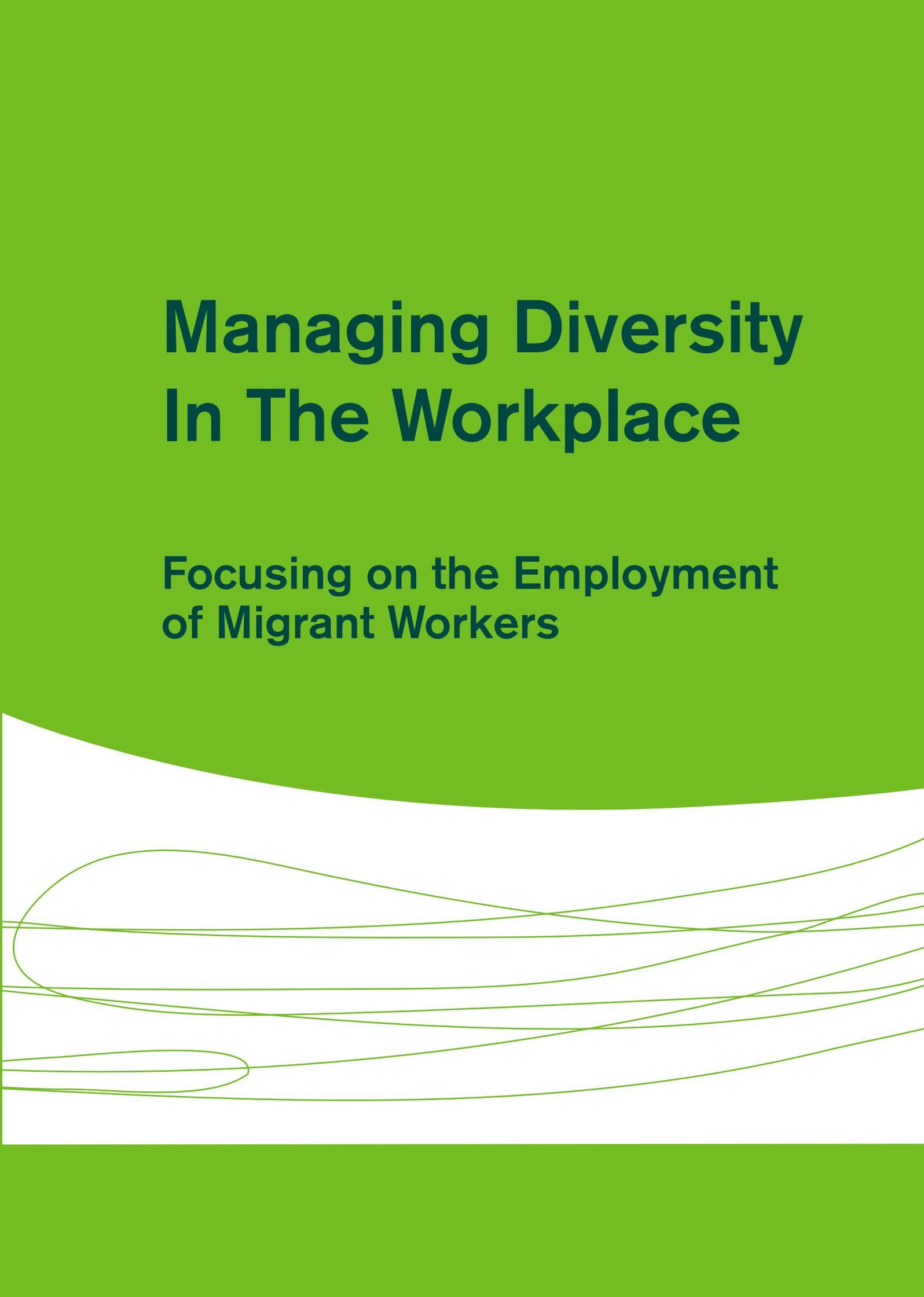


Managing Diversity In The Workplace

**Focusing on the Employment
of Migrant Workers**



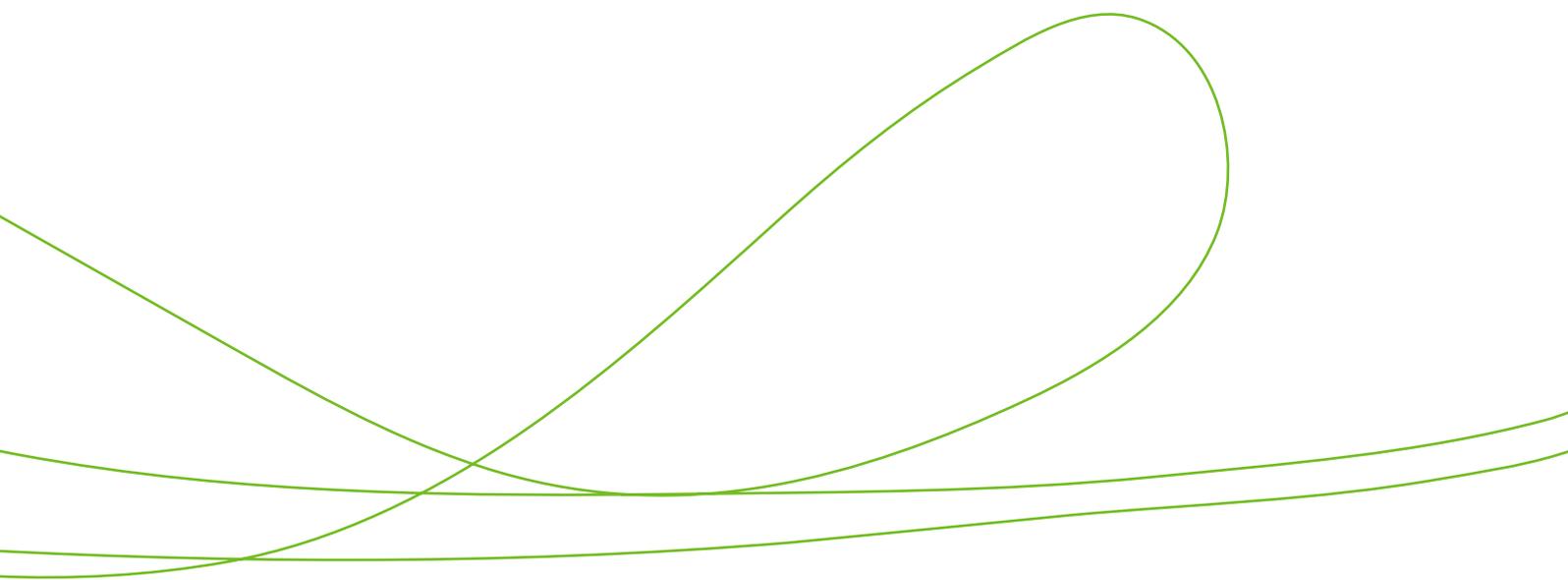
Managing Diversity in The Workplace Handbook

Focusing on the Employment Of Migrant Workers

Diversity At Work Network (DAWN)
Chambers of Commerce of Ireland
Institute of Technology, Blanchardstown
National Consultative Committee on Racism and Interculturalism

