entry and residence. The Equality Authority is currently developing proposals to inform the process developed by the Department of Justice, Equality and Law Reform to transpose the Directives into Irish equality legislation. The deadline for compliance with the ‘Race Directive’ is July 19, 2003.

7.3. Policies and Strategies to address racism: analysis

ECRI’s second report on Ireland identified employment as an important area for the focus of anti racism strategies.

‘The economic migration into Ireland poses a number of new challenges. Firstly, ECRI considers that the growing number of non-Irish workers in all areas of the labour market call for particular attention to be paid to workplace related racism and discrimination, which permeates the labour market, both as regards professional workers, such as doctors and unskilled workers, particularly working in the black market economy. In this respect, the effective implementation of the § Employment Equality Act is of great importance.’⁹⁹

The ECRI Report noted there has been considerable progress in recent years to develop bodies, policies and strategies to address racism in Ireland. A number of these have focussed on the workplace and employment related issues, including public awareness initiatives, the development of good practice and initiatives focussing on the rights of migrant workers, Travellers and refugees and asylum seekers.

⁹⁷ NCCRI (2001) ■ The Review of the prohibition of Incitement to Hatred Act. (1989). Policy Submission.

⁹⁸ § Directive for Equal Treatment, irrespective of Race or Ethnic Origin. 2000/43/EC. 29 June 2000.

⁹⁹ ECRI, (2002). ■ Second Report on Ireland. Adopted on 22 June 2001. P17.

However while there is acknowledgment of the progress that has been made to date, there is also an increasing sense that these need to be drawn together into an overall, cohesive approach. The National Action Plan Against Racism, arising from Irish Government commitments at the [World Conference Against Racism](#), Durban 2001, affords an opportunity to develop such an overall and cohesive approach.

As part of the preparation for the plan there has been a comprehensive consultation process around the country. One of the key themes that has emerged from this consultation is the need for greater consistency across all areas of Government policy that seeks to impact on racism. The two most articulated areas of concern are in relation to Traveller and refugee and asylum policy. Many NGO's have been critical of aspects of refugee and asylum policy, which has appeared to be at variance with integration policy. The lack of the right to work for most asylum seekers is one example that has been highlighted. Similarly NGO's working with Travellers have highlighted the limited progress made since the publication of the ■ Government Report on the Task Force on the Travelling people (1995), including those related to training and employment.

ECRI's second report on racism in Ireland also highlighted the need for public awareness initiatives to highlight the positive contribution made by non-Irish workers to the Irish economy and society in private service industries and in public services, such as the health services.¹⁰⁰

7.4. Immigration and Residence Policy: Analysis

The reform of immigration and residence policy was announced in June 2001, when the Minister for Justice, Equality and Law Reform published a consultation document¹⁰¹. The legislation has the potential to impact in a significant way on the integration of migrants into Ireland. The legislation (as of July 2002) has yet to be published, but is identified in the new Programme for Government¹⁰². Michael McDowell, TD stated in July 2002:

‘Comprehensive immigration legislation in line with best international practice is essential for any policy to operate effectively. This is particularly important if we are to meet the future needs of our economy in relation to both skilled and semi-skilled labour given the anticipated decline in the population of working age in Ireland based on present demographic trends’¹⁰³.

It is clear that labour and skill shortages are and will be an important factor in shaping Ireland's immigration policy in the forthcoming years, however there are concerns from many NGO's, trade unions and specialised bodies that these should not be the sole consideration. These groups have contended that immigration policy should be able to respond to balance between needs of the economy on the one hand and the rights of migrant workers on the other. Existing protections should be enhanced and additional safeguards introduced for temporary migrant workers and long term residents to ensure they are not treated as economic entities, without social and cultural rights.¹⁰⁴ This view was also supported by ECRI in its ■ Second Report on Ireland it stated,

¹⁰⁰ ibid p17

¹⁰¹ Department of Justice, Equality and Law Reform, (2001). ■ Public Consultation on Immigration. Available on the website <http://www.justice.ie>

¹⁰² Fianna Fáil and the Progressive Democrats, (2002). ■ An agreed Programme for Government. P28.

