



Charter to Protect Migrant Workers from Exploitation and to Build Inclusive Workplaces



A project supported by the European Union's Peace IV Programme, managed by the Special EU Programmes Body (SEUPB)

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Introduction

This charter has been produced by the *Crossing Borders, Breaking Boundaries* project, a PEACE IV-funded programme, managed by SEUPB. The project brought together the Irish Congress of Trade Unions, the Migrant Rights Centre Ireland, the Community Intercultural Programme, and Ulster University, to support migrant workers in NI and the border region and to promote positive relations.

Workplaces are a crucial site of integration and peace building. Exploitative working conditions are barriers to inclusion. This charter is a call from the migrant workers who participated in the *Crossing Borders, Breaking Boundaries* project for change, so that all people here can work, live, learn and socialise together, with dignity, respect, free from exploitation, prejudice, hate and intolerance.





Ensuring Decent Work

Right to Inclusion – Awareness of Rights

Information for workers is key to ensuring access to rights and entitlements

- On commencing work, provide all employment documentation in appropriate languages.
- Provide appropriately translated state produced handbooks on employment rights and enforcement mechanisms.
- Support workers to improve their English, including through time off work.

Right to Fair Pay and Working Hours

Fair wages and rest time are the cornerstone of decent work and social inclusion

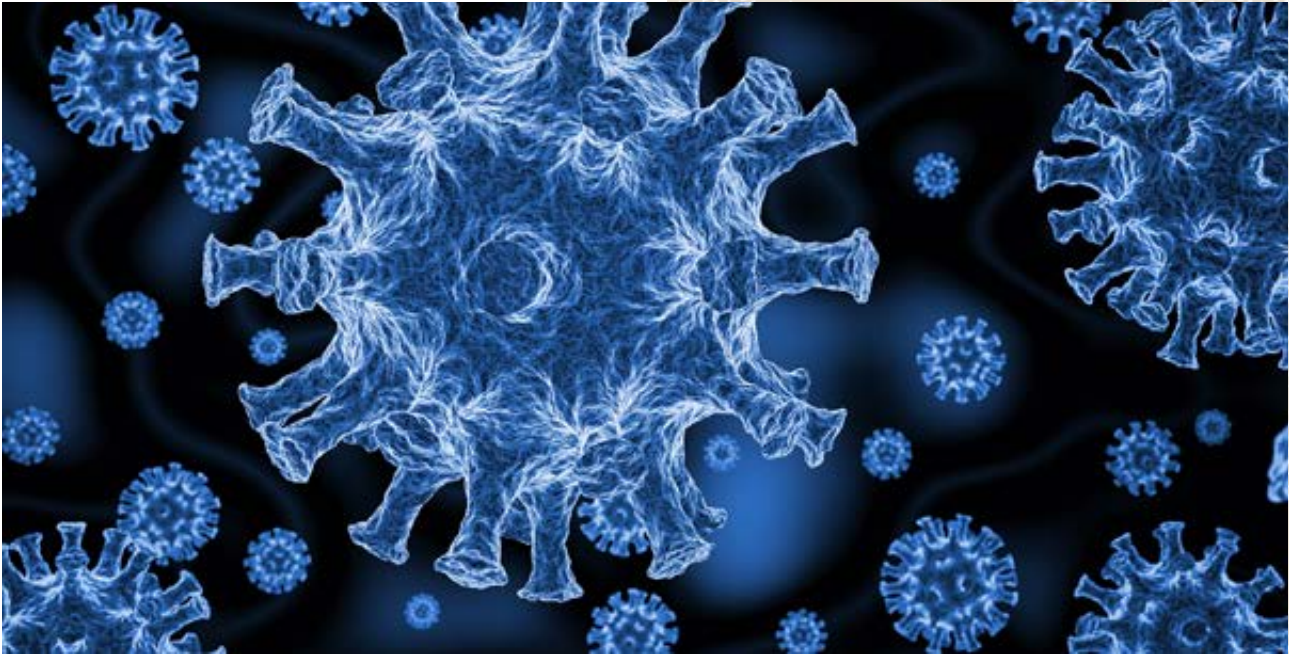
- Pay must be at least the real living wage.
- Introduce transparent pay structures, including long service recognition.
- Enforce employer's duty of care to protect workers from overwork and consistently excessive and unsociable hours.
- Ban Zero Hours Contracts.
- Ensure statutory sick pay at a real living wage, with no waiting periods

Right to Equality, Dignity and Respect

All workers should be treated with dignity and respect regardless of ethnicity, nationality, religion, gender, and employment or immigration status.