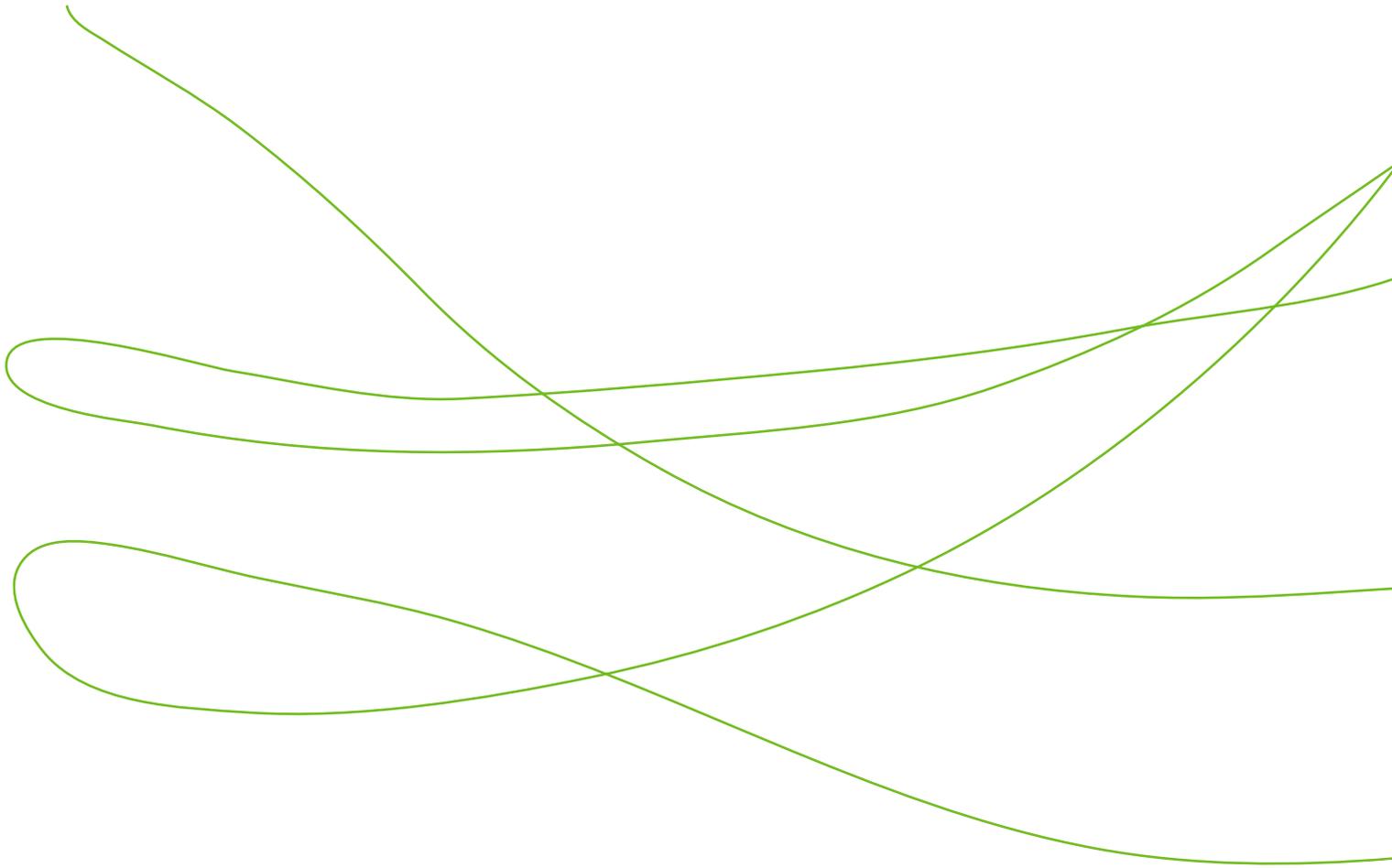
Disclaimer

This publication is based on available information in December 2004. While every effort has been made to check information, the authors are not liable for mistakes and recommends that readers consult the relevant websites and helplines identified in this handbook to check for policy changes



Contents

1. Introduction	5
2. Employing Migrant Workers	7
3. Eligibility to Work in Ireland	9
4. Developing an Intercultural Workplace	13
Annex One - The EQUAL Initiative	17
Annex Two - Contacts	19



1. Introduction

The Irish workforce of fifty years ago was largely homogenous — and much of it was working in Britain and elsewhere. The recent success of the Irish economy has provided jobs for Irish people, attracted many of our own emigrants home and required employers to recruit abroad — as well as attracting many individual immigrants.

The aim of this handbook is to provide practical guidance for those recruiting and employing migrant workers. The handbook therefore covers

- issues related to recruitment, employment permits and employment rights
- managing a diverse workforce
- developing an intercultural workplace policy.

This handbook has been published by the Diversity at Work Network (DAWN). This is a joint initiative by the Chambers of Commerce of Ireland (CCI), the Institute of Technology, Blanchardstown (ITB) and the National Consultative Committee on Racism and Interculturalism (NCCRI). The DAWN initiative is primarily funded under the EU EQUAL initiative (see Annex One).

It seeks to focus on three key dimensions of an organisation, which are:

- organisational ethos (formal and informal)
- workplace
- service provision.

Therefore a whole organisation approach seeks to take into account

- organisational values
- cultural diversity in the workplace and interaction between staff
- cultural diversity among the customer base/service users of an organisation.

Key Term

Discrimination

Discrimination on the grounds of race or ethnicity in recruitment, or in any other aspect of employment, is illegal.