¹⁰³ Mr. Michael McDowell, T.D. Minister for Justice, Equality and Law Reform to the MacGill Summer School, 30 July 2002

¹⁰⁴ NCCRI, (2001) ■ The Review of Immigration and Residence Policy in Ireland

‘ECRI feels that more attention needs to be paid to non citizen workers as members of Irish society rather than just as economic entities and that measures should be taken to reflect this approach, such as, for example, the introduction of a wider range of work permit types to meet different situations, and wider possibilities for family reunification¹⁰⁵’.

The NCCRI has further contended that immigration and residence legislation should be ‘proofed’ to ensure that it is non-discriminatory across the range of grounds identified in the equality legislation, in particular, on the grounds of ‘race’ including colour, ethnic origin and nationality and the specific needs of women migrants should also be taken into account.

The practice of promoting/enabling immigration from ‘favoured states’ or regions such as applicant countries to the European Union should be treated with caution to ensure that such policies are not discriminatory in effect. Policy and practice associated with ‘favoured state’ practices have been found to be discriminatory in countries such as Australia and Canada. The development of a policy that seeks to draw labour solely from EU accession countries has to be carefully considered in this context.

The need for a more flexible approach to the current system of work permits to cover the range of situations of non citizens seeking employment in Ireland, which was advocate by the NCCRI, has also been supported in ECRI’s second report on Ireland.¹⁰⁶

Groups have further contended that the formulation of Irish legislation must seek to incorporate international human rights standards and fundamental freedoms. These include the § European Convention on Human Rights (ECHR), § The Council of Europe Social Charter, the § Universal Declaration on Human rights (UDHR), the § International Covenant on Civil and Political Rights, § United Nations Rights of the Child, the § Framework Convention on National Minorities and the § International Convention on the Elimination of All Forms of Racial Discrimination.

The § International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted by General Assembly resolution 45/158 of 18 December 1990, but is not in force because it has not been ratified by a sufficient number of countries, including Ireland. Even if the Convention does not come into effect, it includes a number of important concepts that could be considered and incorporated within the reform of Irish legislation. These are as follows:

- Migrant Workers are more than just economic entities. They are seen as social entities with families and have rights accordingly;
- They are seen as an unprotected population whose rights are often not addressed by receiving or sending states, and so the responsibility to provide measures of protection becomes that of the international community, through the UN.
- The Convention provides for an international definition of a migrant worker and the standards of treatment.
- Fundamental Human Rights are extended to Migrant Workers and also additional rights recognising their unique situation.
- The Convention has the potential to play a role in preventing and eliminating the exploitation of migrant workers and their families.
- Migrant workers and members of their families should have equality with nationals of the state concerned before courts and tribunals

¹⁰⁵ ibid p17.

¹⁰⁶ ibid p17

- The Convention seeks to establish minimum standards of protection for migrant workers and their families that are universally acknowledged and serve as a tool with which to encourage those states lacking national standards to bring their legislation in closer harmony with recognised international standards.

A recent roundtable on migration policy¹⁰⁷ contended that Ireland should be seeking to play an active role in the harmonisation of policy within the European Union arising out of § Title IV of the Amsterdam Treaty and the conclusions of the Tampere Council, even though Ireland and Britain have an opt-out right. Harmonisation will likely result in a range of important policies and standards on issues such as family reunification, employment, social protection, housing, education and training. Harmonisation should be approached with caution for example in the consideration of Ireland's participation in the Schengen Acquis, which could result in the introduction of identification cards for everyone in Ireland and the acceptance of a pan European list of excluded people. The Irish Government is also anxious to ensure that the Common Travel Area with Britain is not jeopardised.

