

**Written Evidence to UK Parliament Northern Ireland Affairs Committee Inquiry into experience of minority ethnic and migrant people in Northern Ireland**

**June 2021**

1. UNISON is the leading trade union in Northern Ireland (NI), representing over 45,000 members, and is the largest trade union in the UK with over 1.3 million members. Our membership includes public service workers in health and social care; the education and higher education services; local government; youth justice; private companies providing public services; and the community and voluntary sector. 84% of our membership in Northern Ireland are women.
2. UNISON is the single largest organisation of black and migrant workers in Northern Ireland, representing approximately 3000 black and migrant workers, primarily working within the Health and Social Care (HSC) system, including within private sector nursing and care homes.
3. Within our regional structures we have a self-organised Black and Migrant Workers' Group that provides a forum for our members to share their experiences and organise and campaign on core issues affecting them, their families and their communities.
4. This evidence has been prepared in conjunction with our Black and Migrant Workers' Group and has been informed by the direct experiences of UNISON members.
5. UNISON, alongside the Committee on the Administration of Justice (CAJ), co-convenes the Equality Coalition. The Coalition has over 100 members, many of which are umbrella groups. It provides a forum for unity between multiple sectors in campaigning for equality, including racial equality. In addition, we work closely with the Migrant Centre NI in providing advice and support for our members.
6. UNISON Northern Ireland welcomes this Inquiry by the Northern Ireland Affairs Committee. We note the Committee would welcome the submission of written evidence on:
  - the experiences of minority ethnic and migrant people living in Northern Ireland;
  - the challenges that minority ethnic and migrant people face in Northern Ireland;
  - the steps the UK Government can take to help ensure effective racial equality legislation in Northern Ireland;

- the health and economic outcomes of minority ethnic and migrant people in Northern Ireland, and the steps the UK Government can take to help improve them;
- successful initiatives and programmes to encourage cultural exchange and diversity among people in Northern Ireland;
- people's experiences of applying for the EU Settlement Scheme.

We respond to the points outlined within the Inquiry's terms of reference as follows:

- 7. Racist discrimination in the workplace** – A survey carried out amongst our members in 2009 found that 80% of respondents in the private care sector had experienced racist bullying and discrimination in the workplace. Based on our experiences of engaging with and advising our members, we do not think this figure will have changed drastically since then. Members consistently report being treated differently and unfairly; being exposed to racist comments; and experiencing a lack of respect based on the colour of their skin and on their accent.
- 8.** While members working in hospitals will report more routine, low level abuse (comments from patients or relatives), members in private care settings are more likely to report racist discrimination not just by residents and families, but also by colleagues and managers. They also report more difficulties in raising issues or getting any action taken to remedy the situation. Staff in care homes also believe they are very vulnerable to being accused of wrongdoing. This can be particularly problematic for migrant workers whose visa is tied to their employment. Allegations are a common occurrence and it is widely perceived amongst our members that black and migrant workers are disproportionately affected by allegations and disciplinary action.
- 9.** Our efforts to support our members working in private care settings in particular can often be hampered by the anti-trade union attitudes that can be common amongst employers across the sector, particularly the fact that many employers do not recognise trade unions. This can make it very difficult for migrant workers to raise complaints or grievances with their employers about their treatment.
- 10.** Whilst the provision of health and social care services and employment laws that should protect workers from discrimination or suffering detriment when raising issues of concern are devolved in Northern Ireland, we would request that the Committee calls for greater access for migrant workers in the care sector to trade unions, through widespread recognition of trade unions. In addition, there should be a zero-tolerance attitude towards racist attitudes or discrimination within the workplace.

- 11. Racism within the community** - Many of our members frequently express concern about attacks on their homes and being attacked in the communities where they live. Some have been forced to move. The vast majority of UNISON migrant worker members are housed in the private rented sector. It is our experience that when tensions are heightened between or within the two main communities in Northern Ireland, the situation can also become difficult for migrant families. The Northern Ireland Migrant Centre receive several hundred referrals from PSNI each year to support victims of hate crime.<sup>1</sup> For EU/EEA migrants within Northern Ireland they have experienced a rise in racist tension and incidents towards them following the Brexit referendum in 2016 and subsequent withdrawal from the EU. UNISON has received frequent reports from our members of people being asked what they are still doing in Northern Ireland for example.
- 12.** Alongside CAJ, UNISON has welcomed the publication of the report of the Independent Review into Hate Crimes Legislation in Northern Ireland. A distinct feature of racist hate crime in Northern Ireland is the involvement of paramilitaries in supporting or carrying out such incidents, an issue previously identified by the NI Policing Board.<sup>2</sup> The Independent Monitoring Authority (IMA) reported in 2020 that they had heard evidence from groups and individuals who perceived racist hate crimes against them to have had a paramilitary dimension. These reports included people who had been intimidated out of housing. Concerningly the IMA found that the PSNI could not provide 'hard data' on links to paramilitaries.<sup>3</sup>
- 13.** The events surrounding the Black Lives Matter demonstrations in June 2020 also had an impact on the black and minority ethnic community in Northern Ireland. The policing response towards the demonstrations that occurred were contrasted against the response towards other demonstrations or gatherings at that time, leading to a strong perception that there was a racist bias in the police response. A subsequent investigation by the Police Ombudsman found that the policing response had been unfair and discriminatory, though not intentional and not based on race or ethnicity. The Ombudsman found that confidence in policing among some within the black and minority ethnic community in Northern Ireland had been severely damaged.<sup>4</sup>
- 14. Childcare** - Our members often cover their childcare needs by working alternative shifts. With no extended family, migrant couples need to juggle

