

RACISM AND MIGRANT WORKERS IN IRELAND



INTRODUCTION

Racism, and its impact on the lives of migrant workers, is a matter of grave concern for all societies. To create a more equal and socially-inclusive society, racism must be addressed both at the individual and institutional level. Attempting to address racism only at the level of the individual, as is the most common response, fails to recognise the structural nature of this phenomenon.

This paper explores racism and how it is manifested towards migrant workers in Ireland. Prime examples of institutional racism are evident in accessing public services, employment, ethnic profiling, and the impact of the current recession in Ireland. The paper does not attempt to address *all* aspects of racism experienced by Black and minority ethnic groups, including the Traveller community, but focuses on a number of salient examples. Key recommendations for future work and action to counter racism are highlighted.

WHAT IS RACISM?

The concept of 'race' has long been contested. Following the rise of population genetics it became universally accepted that the concept of 'race' and racial inequality had no scientific basis. Nevertheless, 'race' is still used in everyday life to demarcate groups, largely according to physical appearance and skin colour, but also in terms of ethnicity, culture and national origin. Racism has been described as "conduct or words or practices which disadvantage or advantage people because of their colour, culture or ethnic origin."⁰¹

Contemporary Racism

In the contemporary context, racism more commonly features in nationality-based stereotypes and negative characterisations about the cultural attributes of various groups of migrant workers, rather than directly invoking the concept of 'race'. Cultural differences are generalised in the same way as traditional biological differences, such as the tendency to behave in a certain way or live

according to certain moral values. Stigmatising, stereotyping and racialising the cultures and ways of life of migrant workers as inferior, or deeming them to be a threat to the dominant culture, are increasingly incorporated into biological connotations of difference and superiority. This form of racism, referred to as the 'new racism'⁰², focuses on cultural incompatibility as the main reason why integration is not possible and why strict immigration policies and controls are needed.

'Those immigrants know no better because that is how they do things over there, in their countries they are just different than us.'

SOCIAL WELFARE OFFICIAL, IRELAND

'New Racism' has been reinforced by a focus on multiculturalism, a popular theme in many EU countries including Ireland. Multiculturalism as a policy promotes the need for recognition and celebration of different cultures in a society. Multiculturalism has often involved activities, such as providing supports for cultural expression and multicultural events. It says little about either the situation or the status of the members of different cultures, it only implies their presence.

As a consequence of such policies, the responsibility to integrate or adapt to the dominant culture is placed on the shoulder of the migrant workers who are constructed as the 'subject' of the integration process. The responsibility for failure to properly integrate is placed on migrant workers. A key criticism of this multicultural approach is the reinforcement of the generalisation of cultural differences and the inherent failure of such policies to address individual and institutional racism.

⁰¹ Stephen Lawrence Inquiry Report, 1999

⁰² Martin Barker, *The New Racism*, 1981

Individual and Institutional Racism

Racism operates at both an individual and an institutional level. Individual or direct forms of racism can range from verbal name calling to violent physical abuse. By contrast, institutional forms of racism refer to institutional actions, i.e. policies and practices that are discriminatory or indifferent to the needs and requirements of minority ethnic groups, including migrant workers.

There is a direct link between individual and institutional racism. Individuals are either enabled or excluded by the way a society and the institutions of society operate. Individuals are racist consciously or unconsciously, mainly as a result of acting on the belief that certain people are superior or inferior based on their membership of a particular group. These attitudes are often developed through education, and through formal and informal processes. There are many factors which contribute to the development of these attitudes at the individual level, such as the negative portrayal of certain groups in society, their invisibility within public and political systems, the impact of discriminatory policies and practices, and the privilege bestowed on some members of society who have certain characteristics (e.g. white, full citizenship, settled).

The State, politicians and the media, through sensationalist and inflammatory headlines, are paramount in generating and reinforcing racism. These groups have the power to define the social world and impose a framework within which migrants and their families are perceived and evaluated. Laws, policies, rules and resources also have a direct bearing on shaping public attitudes towards migrant workers. Institutions are directly responsible for creating the conditions in which migrant workers will have either equal or unequal opportunities and outcomes within society.

Racism and intersection with multiple forms of discrimination

Historically, discrimination based on ethnicity, 'race', gender and other forms have been seen as parallel, but distinct, forms of discrimination. In recent years, however, there is a recognition that factors such as age, disability, ethnicity, and socio-economic status can also compound discrimination. Failure to recognise these factors and how they intersect, results in poor and inadequate responses. For instance, migrant women, like women in all parts of society, are in an unequal position at an individual, community and societal level. This, combined with racism experienced in the workplace and in accessing services, places them at a much greater risk of exclusion and disadvantage.

A group of migrant women were employed as mushroom pickers. Their employer informed them that if any woman had a relationship with an Irish man she would be immediately sent home. A number of men were also employed and this rule did not apply to them. When one woman became pregnant she was dismissed, and arrangements made for her to leave the country.

