

2010

Migrant Rights Centre Ireland Annual Report



*Working to promote Justice,
Empowerment and Equality for
migrant workers and their
families*

Introduction and context

2010 was an exciting and productive year for MRCI. We secured a long-awaited success for the National Employment Rights Authority to undertake inspections into employment conditions for workers in private homes. We also kick-started a number of important campaigns; the Right to Change Employer Campaign (campaign to secure the right for workers to change employers without having to secure a new work permit), the Justice for the Undocumented Campaign (campaign to introduce an earned regularisation scheme for the estimated 30,000 undocumented migrant workers in Ireland) and our Diplomatic Immunity Campaign (campaign to end the abuse of diplomatic immunity in cases of exploitation of domestic workers by embassy staff)

In this period Ireland has undergone the most regressive social change since the foundation of the State. Our sovereignty has been undermined; the economy has collapsed; unemployment is at unprecedented levels; our public services are being severely cut; emigration has overtaken inward migration.

Within this context MRCI continues to advocate for the rights of migrant workers while also advocating for a more just and equal society. This year was very productive with the achievement and progression of a number of organisational goals as set out below.

Strategic Objective: to strengthen the rights and protections for migrant workers who are at risk of or experiencing workplace exploitation, are trafficked for forced labour or are undocumented

Workplace Exploitation

Formal protections for employees at risk of exploitation/discrimination identified across sectors and categories of migrant workers agreed.

Migrant workers experiencing less exploitation and discrimination in the workplace.

In November 2010 the National Employment Rights Authority announced they will commence inspections of the working conditions in the private home. This development was secured as a result of sustained MRCI advocacy in recent years. This development places the Irish state in a leadership role vis a vis international discussions taking place in the ILO on a Convention on the Rights of Domestic Workers. MRCI with the ICTU are actively involved in this international process.

Justice for the Undocumented Campaign

MRCI is the main organisation in Ireland advocating on an ongoing basis for the rights of undocumented workers. After a successful campaign for the introduction of the



Bridging Visa in 2009, it became MRCI's focus in 2010 to build on this and seek regularisation for a wider category of migrants. In 2010, there were four meetings held in Gort, Galway. A priority in this work is to ensure the people affected by irregular migration are made visible and our advocating for their rights. There was four general meetings and six core group meetings held in Dublin. There was also a group overnight with members of the core groups from Gort and Dublin which was held in Offaly in October. This was to develop the leadership capabilities of the group.

Forced Labour

In 2010, MRCI continued to work hard on lobbying for forced labour to be recognised as a criminal offence.

Following a legal opinion sought by MRCI through the Public Interest Law Alliance, Eilish Barry BL found that owing to the broad definition of trafficking in the Criminal Law (Human Trafficking) Act 2008, forced labour can be prosecuted as an offence in its own right. The European Court of Human Rights has held that Article 4 of the ECHR requires states to have criminal legislation in force which offers sufficient practical protection to those required to perform compulsory labour and which makes it possible for the culprits to be punished.

In June 2010, MRCI in partnership with ICTU held a high-level seminar to present the forced labour opinion for discussion with a range of stakeholders.

This legal opinion was submitted to the Attorney General via the Anti-Human Trafficking Unit in the Department of Justice and Law Reform to seek clarification, by the end of 2010 we were still waiting on an answer.

MRCI also submitted an article on Forced Labour to the Law Society Journal the Law Gazette, written by Nick Henderson.

Funding was secured from the OSCE during 2010 to provide training to a number of international organizations in their countries.

Trafficking for Forced Labour

MRCI continued to work with the Anti-human Trafficking Unit and other partners in addressing trafficking for forced labour. MRCI submitted legal and other recommendations to the Anti-human Trafficking Unit in order to approve the delivery of the trafficking strategies. MRCI supported 12 victims of TFL in accessing advice and support.

The Right to Change Employer Campaign



The right to change employer without having to secure a new work permit is a critical issue in the advancement of rights for migrant workers. MRCI launched a campaign to secure this right during 2010. In June 2010 the first ever national demonstration of migrant workers was held. Over 3,000 migrant workers were been mobilised, 30 country wide meetings were held, 500 letters sent to TD's, over 40 meetings with key allies. The campaign secured the support of all trade unions, several employer/business groups and cross-party political support and enjoyed widespread national media coverage.