- Introduce and train all staff on equality, bullying and harassment policies and procedures, with clear complaints mechanisms
- Introduce the right to flexible working, not just the right to ask.
- Enhance protections for pregnant workers or those on maternity leave.





Right to Work Safely

Covid-19 has intensified poor and precarious working conditions of 'essential' BAME and migrant workers as production demands increase alongside the threat of virus transmission. Employers must:

- Consult workers or their representatives on all aspects of Health and Safety in the workplace
- Carry out regular risk assessments with workers, share results and implement measures to avoid risk.
- Carry out training and ensure comprehension of all Health and Safety protocols by introducing special arrangements for workers with limited English.
- Fund State authorities tasked with Health and Safety to carry out unannounced inspections, including anonymously interviewing workers with interpreters.
- Increase Health and Safety prosecutions for violations and failure to protect workers.

COVID-19

- Assist workers with Covid-19 symptoms with interpretation to go through the testing and tracing processes, and while they are ill.
- Pay full wages if a worker develops Covid-19 symptoms, or is required to isolate.
- Should a cluster of cases occur – shut workplace, deep clean before reopening after two weeks, paying full wages for all workers.
- Adhere to all public health and safety guidance and ensure the workforce is informed appropriately.

Right to Representation and a Voice at Work

Trade union access to workplaces remains the most efficient method of protecting workers' rights, ensuring workplace justice and improving relations. Unrestricted trade union recognition, access to workers, and full collective bargaining needs to be a statutory right.



Right to Mobility and Status for all Workers

There must be a rights-based immigration system where all workers, regardless of immigration status, have their rights respected at work and can access healthcare and social security support. Ensuing worker mobility is paramount in protecting their rights.

- The 'Hostile Environment' and the 'illegal working' offence, unique to the UK, must be repealed.
- Work permits should not be tied to employers
- Introduce mobility for workers to have full access, without the need for a work permit to the labour market after 2 years, with enhanced family reunification rights

Right to Legal Redress and Protection from Exploitation

Chronic underfunding and the exclusion of trade unions from the management of inspection authorities need to be urgently addressed. In tandem, the current employment right infrastructure restricts access to workplace justice for BAME and migrant workers.

- Increase funding to reinforce existing labour inspection authorities.
- Introduce a firewall between labour inspection services and immigration enforcement.

- Inspections must include anonymously interviewing workers with interpreters.
- Introduce and enforce dissuasive penalties for non-compliance with existing legal standards
- Create unified Workers Protection Authorities in both jurisdictions.
- Equality proof employment rights bodies to improve access to justice
- Ensure undocumented workers have access to the legal redress in line with all other workers.
- Rebalance a focus on enforcing employment rights rather than settling disputes.

Right to Career Progression

Training and career advancement opportunities must be available to all workers, with paid time off guaranteed.

Rights for Agency Workers

All workers should be equally protected by employment law. The legal differences between the employee and worker categories should be abolished and bogus self-employed loopholes in laws closed. All agencies should be subject to state licensing, continuous inspection and certification and bound to fully comply with employment law.

Agency workers should be:

- Provided with full employment particulars in writing on or before starting work.
- Entitled to same pay and conditions as permanent staff.
- Offered permanent position after 12 weeks in same job.

Building Inclusive Workplaces

Recruitment

Review recruitment processes to improve outreach to BAME and migrant communities.

- Build strategic partnerships with ethnic minority support organisations.
- Train all staff on inclusive recruitment techniques, cultural competency and unconscious bias.

Retention

Building an inclusive society begins in the workplace. Creating a workplace culture based on inclusion and trust benefits everyone. Building and maintaining a working environment where all workers, feel valued, supported, listened to and afforded opportunities to develop, will enable workers to be more productive, innovative and improve retention.



STRONGER TOGETHER

CONGRESS

Northern Ireland Committee
Irish Congress of Trade Unions

Peace



Northern Ireland - Ireland

European Regional Development Fund

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The views and opinions expressed in this policy paper do not necessarily reflect those of the European Commission or the Special EU Programmes Body (SEUPB).

For more detail on the full charter document please visit