RACISM IN IRELAND

Ireland has become an increasingly diverse country. The Irish workforce is composed of approximately 15% non-Irish nationals and it is estimated that there are 188 different nationalities in the State (CSO 2006). Racial discrimination, both in terms of everyday abuse and discrimination and exclusion within Irish institutions, is becoming more widespread. In a survey carried out in 2001, almost 80% of individuals from Black or ethnic minority groups living in Ireland claimed they had experienced some form of racism or discrimination. Many of these discriminatory attacks were not one-off or incidental occurrences. Rather, they constituted a feature of everyday life for migrants, occurring in a variety of social situations: in employment, in pubs, from neighbours, in banks, on buses and taxis, accessing housing, in the media, in education and schools, in health, from the Gardaí, at the cinema and in accessing goods and services generally.⁰³ Other studies have suggested that levels of discrimination have not diminished.⁰⁴ A recent report by the EU's Fundamental Rights Agency found that Ireland was among the top five countries in the EU when it came to racial discrimination and abuse. 73% of those surveyed from Sub-Saharan Africa stated they had experienced racism in Ireland, as did 25% of those from Central and Eastern Europe.⁰⁵

Racism and employment

Migrant workers have been hindered from accessing employment because of racism. Non-Irish nationals are three times more likely to experience discrimination while looking for work, while Black people are seven times more likely. Moreover, in the workplace non-Irish nationals are twice as likely to experience discrimination as Irish nationals.⁰⁶ 32% of work permit holders reported harassment and insults at work, constituting the second most common form of discrimination.⁰⁷

03 Irish Centre for Human Rights and Amnesty International, *Breaking Down Barriers: Tackling Racism in Ireland at the Level of the State and its Institutions*, 2006

04 ESRI and Equality Authority, *Immigrants at Work: Ethnicity and Nationality in the Irish Labour Market*, 2008. ESRI, *The Labour Market Characteristics and Labour Market Impacts of Immigrants in Ireland*, 2006

05 European Union Minorities and Discrimination Survey (EU-MIDIS), 2009

06 ESRI and Equality Authority, *Immigrants at Work: Ethnicity and Nationality in the Irish Labour Market*, 2008

07 ESRI, *The Labour Market Characteristics and Labour Market Impacts of Immigrants in Ireland*, 2006

Nasir worked in a restaurant where he was exploited. When Nasir tried to leave he was told he would be deported as he would be 'illegal'. He was also told that no other employer would get a work permit for him as Ireland is a small place.

There is considerable evidence to show that migrant workers experience difficulties asserting their employment rights, and are vulnerable to racism in the workplace. The way the work permit system is designed, which binds a migrant worker to a particular employer, exacerbates this vulnerability.

Racism can range from a person being treated less favourably to fellow employees, in terms of pay and associated work privileges, to situations of extreme exploitation and forced labour. Work environments that are unwelcoming and are sharply divided on ethnic lines fuel racial tension and generally deliver unequal outcomes for migrant workers employed in such situations. For migrant women there is the additional concern of gender discrimination, such as experiences of unequal pay, sexual harassment, and pregnancy-related discrimination. Accessing redress for migrant workers is especially difficult, with a waiting period in the Equality Tribunal of two years, compounded by the absence of interpreting supports in the Labour Relations Commission and Employment Appeals Tribunal.

Accessing public services

Unequal treatment in accessing public services has a direct bearing on the lived experiences and social status of any individual or groups. While most frontline service providers are respectful and aim to deliver services without prejudice, direct experiences of racism are a reality for many migrant workers. This can take many different forms, such as the manner and tone used by officials, prejudiced behaviour and being denied services.

Asma was trafficked for forced labour in Ireland. While her case was being investigated, Asma tried to avail of the support services provided for victims of trafficking, such as emergency accommodation. When she presented her case to the Community Welfare Officer, she was told that she has no right to stay in Ireland and was not entitled to any support.

Racism in the delivery of public services is also evident in the policies shaping access to these services. The Habitual Residency Condition (HRC) is of particular concern for migrant workers. Migrant worker eligibility for essential supports and services is predicated on meeting a number of restrictive criteria and not on economic need. The HRC may appear to be blind to 'race' and nationality because all applicants for assistance must satisfy the condition. However, the discretionary nature of HRC criteria leads to migrant workers being disproportionately affected by its

application, and contributes to them being pushed further into poverty. The initial introduction of the HRC in 2005 is believed to have been informed by a tabloid media campaign against workers from the EU accession countries being allowed to work in the UK and Ireland.

Ethnic and racial profiling

Ethnic and racial profiling involves the use of certain characteristics and generalisations, usually grounded in ethnicity, colour, religion or national origin, in order to identify a person. Although it is difficult to ascertain precise levels, various reports and anecdotal evidence indicate that ethnic profiling of immigrants is increasing. The European Union Minorities and Discrimination Survey identified that the rate at which people from Sub Saharan Africa are being arbitrarily stopped and asked for identification in Ireland was the highest for any ethnic minority in the EU.