MRCI presented to the National Executive of ICTU on this issue. A presentation made to the Oireachtas Committee on Enterprise, Trade and Employment was described as the most powerful presentation ever seen before the committee. The core group for the campaign is comprised of migrant workers and meets bi-weekly. Despite all this work limited progress has been made in securing the desired outcome and discussions are currently underway on alternative solutions. As a result of the massive public campaigning effort throughout 2010, MRCI was able to finally mount enough pressure to get agreement from the Minister and the Department of Enterprise to meet and negotiate a way forward. We are hopeful that in 2011 we can make progress and have a successful outcome to our campaign.



Diplomatic Immunity and Domestic Workers

The use of diplomatic immunity to evade employment responsibilities and prosecution has become an important issue at a national and international level. MRCI has been campaigning for greater justice for domestic workers employed by diplomatic staff and succeeded this year in raising the profile of this issue in Ireland (7 cases involving diplomatic staff ongoing). We have also exposed the absence of clear rules and procedures in the issuing of visas for diplomatic staff. Department of Justice, Equality and Law Reform (DJELR) have agreed to work with Department of Foreign Affairs (DFA) to clarify and improve this situation.



Protecting the Minimum Wage

In 2010 a public attack on the minimum wage was started. A significant number of people on minimum wage are migrant workers. MRCI worked closely with the trade union movement to respond. Actions organised included a number of public protests, lobbying



TD's, we secured the support of a range of allies and we engaged in media debates. In the context of the IMF/ECB restructuring plan the minimum wage was identified as a headline issue. MRCI in conjunction SIPTU, Mandate, TASC, EAPN and the National Women Council held meetings and responded to the attack in December. Commitments were secured to overturn the decision to cut the rate in the event of a general election.

Collaboration with Trade Unions

2010 saw collaboration with the trade union movement reach new levels. One example is when SIPTU/MRCI secured funding from the Equality Authority to implement a project focusing on migrant women employed in the mushroom industry. Workers mobilised at a



rate never experienced before with 400 workers involved in collective actions with changes secured such as payment for sick days and bank holidays and the elimination of health hazards for mushroom growers (chemical spraying). An event on Health & Safety improvements was organized in collaboration with SIPTU in April. It was attended by employers, employees, and NERA. The outcome was

promising, with employers showing a level of commitment on certain issues, such as the elimination of a harmful chemical from the mushroom industry, other outcomes from this initiative was the appointment by SIPTU of a full time worker to work with mushroom workers, identification and development of leadership roles for 30+ migrants and a recognition of the community work empowerment model by SIPTU.

This initiative has been recognised as a significant success within the trade union movement and has provided a platform for expansion of the empowerment-based approach to other sectors i.e. red meat, cleaning, restaurants, retail. The Equality Authority has also showcased it as a successful model in partnership working.



Shop stewards after their training in Cavan in 2010

Strategic Objective: To mainstream a focus on migrant workers at risk of social exclusion, poverty and discrimination within service and information provision and within community and local development

Case and legal advocacy work

In line with our strategic plan case and legal advocacy work this area of work became more targeted and strategic during 2010, honing in on particular campaigns we were undertaking. This was necessary to ensure our ability to maintain standards, respond to those in greatest need, and ensure our case work operates in line with our strategic priorities.

Analysis of the MRCI Case Work

The data presented here relates to the period January to December 2010 and is quantitative. The topics covered include demographic profile of migrants, experiences of workplace exploitation, including forced labour and trafficking for forced labour, migrants of undocumented status, the work permit system, and the level of service and referrals MRCI provides.

MRCI provided information, referral, and advocacy to 2,561 migrants in 2010. Migrants came into contact with MRCI in 2010 via a number of intermediaries but were primarily recommended to MRCI by members of their own communities. Of the 2,561 individuals who articulated how they heard about MRCI, 70.5% heard about the organisation through word of mouth. Organisations such as CIC, SIPTU, ICI, etc referred 12% of people to MRCI. 6.8% contacted us through our website with the rest of people hearing about us through various other avenues. This would seem to indicate that MRCI has become well established in the migrant population and that past users of MRCI's services are providing positive referrals back into their communities.