Minister for Justice, Equality and Law Reform, Michael McDowell TD recently indicated that Ireland will bring a 'green card' system, similar to the United States and that Ireland supported in principle the concept of a single European asylum and migration policy based on the provisions in the § Amsterdam Treaty. He stated

'The challenge for Ireland and the EU is to find humane, effective and efficient responses to the dramatic increases in this movement of people, both legal and illegal. There will be no easy or quick solution to these issues and international co-operation especially at EU level, is absolutely essential',¹⁰⁸

A further factor that has entered the discourse in recent times are the arguments being put forward related to second referendum on the § Nice Treaty. One of the new arguments from some representatives on the National Platform organising the 'no' campaign¹⁰⁹, has been to contend that enlargement will result in a great increase in immigration from central and Eastern Europe. This argument has been refuted by other members of the National Platform.

The contention was recently refuted by the 'yes' campaign, including the general secretary of the Irish Congress of Trade Unions, who stated,

'I want to state emphatically that Congress does not believe this to be the case'. He said that there are surveys that show that in central Europe the wish for short-term and medium term migration is much more common than the intention to emigrate for good'.¹¹⁰

¹⁰⁷ NCCRI, Joseph Rowntree Charitable Trust, Migration Policy Group. (Forthcoming). ■ Roundtable on Migration. May 2002.

¹⁰⁸ Irish Times, July 31 2002

¹⁰⁹ This argument did not figure significantly by the 'no' campaigners in the previous referendum.

¹¹⁰ Irish Times, July 31 2002.

7.5. Refugee and asylum Policy: Analysis

The Government has resisted giving asylum seekers permission to work, as the ban is to deter, for a variety of reasons, economic migration by the asylum route. Trade unions and employers, the NCCRI and NGO's are in favour of allowing asylum seekers to work after six months.

ECRI points out that although in many countries asylum seekers do not have the right to work¹¹¹, the Government 'might reconsider their position on the ban on employment for asylum seekers'¹¹². The right for asylum seekers to work after six months is further supported by the ▲ European Council on Refugees and Exiles (ECRE).¹¹³

7.6. Policy impacting on Travellers: Analysis

The recommendations on employment and enterprise supports for Travellers outlined in the ■ Task Force Report on the Travelling People (1995) should be implemented, including the commitment to establish a committee to progress the support of the Traveller economy should be pursued.

Legislation that militates against Travellers accessing employment including, the recent amendments to the Housing (§ Traveller Accommodation Act, 1998) should be amended or repealed. This legislation makes trespass a criminal offence on one side but provides no incentives or penalties for local authorities to provide accommodation on the other side. Only 111 new units of accommodation have been provided for Travellers by local authorities since the publication of the Report in 1995. In the period between August 2000 and August 2002 there were 471 eviction notices served on Travellers. Such uncertainty and homelessness clearly militates against employment opportunities for Travellers.

¹¹¹ Guardian July 23, 2002. The British Government has recently decided to revoke asylum seekers right to work.

¹¹² ibid p18

¹¹³ ECRE (2002), ■ Summary of ECRE's position on access to the labour market for asylum seekers. <http://www.ecre.org/eu>

Annex One

Summary of cases referred to the ODEI (▲ Equality Tribunal) under the Equality Legislation 2001/2002 (6 months)

	Employment Equality		Equal Status			
Cases referred	Individual	Grouped Cases	Individual			
2000	139	102	8			
2001	260	182	854			
2002 (6 months)	142	121	520			
Breakdown by Ground	all 2001	2002 (6 months)	all 2001	2002 (6 months)		
Gender	118 (45.5%)	38 (27%)	14	1		
Traveller	3	2	641(75%)	415(80%)		
Race	27 (10.4%)	17 (12%)	21(2.5%)	11(2%)		
Disability	26 (10%)	20(14%)	18(2%)	20 (4%)		
Age	23(9%)	10 (7%)	37(4.3%)	11(2%)		
Marital Status	1	1	2	1		
Family Status	2	1	6	8		
Sexual Orientation	5	2	8	0		
Religion	1	1	1	3		
Multiple Grounds	43 (17%)	38 (27%)	86(10%)	47 (9%)		
No ground listed	11(4.2%)	12 (8%)	20(2%)	3		
Total	260	142	854	520		
Breakdown of Sector	all 2001	2002 (6 months)	all 2001	2002 (6 months)		
	Education	42	6	Education	16	4
	Private Sector	155	59	Insurance	23	3
	Health	16	20	Pubs/ hotels /nightclubs	632	459
	Public Sector	47	57	Public Service	88	12
				Shops	33	23
				Other	62	19
Total	260	142	854	520		
Cases Decided	all 2001	2002 (6 months)	all 2001	2002 (6 months)		
For Complainant	14 (covering 15 persons)	9 (covering 12 persons)	16 (covering 34 persons)	46 (covering 46 persons)		
For Respondent	28 (covering 162 persons)	20 (covering 20 persons)	9 (covering 12 persons)	31(covering 31 Persons)		
Awards	Euro	Euro	Euro	Euro		