Jane lives and works in Donegal. She has been living in Ireland for decades and has full citizenship. When she travels to Dublin by bus she is sometimes targeted by immigration officials who regularly carry out spot checks at the border with Northern Ireland. She feels that the only basis for her being selected over others is her skin colour.

Justification for ethnic and racial profiling is often made on the basis of countering terrorism, criminality and irregular migration. There are, however, a number of studies that seriously question the effectiveness of ethnic profiling (Open Justice Society). It is already the practice of the Garda National Immigration Bureau to collect biometric information which is included in the certificates of registration, and the forthcoming Immigration, Residence and Protection Bill proposes that non-Irish nationals will be required to carry identification at all times. It is unclear how Irish citizens, including those who are Black or have acquired citizenship will be treated, given that citizens are not required to carry identification at all times.

Reporting racist incidents

The incidence of recorded racist crime fell by 21% to 180 incidents in 2008. While this would appear to indicate decreasing levels of racism, in reality NGOs have experienced significant difficulties in reporting incidents of racism to the Gardaí. In practice, the majority of racist incidents fall into the category of verbal harassment, which is difficult to verify. In addition, many migrants are reluctant to report racist incidents to Gardaí who also act as immigration officers. Since the closure of National Consultative Committee on Racism and Interculturalism in December 2008, Ireland is without a national reporting mechanism other than through the system in place through An Garda Síochána.

Lita, an undocumented migrant worker, had her money stolen and was verbally insulted on a public street. When she reported the incident at a Garda station, she was first asked for details of her immigration status. She immediately left the station and did not return.

In defining racist incidents the term 'racially motivated' is particularly problematic. The key issue is not the motivation or mindset of offenders, which can be difficult to prove, but the consequences of racist crimes for those who are attacked and for the communities to which they belong. It is particularly important that in criminal cases which have a racist dimension, e.g. verbal abuse accompanying damage to property, that the racist dimension is taken into consideration in deciding the appropriate sentence. In this way, the message is communicated that a person's identity is protected and the racist dimension to crimes committed are taken seriously in the eyes of the law and society.

Recession and racism

Growing hostility towards migrants is a worrying development in the current recession. The role of the tabloid media and some right wing anti-Lisbon Treaty groupings circulating anti-migrant and racist propaganda was particularly evident in the lead up to the Irish vote on the EU Treaty. The decision of the government to make restrictive changes to the work permit system in June 2009 also had the potential to exacerbate racism towards migrants. These changes were intended to make it extremely difficult for migrant workers who had been made redundant to remain and work in Ireland. This change would have forced legally resident members of society, many of whom have made Ireland their home, into desperate situations of being undocumented and unable to access any social protection. This created a high degree of tension and fear within the migrant community. In addition, it created the impression that migrant workers were no longer welcome, and reinforced the views of some who have been actively promoting an anti-migrant agenda. Similarly, the public discourse on migrant workers 'frauding' the social welfare system has significant potential to exacerbate racism.

'Pay foreigners to leave', says Noel O'Flynn, a Fianna Fail TD, backing the proposal of Fine Gael's Leo Varadkar to 'bribe' unemployed immigrants to leave the country.

THE SUNDAY TIMES

COUNTERING RACISM: RECOMMENDATIONS

There are a number of recommendations that would contribute to the creation of a more equal society. Countering racism for migrant and other ethnic minority communities requires a more comprehensive and strategic approach. MRCI advocates for the development of a new plan of action to follow on from the ending of the National Action Plan Against Racism. The specific recommendations are to:

- Ensure that the Framework Decision on Racism is transposed fully into Irish law by the end of 2010. This process should clearly define racism as a crime and ensure that the racially-aggravated dimensions of crimes committed are considered in sentencing.
- Develop a national policy to counter ethnic and racial profiling across all State services and in the management of border controls. This should include independent monitoring of public bodies to assess their role in exacerbating negative racial and ethnic profiling.
- Establish a 'national racist reporting and monitoring' system that is independent of the Gardaí, and that enables reporting of racist incidents other than those currently defined as crimes. It is particularly important that this system is widely advertised, and data analysed and disseminated on a regular basis.
- Extend coverage of the Equal Status Act to include An Garda Síochána and Immigration Authorities and ensure that the Garda Complaints Ombudsman and Garda Inspectorate have a clear remit in investigating and reporting on incidents of racism perpetrated by Gardaí.
- Improve access to redress for victims of racism. In particular, reduce waiting times in the Equality Tribunal (currently at two years) to a maximum of six months, and provide financial support to organisations advocating for the rights of those experiencing racism.
- Ensure that all front line State service providers participate in anti-racism and gender equality training, and incorporate a focus on anti racism and equality into codes of practice, service statements and performance monitoring systems.
- Improve the collection of primary data relating to migrant workers at national level and across the full range of public services. Data collection should be gender disaggregated, and be publicly accessible.

The Migrant Rights Centre Ireland is a national organisation working to promote justice, empowerment and equality for migrant workers and their families.

55 Parnell Square West, Dublin 1
 T: (01) 889 7570 E: info@mrci.ie
 F: (01) 889 7579 W: www.mrci.ie

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