Migrants contacting MRCI come from over 100 different countries around the world with the largest number coming from countries outside the European Union. The top five countries from which migrants contacted the MRCI was Philippines (14.5%). This was followed by China (7.7%), Ukraine (6.6%), Pakistan (5.8%), and Romania (5.2%)

In 2010 there was a greater number of male (60%) versus female migrants (40%) contacting the organisation. Almost 90% of the migrants with recorded ages are between 20 and 49, with the average age being 36 years old.

The immigration status of individuals coming into the MRCI is broken down as follows;

Undocumented	26.4%
Stamp 1/Employment permit	20.2%
EU citizen	17.3%
Stamp 2 - Student recognised by DES	8.0%
Stamp 4/LTR	6.1%
Stamp 4/Other	3.9%
Stamp 3/Spouse or dependent	3.4%
Stamp 4/Working visa	3.2%
Stamp 4/EU 1	2.5%
Stamp 4/Spouse Irish citizen	2.2%

The employment status/job sector of individuals receiving information and referrals are as follows, it is important to note the increase in unemployment of individuals compares to previous years; not in employment (40%), restaurant and catering (17.5%), other (9.4%), shop and retail (5.6%), domestic work (4.9%), medical and healthcare (4.2%), construction (3.5%), manufacturing (2.6%) and agriculture (1.9%).

The trends of presenting issues are very similar to previous years. The presenting issues were as follows; work permit (20.8%), undocumented (20.5%), citizenship/residency (17.8%), workplace rights (15%), social welfare/protection (3.3%), family reunion (1.9%), racist incident (0.3%) and other (20.4%).

People on employment permits and with undocumented status were present in all employment sectors. It is important to note that these two categories of people were among the first three immigration categories in employment sectors with high rates of workplace exploitation, such as restaurant and catering, domestic work, agriculture.

There were 1,203 referrals made in 2010. The majority of people were referred internally to Irregular Migration (30%) Workplace Rights (23%), Restaurant Workers Action Group (2%) and Domestic Workers Action Group (2%). There were also a high number of external referrals made to Government bodies (20%), Other NGO's (11%), Citizen Information Centres (1%), and Trade Unions (1%).

Irregular Migration

In 2010, the Migrant Rights Centre Ireland assisted 452 migrants in an irregular status. (76%) of those were referred to the specialized Irregular Migration Project Team whilst a further (24%) were provided information and advocacy by the Referrals and Mainstreaming team; which has capacity over short-term undocumented migrants (i.e. less than 3 months) as well as those at risk of becoming undocumented.

The top five nationalities of persons accessing the services of the Irregular Migration team, which represents 73% of the workload of the Project Team are as follows; Philippines (13%), China (10%), Ukraine (9%), Moldova (6%) and Pakistan (5%). 65% are male and 35% are female. The principal job sectors were; restaurant and catering (15%), domestic work (5%), cleaning and maintenance (4%), construction (4%) and agriculture (2%).

There was an increased focus from the Irregular Migration Team to meet and work with undocumented migrants who currently have no avenues to rectify their legal status. This is as part of the build-up to the Justice for the Undocumented campaign. As part of the work, a focus is put on guaranteeing the access to fundamental rights (healthcare, education, housing, employment rights and social welfare rights) for undocumented migrants and their families.

The Project Team has also worked to mainstream the issues facing undocumented migrants in different service providers.

In 2010, 90% of migrant workers obtained a positive answer to their regularization while 10% were refused permission to remain.

In 2010, 75 new applications for regularizations were submitted.

Workplace Rights

In 2010 the Workplace Rights team provided information and advocacy to 273 people. They came from over 30 different countries around the world. The top five countries were Philippines (10%), Lithuania (10%), Pakistan (10%), Poland (9%) and China (6%).

The immigration status of the majority of the migrants coming in was as follows.

EU citizen	92
Stamp 1/Employment permit	57
Stamp 2 - Student recognised by DES	35
Undocumented	32
Stamp 4/LTR	21

There were 19 formal cases of workplace exploitation opened with complaints lodged with the relevant legal body. There was 5 new cases of forced labour identified in 2010. The amount of awards, judgments and settlements in 2010 (mostly from pre-existing cases) amounted to €369, 604.

