


## Objective Two of the National Action Plan against Racism: Inclusion

	<p><b>Objective Two:</b> Inclusion</p> <p><b>To ensure economic inclusion and equality of opportunity, including a focus on employment, the workplace and poverty.</b></p>
---	--

Objective Two is primarily concerned with economic inclusion and equality of opportunity, including a focus on employment, the workplace and combating poverty. Objective Two is closely linked to Objective Three (Provision), which includes a focus on common outcomes in service provision in education, health, social services and childcare, accommodation and the administration of Justice.

The expected outcomes under the framework objective Two: 'Inclusion' are summarised as follows:

### Inclusion: Expected Outcomes

<b>2.1</b>	Inclusion through macro economic and social policy planning.
<b>2.2</b>	Inclusion through employment rights, responsibilities and workplace policy.
<b>2.3</b>	Inclusion through public service modernisation.
<b>2.4</b>	Inclusion through national plans and programmes that tackle poverty and social exclusion.
<b>2.5</b>	Inclusion of migrant workers, consistent with the requirements of policy on immigration, employment and equality.
<b>2.6</b>	Inclusion through vocational training and employment service strategies.
<b>2.7</b>	Inclusion through the development of a comprehensive approach to social and equality statistics.

### 2.1 Inclusion through macro economic and social policy planning.

#### Key challenges

Macro economic and social policy planning at both European and national state level has a key role to play in ensuring that there is economic inclusion and equality of opportunity for all. A key challenge is to move away from the 'one cap fits all approach' to policy planning a position where economic and social cohesion policy makes reasonable accommodation of cultural diversity and promotes positive action measures.

#### Developments Underway

*EU Economic and Social Cohesion Policy:* The EU has emphasised the importance of including migrants and minorities into broader EU economic and social cohesion policy including:

- The structural funds and community initiatives, including EQUAL and URBAN II and a range of education and youth programmes.
- The restructuring taking place as a consequence of EU enlargement.

*EU Employment Policy:* The European Employment Strategy was launched in 1997 with a view to making decisive progress in the fight against unemployment within five years. The 2002 impact evaluation of the strategy provided the focus for the future shape of the ESS. The new Strategy, covering the 2003-2010, which is based on three overarching objectives (full employment, quality and productivity at work, cohesion and an inclusive labour market) and insists on a better delivery and governance of the EES. It also contains a new set of 10 Employment Guidelines. Since 1<sup>st</sup> May 2004 the EES now applies to EU25.

*Social Partnership Agreements:* At a national level, Social Partnership Agreements including the present agreement covering the period 2003-2005, 'Sustaining Progress', provide important opportunities to ensure there is a reasonable focus on cultural diversity in Ireland. For example under 'Sustaining Progress', the Government and Social Partners have identified a special initiative on 'migration and interculturalism' as one of the ten areas of national policy to be the subject of a sustained effort over the period of the Agreement. The Development of the National Action Plan Against Racism is particularly significant in this context.<sup>1</sup>

*The National Development Plan:* The current National Development Plan 2000-2006 includes important EU, national and private investments in regional development, economic and social infrastructure, employment and human resources, equality and promoting social inclusion. Most of the emphasis on equality in the present NDP is towards equality for women, gender mainstreaming, childcare, education and training for educationally disadvantaged women and specifically marginalised groups.

### **Priorities in the NPAR**

As part of the mainstreaming approach set out in this Plan, mechanisms will be developed to ensure that macro economic planning and social cohesion policy instruments will make reasonable accommodation of cultural diversity and take positive action measures.

### **Measures**

**2.1.1** Proof key macro-economic and social planning processes/national agreements to ensure they combat racism, make reasonable accommodation of cultural diversity and include for positive action for Black and minority ethnic communities. Proofing will include the undertaking of impact assessments to determine the likely outcomes for minority ethnic groups from key policy instruments. Proofing will take place during the three distinct phases of policy development:- preparation, implementation and review. A template will be drawn up to support this process, and will include a focus on:

- National Social Partnership Agreements.

---

<sup>1</sup> Social Partnership Agreement 2003-2005, Sustaining Progress, paragraph 2.5.

- National Development Plan.
- National Employment Strategy.
- National Action Plan on Social Inclusion.