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<sup>1</sup> MCNI Hate Crime advocates referrals 2019/2020 – 812; 2020/2021 -726

<sup>2</sup> 'Thematic Review of Policing Race Hate Crime' NI Policing Board

<sup>3</sup> Independent Reporting Commission, Third Report, November 2020 (<https://www.ircommission.org/sites/irc/files/media-files/IRC%20Third%20Report.pdf>)

<sup>4</sup> The Ombudsman found that enforcement action by the PSNI, in the form of fixed penalty notices and investigations, had been taken in relation to Black Lives Matter protesters and organisers on 6<sup>th</sup> June; however no such enforcement or follow up action took place in relation to a 'Protect our Monuments' protest that took place in Belfast on 13<sup>th</sup> June (<https://www.policeombudsman.org/Media-Releases/2020/Discrimination-concerns-are-justified,-but-not-on->).

work and childcare, as childcare provision does not generally cater for people working healthcare shift patterns. This makes many of our migrant worker members particularly vulnerable to employment issues around last-minute rota changes and requests for flexible shift patterns. Increased childcare provisions not based on 9 to 5 work patterns as well as an increase in more culturally diverse childcare would have a significant positive impact on black and minority ethnic communities in Northern Ireland.

- 15. Immigration health surcharge** - Immigration has huge financial implications for every migrant (cost of all applications/visa renewals /health surcharge, etc). The immigration health surcharge is an additional contribution that migrant workers make, on top of their contribution through taxes and national insurance. For those working in health and social care this amounts to a triple contribution, as they are providing the very service they are being charged for.<sup>5</sup>
- 16.** The temporary exemption from the immigration health surcharge introduced last year for health care staff was a welcome development for many of our members, but falls short of the permanent removal of the surcharge that UNISON is seeking. The implementation of this exemption is also deeply unfair and places the lowest paid health and care staff under great financial pressure. While migrant workers on Tier 2 visas working in the healthcare sector will be exempted, wider healthcare staff and nearly all social care staff will have to pay upfront and then be reimbursed over time, subject to certain criteria.<sup>6</sup> If someone comes to work in Northern Ireland on a three-year visa, with a partner and two children, they will have to find an extra £6,564 on top of their visa fees to pay the surcharge.<sup>7</sup> All healthcare staff were applauded and recognised during the peak of the pandemic, and all should be exempt from paying the health surcharge.
- 17.** We are further concerned that measures like the immigration health surcharge make it far harder to recruit and retain staff from abroad, at a time when the HSC system in Northern Ireland is struggling with considerable numbers of staff vacancies.<sup>8</sup>
- 18. Precariousness** - There is a constant concern that migrants who do not obtain a British passport will be affected by unforeseen changes that will impact on their immigration status (e.g. change in salary threshold to renew work visa; change of rules regarding the length of time needed seek permanent residency; rules affecting visitors; etc.). The consequences flowing

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<sup>5</sup> The surcharge was introduced in 2015 at £200 a year per person. In 2018, it doubled to £400; in 2020 it increased to £624.

<sup>6</sup> <https://www.unison.org.uk/at-work/health-care/big-issues/more-campaigns/hostile-environment-nhs/the-health-surcharge/>

<sup>7</sup> £624 x two adults, plus £470 x two children for three years.

<sup>8</sup> Total HSC vacancies in Northern Ireland in December 2020 stood at 5,543. For the year ending March 2020, the total cost of agency staff within the health service was reported as £254 million.

from the UK exit from the EU and the Windrush scandal have fuelled a sense of anxiety over the precariousness of one's status as a migrant.