The employment sectors with the highest rate of exploitation are restaurant and catering (20%), domestic work (6%), shop and retail (5%), agriculture (5%), cleaning and maintenance (5%) and construction (4%).

MRCI continues to work on 19 forced labour cases and have identified 6 new cases which are of severe exploitation. In line with the trends of 2009, the majority of cases were domestic workers (40 %). The rest of them were working in the restaurant sector. The majority of people was from non-EEA area and entered Ireland legally through the work permit system or special visa for staff of Diplomatic staff.

Training was given to the Gardai at Templemore College in Tipperary by the Workplace Rights team on the issue of Trafficking for Forced Labour in September and November 2010.

Community and local development supports.

The *Scheme to Support National Organisations in the Community and Voluntary Sector* came to an end in 2010. For many national organisations exclusively concerned with addressing poverty, inequality and exclusion this programme represented the only core funding available to them.

In June, 2010 17 national organisations, under the banner of 'Voices that Matter' called on the Minister of Community Equality and Gaeltacht Affairs, Pat Carey to put in place a fund to support national networks and organisations that work at national level to represent, empower, and respond to the needs of groups and communities experiencing poverty, exclusion, and inequality.

MRCI provides training and support in the area of community work approaches to working with migrant workers and their families and engaged in outreach to organisations working with migrants. In 2010 Some of this work comprised of outreach work with organisations working with migrants on work permits as part of the Campaign for the Right to Change Employer, these organisations included; Vincent de Paul, Family Resource Centre and Mayo Intercultural Action Co Mayo, Integration Network Kilkenny, Doras Luimni Limerick, NASC Cork, Longford Community Resources Longford, Galway Migrant Service Galway, Family Resource Centre and local projects Naas Kildare, Cultur, SIPTU and UNITE in Kells Meath.

MRCI also engaged with the Sligo Community Forum (Tools for Change - developing outreach and community development capacity with migrants locally half day session); Dublin City Council (Tools for Change - community development with migrants half day session); NUI Maynooth (Centre of Applied Social Studies - community and youth work courses), SIPTU The Cleaners Campaign. MRCI also did Training with Citizen Information Board Dublin on irregular migration.

In 2010 MRCI produced a range of policy papers:

- Work Permits and Exploitation: Time for Reform
- Ending the Race to the Bottom: Changing the Balance for Migrant Workers in Ireland

- Forced Labour: The Case for Criminalisation
- Regularisation of Undocumented Migrants
- Racism and Migrant Workers in Ireland; Supporting Interagency Approaches to Working with Migrant Workers

MRCI also produced a booklet titled 'Facts About Migrant Workers in Ireland'. This is an information booklet containing facts about migration and migrant workers living in Ireland. In the past year over 3,000 migrant workers have participated in advocacy and campaign actions. Over 30 meetings have been conducted throughout the country. Communications systems have been set up to support linkage and engagement of migrant workers in key MRCI campaigns.

All campaigns i.e. Right to Change Employer, Diplomatic Immunity and Justice for the Undocumented Campaigns have established core groups in which migrant leaders participate. Intensive training has been conducted with these groups (usually residential) and the participation of migrant workers prioritised in our advocacy and campaigning activities.

Developments in the community sector

MRCI has also played an active role in the wider community sector efforts to counter the erosion of equality, community development, democracy, and economic sovereignty. Most notable has been our involvement in Claiming Our Future, the Community Platform and the Community Workers Coop.

A welcome development this year has been the more consistent positive support and solidarity for migrant rights across the community and voluntary sector and the trade union movement. It is now a regular occurrence that national organisations and trade unions proactively support our advocacy goals and publically endorse our campaigns.



MRCI members participating at Claiming Our Future event

Racism

Countering racism was a growing priority for MRCI in 2010 and considerable resources and support has been allocated to this work. Of significance is the impact of the recession on migrant workers and the government's role in contributing/countering hostility towards migrants.

As part of the INAR racist monitoring initiative we have established an organisational racist monitoring system in MRCI.

