

Migrant Rights Centre Ireland's Opening Remarks to Oireachtas Committee on Enterprise, Trade and Employment on General Scheme of the Employment Permits (Consolidation and Amendment) Bill - 12th April 2021

Good morning. My name is Edel McGinley - Director with the Migrant Rights Centre Ireland (MRCI). We would like to thank you for inviting us here today to give input in the proposed amendments - General Scheme of the Employment Permits (Consolidation and Amendment) Bill.

MRCI has been working with migrant workers in low wage and precarious sectors for the labor market for almost two decades - across agri-food, fisheries, childcare and homecare, hotel and catering and security. In this period, Ireland has and continues to have a very positive relationship with people who migrate for work, although poor conditions for workers have been exposed across many sectors.

The intention of this bill is to make the employment permits system more responsive and flexible to the needs of the labor market. This is not a bad thing per-se, however flexibility with limited rights is dangerous. Our 20 years' experience shows us that limiting rights puts workers in more vulnerable situations, contributes to exploitation, pushes people into irregularity, and limits progression, family formation and family reunion.

I would like to ask the committee members here today if you are comfortable treating migrant workers differently, differently to other workers and differently to each other. The way our system is set up pits people against each other, it thinks an IT developer is better than a meat factory worker.

Throughout the pandemic, essential workers have been picking, packing and putting food on our tables and many have cared for loved ones. This bill was developed at a very different time in 2019. There is now much more appreciation for essential workers and the work people do.

We have seen a huge increase in employment permits been issued between 2018 and 2021 – in the region of 16,000. Despite these new realities, this bill still reflects a hierarchy of rights and multi-tiered system which penalizes essential workers in the labor market.

We need ask and answer the question, why does this bill not recognize essential workers and why are they been treated as deserving of less rights?

Ireland already operates an onerous and complex immigration and labor migration system to manage migration. We have measures to safeguard the prioritisation of Irish and EU workers through a labour market needs tests. Measures are also in place to ensure that the ratio of non-EU workers does not surpass 50% of workforce. A long list of occupations are deemed ineligible for the purpose of employment permits applications reviewed biannually.

So why do we want to penalise workers by limiting their mobility and introduce more temporary permits. Arguments against labour market mobility (i.e. the right to change employment) often centre around protecting employers' interests, in particular around workers leaving soon after arrival, and fear of posts remaining vacant, with employers unable to 'recoup' the costs associated with employment permits applications.

Yet, our experience shows that when people are treated fairly, workers will stay in work. This means being paid well, having good conditions, including sick pay, feeling respected and being able to progress in their workplaces.

All evidence points to the fact that people who come on work permits, are not here temporarily, as the system supposes. People settle, put down roots and stay. But in these 5 years people have a temporary immigration status and temporary work permits, which makes them vulnerable. 25 years on, we need a system that treats all workers the same.

Ireland needs people to come here to work – we need to make it attractive and to give people rights not find complex ways to curtail them. We live in a globalised and interconnected world, this is reflected in our economies and their labour markets and in ongoing pandemic.

Increasingly countries have to compete for labour force, and migrants are aware of this when making choices around their destinations. Research has shown that while migrant workers value remuneration and the ability to send remittances home, they also take into account other factors when choosing a destination – these include rights and protections, the right to family reunification, labour market mobility, integration measures and the ability to obtain a residence status which allows them to settle down if they so wish.

Right now, we have an opportunity to stop and reflect on our current employment permit system. Is it fit for purpose, does it do what we need it to do, are there better and newer models, have we safeguards in place so we can enhance workers' rights?

Unfortunately we believe these questions are not been asked and that fundamentally this Bill lacks scope and ambition or integrated learning. Right now for workers the current system limits labour market mobility. This in turn traps workers and may well play into the hands of unscrupulous employers and exacerbates labour market precarity.

MRCI's work shows that migrant workers find it hard to access family rights, progress in the labour market, and to access legal redress if they fall into irregularity. **NONE** of this will change under this new bill, in fact in some areas it is extremely regressive and short sighted.

We are concerned that this bill gives the Minister enhanced discretion and powers through the use of regulation. This discretion is not balanced by enhanced and strengthened protections and rights for workers especially in light of proposals to increase the use of temporary permits. We are deeply concerned that the needs of industry and employers are favoured without a similar level of consideration given to the rights and protections of workers.

This bill needs to give parity to workers on employment permits by giving **gradual mobility to all general employment permit holders**, similar to that already in place for Critical Skills Permit holders – full labour market mobility after 2 years and immediate rights to family reunion. This will simplify and streamline the Employment Permits system and negate the need for a range of schemes, regulations and administrative processes. It is also in the interest of the State to introduce mobility in the employment permits system, as this encourages dynamism and progression, allowing workers to maximise their education, skills and experience.

The bill needs to provide measures which allow migrants which are recruited temporarily, such as seasonal workers, to transition into longer-term status if they meet the requirements for other types of employment permits. It is well documented that when temporary migration systems do not offer such safeguards, employers may take advantage of the power imbalance this creates and workers may be forced into irregularity as a result of not being able to extend or gain a more secure status.

MRCI believes that all work is work, and that undocumented migrant workers perform work just like any other worker and as such should be protected by the same rights and regulations as other workers. Consequently, they should have access to the Workplace Relations bodies, which is the appropriate body to deal with labour disputes, and not the civil courts. This needs to be amended in this bill.

The bill also references a remuneration review, and we caution an approach which does not meaningfully engage with worker rights representatives and trade unions. This approach needs to be strengthened across the legislation.

Finally, there is a significant challenge of making a submission when there is a lack of clarity and detail in a number of sections. More clarity and detail from the Minister is needed to engage with and advance this legislation.

Thank you all and we welcome questions.

ENDS