**2.1.2** Proof forthcoming policies at a European level that impact on employment and the workplace, to ensure that cultural diversity is reasonably accommodated, for example, the transposition of employment related EU Directives into Irish law.<sup>2</sup>

---

<sup>2</sup> Such as Directive 2002/14/EC, which employees in establishments over a certain size the right to information and consultation about the business in which they work.

## **2.2 Inclusion through employment rights, responsibilities and workplace policy.**

### **Key challenges**

The rapid pace of economic and social change in Ireland is impacting on the workplace and creating new challenges in the areas of employment rights and responsibilities and policy within the workplace. The Department of Enterprise Trade and Employment has acknowledged that the changed labour market environment has also given rise to new concerns about workplace relationships, including issues such as family friendly policies, bullying and racism.<sup>3</sup>

These changes and challenges have been highlighted by a significant increase in employment related discrimination cases. The number of employment cases referred under the race ground to the Equality Tribunal increased from 43 in 2002 to 85 in 2003 which is a 98% increase.<sup>4</sup> 30% of the casefiles of the Equality Authority related to the race ground and 2% to the Traveller ground under the Employment Equality Act.

### **Policy context and developments Underway**

*Preventing discrimination:* Discrimination in employment is covered by the Employment Equality Acts 1998 & 2004. The Equality Tribunal, the Labour Court and the Circuit Court are for redress under the legislation. The legislation establishes the Equality Authority as the specialised equality body to combat discrimination and to promote equality.

*Employment Rights:* There is a wide range of employment related legislation, that set out important rights and responsibilities within the workplace and which have important implications for all workers, including those from minority ethnic groups. For example the Unfair Dismissal Act 1973-1993, which provides that the dismissal of an employee wholly or mainly on various grounds, including race, colour, membership of the Traveller community and on the grounds of religious opinion, is considered an unfair dismissal.

*Information and Enforcement:* Within the Department of Enterprise, Trade and Employment there is a labour Inspectorate and an Employment Rights Information Unit within an overall Employment Rights Section. The role of the Inspectorate is to ensure observance of occupational safety, health and labour legislation, minimum pay and registered employment agreements. The Employment Rights Section is responsible for the administration, enforcement and review of most labour legislation concerned with employment rights. The Information Unit informs people of the rights and responsibilities of employees and employers under the legislation.

*The workplace:* There have been a range of initiatives to support the emergence of an intercultural workplace developed around the annual Anti-Racist Workplace Week which is organised by Congress, IBEC, CIF, SFA, Department of Justice, Equality & Law Reform, IFA, Chamber of Commerce in Ireland and the Equality Authority. On a wider front the Equality Authority convenes a Framework Committee under the Sustaining Progress National Agreement which has a remit to support equality at

---

<sup>3</sup> Department of Enterprise Trade and Employment, (2003). Statement of Strategy 2003-2005, p42.

<sup>4</sup> [www.equalitytribunal.ie](http://www.equalitytribunal.ie)

enterprise level. This involves Congress, IBEC, HSEA, LGMSB, the Equal Opportunities Network, the Department of Finance and the Department of Justice, Equality & Law Reform (which provides funding to the committee). The Committee has worked to stimulate, support and resource planned and systematic approaches to workplace equality.

### **Priorities**

The NPAR will seek to support the development of a workplace in which diversity is valued, people work together to achieve the organisation's objectives and listen to and respect each other and where racism has no place. This approach requires all stakeholders within the workplace to work together and is underpinned by a range of employment legislation setting out rights and responsibilities. An anti racist workplace is defined as:<sup>5</sup>

- Free from discrimination and harassment
- Is welcoming to Black and Minority Ethnic and Traveller employees and customers
- Accommodates and values diversity in the workplace.
- Takes practical steps to ensure equality.
- Communicates a message for greater equality within the wider community.

### **Measures**

**2.2.1** Development of a major awareness and compliance initiative by the Dept of Enterprise, Trade and Employment to:

- Provide accessible information on employment rights to migrants and minority ethnic groups.
- Ensure, through the Labour Inspectorate, full observance of occupational safety, health and labour legislation, minimum pay and registered employment agreements, including in respect of migrants and minority ethnic groups.