Ongoing support for INAR Ireland was provided including financial, administrative and office space. A key development for INAR Ireland this year was securing funding and support of Dublin City Council to develop a city-wide racist incident reporting and monitoring system. Membership of INAR has expanded and it is the primary anti racism network now in Ireland. At the end of 2010 research on the existence of and impact of ethnic profiling on migrant workers and their families will be completed, with the support of Community Foundation Northern Ireland. This project is the first of its kind in Ireland and focuses on policing, immigration, social welfare and the border with Northern Ireland.

Strategic Objective: To proactively provide migrant workers with the opportunities to develop leadership capacity

Leadership development



22 Migrant workers completed the first ever accredited Level 8 course: *Community Work in a Changing Ireland* in conjunction with NUI Maynooth. Participants in this course have taken up leadership roles in MRCI Campaigns and in other areas of equality and rights i.e.

In July a number of members of the various action and campaign groups affiliated with MRCI participated in a leadership training weekend in Wicklow. The group concentrated on building capacity on campaigning and leadership capability.

Within MRCI governance structures migrant worker representation at Board level has increased to seven members and there is an ongoing commitment to enabling maximum ownership and participation in the decision-making structures of MRCI.

Migrants Forum

The Migrants Forum is held approximately every two months in the Teachers Club on Parnell Square. The Forum provides an opportunity for migrant workers to receive and share information, form a collective analysis of their experiences, and take action on issues

affecting their lives. The Forum continues to be an important opportunity to foster self advocacy and to support the leadership potential of migrant workers. UN International Migrants Day was celebrated on December 19th and was a great success, with a real positive vibe promoted.



Migrants Forum Celebrating International Migrants Day December 2010

Domestic Workers Action Group

The Domestic Workers Action Group (DWAG) is made up of women working in the private home, as carers or child minders who also do cleaning and housekeeping work. DWAG meets monthly to discuss issues relevant to them and aims to build leadership, develop a shared analysis and take action on the issues affecting them. All workers who are, or have been employed in the private home are welcome to join the group and participate in activities. In 2010 DWAG met for six general meetings, twelve core group meetings and had a number of other meetings with key activists.

In April 2010 the first Domestic Workers Action Week was organized. This was a highly successful event and actions included the launch of Digital Stories, media coverage, workshop in Trinity Collage and participation in the May Day Celebration. The week was organized and coordinated by members of the DWAG. There are over 100 members now participating in the DWAG. The DWAG has also been working closely with ICTU on the discussion for a new UN Convention on Rights of Domestic Workers.



Domestic Workers Action Week



DWAG Mini marathon



Another key event during the year was the annual Gala/AGM dinner held in November, which was a huge success. Membership grew in this period and a tremendous amount of work was put into building participation, advocacy training and developing decision making structures.

The National Employment Rights Authority (NERA) has also worked closely with MRCI and the DWAG in improving protections for migrant workers, November saw the success of a longstanding campaign for inspections to investigate breaches of employment rights in the private home by NERA.

Restaurant Workers Action Group

The Restaurant Workers Action Group (RWAG) which was set up by MRCI continued to grow in 2010. It was set up to respond to the exploitation and unfair treatment that many restaurant workers experience in Ireland, many of whom are migrant workers from different parts of the world. The RWAG continued to grow during this period and was instrumental in a number of events relating to minimum wage cuts around the country. In 2010 RWAG met for six general meetings, six core group meetings and had a number of other meetings with key stakeholders.



In 2010 the Government decided to undertake a review of the Joint Labour Committee (JLC) system and the Employment Regulation Orders (ERO's). ERO's are minimum rates of pay and conditions for employment for workers in specific sectors of employment, such as agriculture, contract cleaning and catering. ERO's are made in the labour courts and are based on JLC decisions.

The RWAG have been instrumental in leading on a campaign to protect ERO'S and the JLC system.

Agriculture Workers Association

With the active participation of SIPTU, many mushroom workers have been supported to become involved in activities that support their rights and entitlements. Statistical reports on the outcomes achieved in 2010 are; 759 migrant women mushroom pickers mobilized to participate in collective activity that included discussion on their experiences, decision-

making and planning, and collective action to challenge problems on the worksite and across the industry; 93 new members signed up for SIPTU; 25 shop stewards elected on mushroom farm; 234 workers benefited for unlawful pay rates ended, 120 workers benefited for health and safety improvements; 82 workers benefited from ending bullying and harassment on gender/ethnic lines.