Total (cumulative)	233632	94170	44314	31950
Average	16688	10497	997	695
Range	1270-107928	1000 - 20000	381 - 2793	0 - 2000
Mediation	all 2001	2002 (6 months)	all 2001	2002 (6 months)
Cases Referred	56	20	46	37
Cases Closed	11	5	16	17
Agreements	2	5	9	9
Withdrawn and/or Settled	24	2	2	1

Annex Two: 2002 Census of Population Questions

Annex Two¹¹⁴ outlines the explanatory notes provided by the Central Statistic Office for the inclusion of the questions on nationality and ethnicity in the 2002 ■ Census of Ireland.¹¹⁵ While welcoming these additions the Equality Authority, NCCRI and Pavee Point, the national Traveller resource centre in Ireland, expressed disappointment at the failure to ask a comprehensive ethnicity question.

EXPLANATORY NOTES (CSO):

Questions 5-9: Place Of Birth, Nationality, Usual Residence & Residence One-Year Ago.

The purpose of questions 5 to 9 of the Census is to study migration patterns, both short-term and long-term. This information will give us a picture of where people are moving to or from and who is moving in terms of age, sex, education, occupation, etc. Location is a key characteristic that is used with other data to build an accurate picture of our population. It is the basis for population estimates and projections and determining electoral boundaries. Comparing place of birth (question 5) and place of usual residence (question 7) indicates longer-term migration.

Likewise, if a person lived outside the country for a continuous period of one year or more. By comparing a person's usual residence one year before the census (question 8) and their residence at census time (question 7), we get an indication of the extent to which people change residence. Nationality is being asked for the first time and is important in the context of a more culturally diverse Ireland.

Question 13: Traveller Community

Question 13 was included in the Census after submissions from a number of organisations representing the Irish Traveller Community and various equality groups. Coupled with other questions on the form, it will facilitate a comparison between the demographic and socio-economic characteristics of Travellers and those of the population at large.

¹¹⁴ See [Part two](#) of this study for discussion on this issue.

¹¹⁵ Central Statistics Office, (2002) ■ Information on the 2002 census of Ireland. Website <http://www.cso.ie>

Annex Three: Bibliography and Websites

Amnesty International, (2001) ■ Racism in Ireland: The views of Black and Ethnic Minorities. <http://www.amnesty.ie>

Barry, E in NCCRI, (2000) ■ Report of the Ireland Prep. Conference, World Conferences Against Racism. <http://www.nccri.com>

Central Statistics Office, (September 2002) ■ Preliminary Report, 2002 Census. <http://www.cso.ie>

Central Statistics Office, (5 September 2002) ■ Population and migration Estimates. <http://www.cso.ie>

Central Statistics Office, (2002) ■ Information on the 2002 census of Ireland. Website <http://www.cso.ie>

Central Statistics Office, (5 September 2002) ■ Quarterly National Household survey. Second Quarter 2002.

Chambers of Commerce of Ireland, (2001) ■ Economic Migration. <http://www.chambersireland.ie>

Collins, A, (2002) ■ The Needs of asylum Seekers in Cork. NASC.

Combat Poverty Agency, NCCRI (2002) ■ Ethnicity, Racism and Social Exclusion in Ireland. <http://www.cpa.ie>

Comhlamh, (2001) ■ Refugee Lives: The Failure of Direct Provision. <http://www.comhlamh.org>

Conroy, P. (2002) ■ Data Collection and Ethnicity. Department of Justice, Equality and Law Reform (Unpublished).