**2.2.2** Evolve and mainstream the principles established as part of anti racist workplace week into employment and workplace policy and to provide continued financial support for anti racist workplace week.

**2.2.3** Provide and as resources allow, enhance the capacity of bodies and agencies responsible for the enforcement of employment rights policy.

**2.2.4** Encourage planned and systematic approaches to equality at workplace level by employers through further development of the work of the Framework Committee established and of the resources available to it.

**2.2.5** Encourage staff associations and trade unions to take positive action to create awareness and to eliminate racism in the workplace.

## **2.3 Inclusion through public service modernisation.**

### **Key challenges**

The Public Service Management Programme includes a strong emphasis on the theme of Human Resource Management<sup>6</sup>. There are a number of existing and forthcoming strategies related to human resources which have the potential to increase the

---

<sup>5</sup> Congress, IBEC, CIF, SFA, Know Racism, Equality Authority, (2003). Work Against Racism leaflet.

<sup>6</sup> For commitments on quality Customer Services see

participation of cultural and ethnic minorities in public services in Ireland, focussing on recruitment, awareness training for all staff and career opportunities.

### **Policy context and developments underway.**

*Recruitment:* A more open recruitment policy in the Civil Service has been developed by Government through the Public Service Management (Recruitment and Appointments) Act 2004. Among other issues, this legislation will allow individual departments and other public service bodies licensed, to recruit directly as well as through the Public Appointments Service.

*Awareness Training:* Anti racism and intercultural awareness training is currently being undertaken in many public service organisations.

*Equal Opportunities:* A gender equality policy for the civil service was launched in September 2001. This policy commits the civil service to the adoption of equality goals at the level of individual Departments and offices for increasing women's participation, particularly at the higher management levels.

*Diversity:* A Diversity Policy for the civil service was launched in July 2002. "Diversity in the Civil Service" sets out the civil service policy on implementing equality of opportunity and, together with the Gender Equality policy, replaces the 1986 Equal Opportunities policy and guidelines for the civil service.

*Bullying & Harassment:* A civil service policy on Bullying and Harassment was launched in March 2000. The policy defines harassment, sexual harassment and bullying. It summarises the civil service policy in this regard and illustrates the types of behaviours that constitute harassment, sexual harassment and bullying and sets out the process to be followed in the investigation of a complaint of such behaviour.

### **Priorities**

The overall priority is to ensure that human resource management policy within the context of public service modernisation, will seek to make reasonable accommodation of cultural diversity and to implement positive action for full equality in practise for Black and minority ethnic employees, focusing on recruitment, promotion and equality and diversity training for staff.

### **Measures**

- 2.3.1** Undertake a new high-level initiative within the Public Service Modernisation Programme to promote full equality in practise in recruitment from cultural and ethnic minorities into the public service and in their career progression.
- 2.3.2** Implement equality and diversity training across all public bodies that include a focus on racism and interculturalism and that develops an awareness of these issues and that builds staff competencies to manage and operate within a culturally diverse workplace.

### **2.4 Inclusion through national plans and programmes that tackle poverty and social exclusion**

## **Key Challenges**

In many countries research has shown that cultural and ethnic minorities can experience higher levels of poverty and linked forms of social exclusion. Access to adequate income, employment, accommodation, education, health provision and participation in decision making, all have an important role to play in combating poverty and social exclusion.

The European Union places a strong emphasis on linking up policies that address discrimination with broader social cohesion and employment measures. The key challenge is to ensure that policies designed to impact on poverty and social exclusion in Ireland make reasonable accommodation of cultural diversity and take positive action measures in Ireland.

## **Policy context and developments underway.**

*National Action Plan Against Poverty:* The new National Action Plan Against Poverty and Social Exclusion, (NAPs/inclusion), launched in July 2003 has a key overarching role to play in combating all forms of poverty, including the poverty experienced by minority ethnic groups. NAPs/inclusion makes specific acknowledgement of Travellers as a vulnerable group and identifies as a policy task the development of further policies to enable Travellers to achieve greater integration, while respecting their distinctive way of life<sup>7</sup>. NAPs/inclusion recognises that the integration of migrants will play a key role in combating poverty and recommends ‘the integration of migrants with a view to combating their social exclusion and accommodating cultural diversity’.<sup>8</sup>