- 19. Work permits** - Work permits give employers significant control over persons who come from abroad to work for them. Not only is the work permit holder tied to the employer legally (making it very difficult to leave and change employer) but some employers add financial clauses to contracts, demanding that migrant workers reimburse the cost of their sponsorship if they leave before the end of their contract. UNISON is seeking a greater flexibility with regards to such permits, allowing workers to switch employers and with clear regulation as to what costs the original employer can legitimately recoup.
- 20. Immigration advice** - Access to free, confidential immigration advice is an absolute lifeline for migrants and must be made more widely accessible. UNISON provides an immigration advice clinic with an external solicitor based in Northern Ireland. We are concerned that with the ending of freedom of movement and the EU Settlement Scheme, there will be an increasing need for immigration advice and representation for migrant workers.
- 21. Recognition of qualifications and right to work** - It is widely recognised that migrant workers are very often overqualified for the positions they hold. UNISON has organised OET and IELTS English classes, initially to help our members who needed to register with the NMC. However, these classes have attracted many asylum seekers, mostly doctors from Sudan, Syria and Iraq. They can access our classes but it remains impossible for them to secure employment. UNISON is campaigning for asylum seekers and refugees to be given access to employment, particularly qualified refugee doctors who need to be provided with a path to practice.
- 22. Annual leave** - Entitlement to annual leave do not include rules in the way that leave can be taken throughout the year. Most employers limit the number of weeks one can take at any one time. This has an indirect but significant impact on migrant families. Roughly a third of our black and migrant worker members in Northern Ireland are from the Philippines. Typically, these members would not be able or could not afford to go back to the Philippines on a yearly basis. When they are eventually able to go, they will require 3 /4 weeks of leave consecutively. Getting this leave authorised by their employer is often a source of difficulties and relies significantly on good will from their employer. The lack of a consistent legal standard or policy across employers on how annual leave can be taken disproportionately impacts migrant workers and their families.
- 23. Impact of Covid-19** – Since the beginning of the Covid-19 pandemic, we have dealt with a number of issues that have particularly affected black and migrant workers and their families. These include:

#### **24. Financial impact of Statutory Sick Pay (SSP) on migrant worker**

**households** - A significant proportion of our migrant worker members are employed within nursing and care homes, which in Northern Ireland are almost entirely operated by private providers. From the early stages of the pandemic, members reported experiences where they have had to take extended periods of sick leave as a result of contracting Covid-19 or having to self-isolate with Covid-19 symptoms. During these periods they suffered significant financial hardship as a result of most employers only providing the bare minimum of statutory sick pay (SSP). This has had particular negative impact on black and migrant workers, where families may all work across care homes and all be required to self-isolate, often for significant periods.

**25.** Whilst the Department of Health moved to fund the extension of sick pay to cover 80% of staff's average salary from June 2020 (following representations made by UNISON), this only applied from 1<sup>st</sup> June and was not backdated. In addition, employers did not uniformly apply this enhanced sick pay, meaning not all workers benefitted from this measure. The majority of employers did not implement the top up payments until they were directly challenged (by staff or union representatives) and tried to continue to either leave their staff on SSP or encourage them to use up their Annual Leave. In our experience migrant workers, who were more likely to be affected, were also generally less likely to complain and seek redress especially in the case of migrants employed on work permits. The Departmental scheme is now closed and in its absence many employers have reverted back to SSP rates.

#### **26. Disproportionate impact of Covid-19 on Black and Migrant Workers -**

Major concerns exist around the disproportionate impact of Covid-19 on black and minority ethnic communities and workers across the world, particularly within health and social care services.<sup>9</sup> UNISON engaged with the Department of Health and the HSC Trusts to seek that they put measures in place to support such workers who are potentially at greater risk from Covid-19, including within the private care home sector where there can be significant groupings of black and minority ethnic workers. Whilst some of the Health Trusts put in place measures (e.g. new assessments, extra or refitted PPE and in some cases redeployments), others were not as pro-active and our members' feedback varied greatly on this issue. We remain very concerned by the lack of evidence of action being taken to protect staff within the private care sector.

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<sup>9</sup> [https://www.thelancet.com/journals/lanres/article/PIIS2213-2600\(20\)30228-9/fulltext](https://www.thelancet.com/journals/lanres/article/PIIS2213-2600(20)30228-9/fulltext) - The Lancet reports that of the 106 COVID-19 fatalities in health workers in Britain some two thirds (63%) were in BAME people (up to April 22, 2020).

27. **EU Settlement Scheme** - To protect the rights of our migrant worker members and their families, UNISON has been working with the Migrant Centre NI and CAJ to both provide our members with advice and guidance on applying for settled status, as well as seeking to influence how the scheme operates. UNISON worked with the 3 million to campaign successfully for the scrapping of application fees for the scheme. We continue to support branches in encouraging our members to apply for their settled status without delay.

28. **Frontier workers** - In addition to the Settlement Scheme, UNISON had also campaigned for a clear scheme to be put in place for cross-border 'frontier' workers who are not covered by the Settlement Scheme, as they reside in the Republic of Ireland but work in Northern Ireland. The EU-UK Withdrawal Agreement includes frontier workers within its provisions on citizens' rights. The Frontier Worker permit scheme subsequently opened in December 2020, and we have been immediately concerned by the short window within which applications will have to be made. It will be mandatory for frontier workers to have such a permit by 1<sup>st</sup> July 2021.

UNISON was one of a number of signatories to a letter coordinated by CAJ to the Secretary of State for the Home Department in October 2020, expressing our concern about the development and implementation of this scheme, and the failure by the UK government to engage with the significant impacts of this scheme in Northern Ireland. No public consultation was undertaken in the development of the scheme and we have been concerned at the potential for those workers who may require a permit to be unaware of the necessity to have one by the 1<sup>st</sup> July.

**UNISON Northern Ireland**

*June 2021*