Department of Justice, Equality and Law Reform. (2001) ■ Report of the Interdepartmental/agency Group on Immigration Policy.

Department of Justice, Equality and Law Reform. (2001) ■ Public Consultation on Immigration. Available on the website <http://www.justice.ie>

Department of Justice, Equality and Law Reform. (2002) ■ First Progress Report of the Committee to Monitor Task Force on the Travelling Community.

Department of Justice, Equality and Law Reform (2002) ■ Towards a National Action Plan Against Racism

ECRE, (2002) ■ Summary of ECRE's position on access to the labour market for asylum seekers. <http://www.ecre.org/eu>

ECRI, (2002) ■ Second Report on Ireland. Adopted on 22 June 2001.

Equality Authority, (2000) ■ Building the Picture. The Role of Data in Achieving Equality. <http://www.equality.ie>

Equality Authority, (2001) ■ Promoting an Intercultural Workplace: Examples of Good Practice.

Equality Authority, (2001) ■ Annual Report 2000. <http://www.equality.ie>

Equality Authority, (2002) ■ Annual Report 2001. <http://www.equality.ie>

European Commission, (2000) § Directive for Equal Treatment, irrespective of Race or Ethnic Origin. 2000/43/EC. 29 June 2000.

European Monitoring Centre on Racism and Xenophobia. (2002) ■ Guidelines for the RAXEN 3 Phase.

Faughnan and Woods, (2000) ■ Lives on Hold. Seeking Asylum in Ireland. UCD Social Sciences Centre.

Fianna Fáil and the Progressive Democrats, (2002) ■ An agreed Programme for Government.

Fullerton, J and Kandola, R. (1999) ■ Managing Diversity in Ireland.

Government Publications, (1995) ■ Task Force on the Travelling Community.

IBEC, (2000) ■ Employment of Non-EU Nationals/Refugees in Ireland. Interact Ireland. <http://www.ibec.ie>

IBEC, ICTU, Equality Authority. (2002) ■ Framework for the Development of Equal Opportunities Policies at the Level of Enterprise.

ICTU, (2001) ■ Anti Racism. Indicative Action Plan. 2001-2003. <http://www.ictu.ie>

Know Racism, (2002) ■ Racist Attitudes in Ireland: Baseline Research.

Mac Éinrí, P, (2001) ■ Immigration Policy in Ireland, in Farrell, F and Watt, P. ■ Responding to Racism in Ireland. Veritas.

Mr. Michael McDowell, T.D. Minister for Justice, Equality and Law Reform. ■ Speech, 30 July. 2002. <http://www.justice.ie>

NCCRI (2001), The Review of the prohibition of Incitement to Hatred Act. (1989) ■ Policy Submission. <http://www.nccri.com>

NCCRI, (2002) ■ Incidents related to racism reported to the NCCRI October to March 2002.

NCCRI, (2001) ■ Report of incidents related to racism in Ireland. May -October 2001

NCCRI, (2001) ■ The Review of Immigration and Residence Policy in Ireland

NCCRI, Equality Commission for Northern Ireland, (2001) ■ International day Against Racism. Programme of Events.

NCCRI, IHSMI, (2002) ■ Cultural Diversity in the Irish Health Care Sector: Towards the Development of Policy and Practice Guidelines.

NCCRI, Joseph Rowntree Charitable Trust, Migration Policy Group. (Forthcoming). ■ Roundtable on Migration. May 2002.

ODEI-the Equality Tribunal, (2002) Part One ■ Annual Report 2001.

ODEI-The equality Tribunal, (2002) Part Two ■ Annual Report, 2001. Legal Review and Case Summaries. P8

Office of the Refugee Applications Commissioner, (2002) ■ Annual Report 2001.