*National programmes:* There are a range of existing national programmes on poverty and social exclusion within which an intercultural dimension could be built or enhanced. These include, for example:

- The Local Development Social Inclusion Programme, including 38 partnerships, 33 community groups and 4 employment pacts (Department of Community, Rural and Gaeltacht Affairs).
- PEACE and RAPID Programmes (the Department of Community, Rural and Gaeltacht Affairs).
- The Equal Opportunities Childcare Programme (the Department of Justice, Equality and Law Reform).
- Local Drug Task Forces (the Department of Community, Rural and Gaeltacht Affairs)
- The Community Development Support Programme/Family Resource Centres (the Department of Community, Rural and Gaeltacht Affairs and the Department of Social and Family Affairs).

## **Priorities**

The priority will be to build an intercultural dimension into all government programmes/initiatives to combat poverty and social exclusion, consistent with the overall terms of reference within these programmes/initiatives. This will include the

---

<sup>7</sup> Department of Social and Family Affairs. National Action Plan Against Poverty and Social Exclusion 2003-2005, p11.

<sup>8</sup> *ibid*, p13.

need for strong linkages between the implementation of the NPAR and NAPs/inclusion.

### **Measures**

- 2.4.1** All bodies responsible for implementing Government/EU programmes aimed at tackling poverty and social inclusion will be required to outline in detail how they will combat racism, make reasonable accommodation of cultural diversity and take positive action to contribute to full equality in practise for Black and minority ethnic communities.
- 2.4.2** Update the specific commitments on minorities and migrants outlined in the NAPs/inclusion as more information and data becomes available.
- 2.4.3** Adjust performance indicators related to progress in combating anti poverty and social exclusion.
- 2.4.4** Establish a coordinating mechanism to ensure linkages and synergies between the NPAR and NAPs/inclusion.

### **2.5 Inclusion of migrant workers, consistent with the requirements of policy on immigration, employment and equality.**

#### **Key challenges**

Building on developments underway, the key challenge will be to ensure that migrant workers are integrated in a way that is consistent with the requirements of policy on immigration, employment and equality.

This requires a multifaceted approach that recognises that some migrant workers will become resident and make their permanent homes in Ireland, while others will stay in Ireland for relatively short periods before returning home or finding work in another country. It requires consideration of the different forms of work permit/visa and related entitlement to family reunification. It requires consideration of the roles of service providers, employers and local communities in this process.

Of immediate concern are challenges such as the regulation of recruitment agencies, access to information and the observance of employment rights in places where migrant workers are employed, (including in the home) and ensuring that migrant workers are both aware of and can access key employment and equality protections as appropriate.

#### **Developments underway**

*Recruitment:* The review of the Employment Agency Act, 1971 is in addition to the proposed legislation to revise and to place the work visa/work permit system on a statutory basis.

*Work permits and visas:* The Government is currently developing legislation to revise and to place the work visa/work permit system on a statutory basis.

*Information and advice:* Information and advice for migrant workers is available from a range of sources including statutory sources (see 2.2), NGO's working with migrants,<sup>9</sup> trade union<sup>10</sup> and employer bodies and expert and specialised agencies.<sup>11</sup>

---

<sup>9</sup> Including the Immigrant Council of Ireland and the Migrant Rights Centre.

*Immigration Policy:* The Government is bringing forward an overall immigration policy within a structured framework and is currently considering a new medium term economic migration policy.

### **Priorities**

There are a number of measures that can be taken in the short term included in this Plan that focus on migrant workers and issues such as recruitment, access to information and employment rights. In the medium term there is a need to develop a more focussed and comprehensive policy on integration for migrant workers that seeks to address their social, cultural, and economic needs in a holistic way, consistent with the intercultural framework outlined in this Plan and consistent with overall government policy.

### **Measures**

- 2.5.1** Develop a comprehensive policy on the integration of migrant workers and their families, consistent with Government policy on immigration, equality and employment.
- 2.5.2** Establish a broadly based advisory group to contribute to the development of an integration policy focusing on migrant workers and their families.
- 2.5.3** Complete the review of the Employment Agency Act, 1971 to take into account the regulation of employment agencies including recruitment and placement activities.
- 2.5.4** Complete the revision of and place on a statutory basis the work permit and working visa/work authorisation systems through the forthcoming Employment Permits Bill.
- 2.5.5** Including a focus on migrant workers in initiatives designed to raise awareness and compliance with employment rights, through for example
  - Providing quality information to all, with targeted inclusion of migrant workers.
  - Ensuring compliance of employment legislation through the labour Inspectorate.