This has been highly successful and the mainstreaming dimension with SIPTU has much potential for further development. MRCI also participates on the JLC for agriculture with the support of SIPTU.

Communications

MRCI continued to maintain and strengthen its public and political profile during 2010. The various campaigns we were involved in provided opportunities for extensive media coverage i.e. primetime, national and local news – print and broadcast. Please see attached appendix 4 for a more detailed document on our media coverage. In December 2010 MRCI launched its newly redesigned website. It is now more accessible and user friendly for information providers and organizations supporting migrant workers.

We have also introduced a more sophisticated way of communicating with our stakeholders and can now design, deliver and track our email communications with the ability to develop email newsletters and flyers that deliver higher levels of engagement.

Media coverage in 2010 continued to be high, with regular press coverage of MRCI campaigns (62 articles in national press) – including an Irish Times Editorial on human trafficking, a front-page article & inside news feature on domestic work & diplomatic immunity, and an Opinion/analysis piece on racism. Radio coverage (52 hits) included RTE Radio Pat Kenny feature on domestic worker exploitation. Television coverage (16 hits) included RTE Six News, and three features on RTE's Prime Time (work permit system, right to change employer, Growing resentment towards immigrants).

Organisational Development

MRCI ratified its Code of Corporate Governance in 2010. This document ensures the Board of Directors maintain adequate systems of financial management and internal control over the organisation.

A Staff Handbook was finalised by the Employment Subgroup and signed off on by the Board in April. This document sets out all employment and organisational policies and practices in MRCI.

At the end of 2010 we started a process of looking at MRCI's review and future options. This process will involve input from multiple stakeholders. The process is being facilitated by Íde O'Carroll an external evaluator. The overall aim of the review and future options process is to enable MRCI identify the various options for its work in the future.

MRCI team

There were a number of staff changes during 2010. Gráinne O'Toole started in January as Workplace Rights Project Leader. In June, Zuzana Pavlikova was contracted to do 20 hours a week to cover workplace exploitation case work during maternity leave. In October we managed to secure funding from OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) which included a six month salary for a Trafficking & Forced Labour Legal Advocacy Worker, Nick Henderson. In February Deirdre Lehn joined us for seven months to coordinate the Labour Equality Project with SIPTU, her contract finished at the end of August.

Special thanks is offered to the interns who contributed so much to the work of MRCI during 2010 including Yin Li, Paula Quirke, Siobhan Murphy, Eli Babei, Jessica Hayden, Niccolo Denti, Kelly Mackey, Christian Gotzelmann and Miranda Egan Langley.



Funding

The funding environment proved challenging in the context of the deepening economic crisis. Core funding from the Department of Community Rural and Gaeltacht Affairs was reduced by 14% from the original contract. MRCI was proactive in submitting funding proposals and secured funding from Pobal under their European Integration Fund, ODIHR:

who created a specific grant for us for a particular piece of work around trafficking and forced labour, and the Anti-Human Trafficking Unit. We also secured continuing support in 2010 from the Columban Missionary Society. We also secured funding in collaboration with SIPTU from the Equality Authority for support to mainstream a focus on agriculture migrant workers. In line with expectations donations continued to fall during the year.

Governance

MRCI's Board met 5 times during 2010. The Finance Subgroup met 4 times and the Staff and Employment Subgroup met 3 times. The Policy Advisory Group met 4 times. All groups report directly to the Board. The annual joint team/Board meeting took place in December where the work programme and budget for 2011 was presented, discussed and agreed. MRCI's Board also welcomed four new members, Tatiana Kovalenko, Hilda Regaspi, Meena Baskarasubramanian and Julius Fokasi.

Risk Analysis

The biggest risk identified for MRCI in 2010 relates to the ending of core funding from Atlantic Philanthropy and One Foundation at the end of 2011. Coupled with this our only state core funding came to an end at the end of 2010. In the current climate it is highly unlikely that these core funds in their entirety will be replaced. MRCI may have to go through radical restructuring from the end of 2010 including looking at downsizing and a possible reduction in staff.