Pavee Point, (2002) ■ Jobs, Vacancies, Vacant Jobs. Travellers inclusion in the Mainstream Labour Market. <http://www.paveepoint.ie>

Refugee Agency, (1999) ■ Report of a Survey of the Vietnamese and Bosnian Refugee Communities in Ireland.

The Chambers of Commerce of Ireland, (2002) ■ Economic Migration.

UNHCHR, (2002) ■ Declaration and Programme of Action. World Conference Against Racism, Durban 2001. <http://www.unhchr.ch>

Ward, T, (2001) ■ Immigration and Residency in Ireland. City of Dublin Vocational Education Committee.

Media Sources

Irish Independent.

Sunday Tribune.

The Guardian.

The Irish Times

The Examiner

Other

Labour Court Decisions.

ODEI-The Equality Tribunal Decisions and Press Statements

Irish Medical Organisation. Press releases. <http://www.imo.ie>

Irish Traveller Movement. Press releases. <http://www.itmtrav.com>

Websites

http://www.irlgov.ie/justice	Department of Justice, Equality and Law Reform
http://www.irlgov.ie/iveagh	Department of Foreign Affairs
http://www.nccri.ie	National Consultative Committee on Racism and Interculturalism
http://www.equality.ie	The Equality Authority (IRL)
http://www.eumc.at	European Monitoring Centre on Racism and Xenophobia
http://www.knowracism.ie	National Public Awareness Campaign
http://www.equalityni.org	Equality Commission for Northern Ireland
http://www.ecri.coe.int	European Commission on Racism Na Intolerance
http://www.unhchr.ch/	UN High Commissioner for Human Rights
http://www.nyci.ie	National Youth Council of Ireland
http://www.paveepoint.ie	Pavee Point Traveller's Centre
http://www.itmtrav.com	Irish Traveller Movement
http://www.amnesty.ie	Amnesty International (Ireland Section)
http://www.refugeecouncil.ie	Irish Refugee Council
http://www.comhlamh.org	Comhlámh (IRL)
http://www.ncde.ie	National Committee for Development Education
http://www.migration.ucc.ie	Irish Centre for Migration Studies
http://www.enar-eu.org	European Network Against Racism
http://www.unhcr.ch	Office of the UN High Commissioner for Refugees

Annex Four: Work Permits Disaggregated by Country

Country	New Permits	Renewals	Group	Issued	Refused
Total	23326	16562	433	40321	1310
Albania	36	13	0	49	c
Algeria	47	40	0	87	9
Andorra	0	0	0	0	1
Anguilla	1	0	0	1	0
Antigua & Barbuda	3	0	0	3	0
Argentina	66	17	0	83	4
Armenia	4	1	0	5	0
Australia	723	393	0	1116	11
Azerbaijan	0	1	0	1	0
Bahamas	1	0	0	1	0
Bahrain	6	3	0	9	0
Bangladesh	420	347	0	767	24
Barbados	3	0	0	3	0
Belarus	542	328	0	870	17
Belize	1	0	0	1	0
Bolivia	1	2	0	3	0
Bosnia	0	1	0	1	0
Bosnia Herzegovina	29	24	0	53	0
Botswana	16	2	0	18	0
Brazil	740	587	0	1327	15
Brunei	5	1	0	6	0
Bukina Faso	0	1	0	1	0
Bulgaria	517	236	0	753	39
Burma	1	1	0	2	0
Cameroon	4	5	0	9	2
Canada	167	127	0	294	12
Chile	3	5	0	8	0
China	690	546	0	1236	119
Colombia	8	14	0	22	2
Rep. Of Congo	2	2	0	4	0
Costa Rica	2	1	0	3	0
Croatia	84	56	0	140	5
Cuba	7	6	0	13	0
Cyprus	2	1	0	3	0
Czech Republic	611	527	0	1138	30
Ecuador	7	9	0	16	0
Egypt	117	89	0	206	10
El Salvador	2	5	0	7	0
Eritrea	2	1	0	3	0
Estonia	550	270	0	820	40