### **2.6 Inclusion through vocational training and employment services strategies.**

### **Key challenges**

Employment training and employment services play a key role in promoting social inclusion in Ireland and they help support the integration of the most marginalised minority ethnic groups into the labour market. The Plan will seek to act as a catalyst for a number of initiatives in the area of employment services and training.

### **Developments underway**

*Labour market measures:* The Department of Enterprise, Trade and Employment supports the participation by the Traveller community in labour market measures aimed at the long term unemployed.

---

<sup>10</sup> Including the SIPTU 'City Bridges' initiative.

<sup>11</sup> Including the NCCRI and the Equality Authority.

*Training:* FÁS identifies Travellers as a distinct group, included under the Community Employment and Jobstart schemes and there are specific programmes for Traveller women. The Local Employment Service (LES) has also introduced specific measures to include Travellers. FÁS has developed a 'Back to Work' programme specifically aimed at refugees and those with leave to remain. However this programme has not been rolled out throughout the country and is currently confined to only a few regions.

*Language:* Integrate Ireland language and Training and coordinates English language provision for refugees which are important precursors to employment or vocational training courses.

**Priorities**

The potential of training and employment services as an integration measure will be developed as part of the NPAR

## **Measures**

- 2.6.1** Develop an overall strategy to training and employment services, with reference to broader equality policy.
- 2.6.2** The FÁS 'Back to Work' programme for refugees and people with leave to remain will be rolled out throughout the country, based on an assessment of overall need.
- 2.6.3** Provide a coordinated approach to advice and support, including individual assessment of need, for vocational training and accessing employment for refugees. (see outcome 6.5)
- 2.6.4** Integrate language supports into training and employment services through a new targeted programme.
- 2.6.5** Develop a programme to address under employment of Black and minority ethnic workers with a particular focus on developing strategies for effective recognition of qualifications.
- 2.6.6** Develop a programme to address unemployment within the Traveller community based on the recommendations of task Force on the Traveller community.

## **2.7 Inclusion through the development of a comprehensive approach to social and equality statistics.**

### **Key challenges**

The development of a comprehensive statistical and data framework focusing on social and equality objectives will assist in process of setting targets and measuring policy progress in related policy areas. In the context of this objective, this includes a particular focus on statistical programmes and administrative data related to the policy areas of employment, the workplace and poverty.

### **Developments Underway**

*Overall Strategy:* The recommendations of the recent report of the National Statistics Board (NSB), provides the basis for a comprehensive national strategy on social and equality statistics.<sup>12</sup>

*Statistical Potential of Administrative Records:* Following the NSB Report, the CSO published a working report on the statistical potential in six government departments.<sup>13</sup>

## **Measures**

- 2.7.1** Ensure that key sources of national socio economic data are evolved to make reasonable accommodation of cultural diversity and take positive action measures, including:
  - Census of population
  - Quarterly National Household Survey
  - Live Register of Unemployed

---

<sup>12</sup> National Statistics Board, (2003). Developing Irish Social and Equality Statistics.

<sup>13</sup> Central Statistics Office, (2003). The Statistical Potential of Administrative Records.

- Household Budget Survey
  - Statistics on Income and Living Conditions (EU SILC)
- 2.7.2** Develop a formal data/statistics strategy in each Government department, consistent with the outcomes of the report of the National Statistics Board that includes a focus on cultural diversity.
- 2.7.3** Establish Departmental Statistical Committees to advise on the process of developing social and equality statistics that bring together data users, and appropriate outside experts.
- 2.7.4** Publish a consolidated annual report on key social and equality trends including a focus on cultural diversity in employment/unemployment, the workplace and poverty.

### **Data Protection**

The Data Protection Act 1988, as amended, sets out conditions for the processing of personal data. Personal data as to racial or ethnic origin is 'sensitive personal data' for the purposes of the Data Protection Act and more stringent conditions, set out in section 2B of the Act, apply to the processing of sensitive personal data.