Country	New Permits	Renewals	Group	Issued	Refused
Ethiopia	5	9	0	14	0
Fiji	1	1	0	2	0
Rep. Of Gabonese	1	0	0	1	0
Gambia	3	0	0	3	0
Georgia	2	1	0	3	0
Ghana	8	12	0	20	0
Guatamala	3	1	0	4	0
Honduras	2	0	0	2	0
Hong Kong	55	129	0	184	5
Hungary	214	165	0	379	09
India	405	440	0	845	48
Indonesia	29	12	0	41	0
Iran	22	11	0	33	3
Iraq	15	3	0	18	1
Israel	8	20	0	28	0
Ivory Coast	2	2	0	4	0
Jamaica	8	8	0	16	0
Japan	90	107	0	197	2
Jordan	18	8	0	26	1
Kazakhstan	19	12	0	31	1
Kenya	7	8	0	15	04
Dem. Rep of Korea	0	2	0	2	0
Rep of Korea	22	12	0	34	1
Kosovo	14	0	0	14	0
Kuwait	2	1	0	3	0
Kyrgyz Republic	3	1	0	4	2
Latvia	2136	1822	0	3958	106
Lebanon	12	6	0	18	5
Lesotho	0	1	0	1	1
Libya	9	6	0	15	1
Lithuania	2425	1391	0	3816	133
Macau	2	0	0	2	0
Macedonia (FYR)	5	4	0	9	0
Madagascar	0	1	0	1	0
Malawi	3	5	0	8	0
Malaysia	576	510	0	1086	8
Maldives	0	1	0	1	0
Malta	17	7	0	24	1
Mauritania	12	1	0	13	0
Mauritius	6	11	0	17	0
Mexico	23	21	0	44	0
Moldova	507	264	0	771	46
Mongolia	5	0	0	5	4

Country	New Permits	Renewals	Group	Issued	Refused
Morocco	74	48	0	122	3
Mozambique	0	1	0	1	0
Myanmar	1	0	0	1	0
Myanmar (formerly Burma)	18	22	0	40	0
Namibia	2	1	0	3	0
Nepal	13	32	0	45	3
New Zealand	374	195	0	569	9
Niger	5	1	0	6	3
Nigeria	54	33	0	87	16
Oman	2	2	0	4	1
Pakistan	437	403	0	840	122
Palestine	3	1	0	4	0
Panama	1	1	0	2	0
Paraguay	6	1	0	7	0
Peru	8	11	0	19	1
Philippines	1578	1677	0	3255	78
Poland	1953	1192	0	3142	46
Rep. Of Congo	1	0	0	1	0
Rep. Of Korea (sth)	1	0	0	1	0
Romania	1527	932	0	2459	95
Russian Federation	567	671	0	1238	58
Saudi Arabia	1	1	0	2	0
Senegal	1	2	0	3	0
Sierra Leone	2	2	0	4	0
Singapore	20	16	0	36	1
Slovakia	283	176	0	459	3
Slovenia	10	3	0	13	0
South Africa	1375	898	0	2273	34
Sri Lanka	73	36	0	109	1
Sudan	30	3	0	33	1
Suriname	0	1	0	1	0
Swaziland	2	0	0	2	0
Switzerland	45	41	0	86	1
Syria	20	20	0	40	2
Tanzania	13	9	0	22	1
Thailand	380	149	0	529	21
Trinidad & Tobago	6	6	0	12	0
Tunisia	35	43	0	78	1
Turkey	85	70	0	155	7
Turkmenistan	3	2	0	5	0
Uganda	1	3	0	4	2
Ukraine	1434	658	0	2092	45
United Arab Emirates	8	2	0	10	0

Country	New Permits	Renewals	Group	Issued	Refused
United States of America	473	319	0	792	13
Uruguay	2	1	0	3	0
Uzbekistan	7	2	0	9	2
Venezuela	11	4	0	15	0
Vietnam	60	23	0	83	2
West Indies	0	2	0	2	0
Yugoslavia	0	2	0	2	0
Yugoslavia (Federal)	54	48	0	102	1
Zambia	6	5	0	11	0
Zimbabwe	145	113	0	258	9
Group Permits - all countries			433	433	2