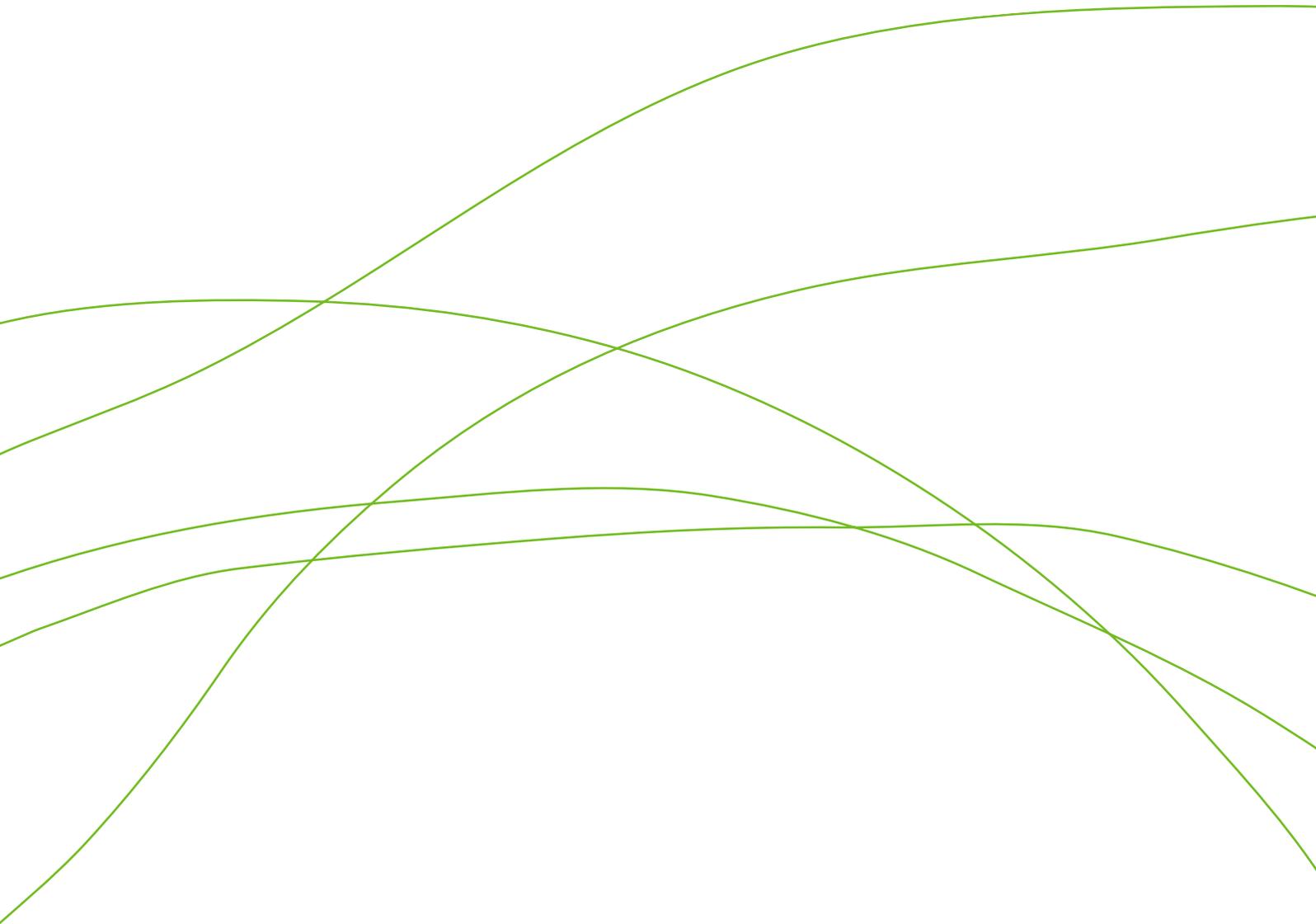
Migrant Workers and EEA Workers

Nationality determines the conditions under which people may work in Ireland. The key question is whether a person is a citizen of a country in the European Economic Area (EEA), which is made up of the European Union plus four other countries.

- the citizens of EEA countries are automatically entitled to work here, on the same basis as Irish citizens
- for non-EEA citizens, the right to work here is restricted. Non-EEA citizens who come to Ireland to work legally can be termed migrant workers. Workers from other EEA countries who come to work in Ireland can be called EEA workers.

1.1 Interculturalism and diversity in the workplace

An intercultural workplace is one where the employer takes account of diversity and plans for the increased cultural and ethnic diversity that arises from the employment of migrant workers and all minority ethnic workers. The development of an intercultural workplace policy should be seen as something that is integral to meeting the wider goals of the organisation and not as an add-on or an afterthought. A whole organisation approach is a common sense approach to address racism and support inclusive, intercultural strategies within an organisation, with reference to equality policies and equality action plans.



2. Employing migrant workers

Irish employers have been actively recruiting people from both within and outside the European Economic Area (EEA) in recent years, especially in Latvia, the Philippines, the Czech Republic and Poland. That is shown in the numbers of work permits: up from 6,000 in 1999 to 47,500 in 2003. Almost 40% of migrant workers coming to Ireland in 2002 were from the ten accession countries that joined the EU in May 2004: their citizens no longer need work permits.

In August 2004, the Department of Enterprise, Trade and Employment announced that it will only consider new work permit applications from employers who want to hire highly qualified or highly specific personnel that cannot be found in the expanded EU labour market. As a consequence, the forecasted number of work permits issued for 2004 has declined from 47,500 in 2003 to a projected 35,000 in 2004.

The Organisation for Economic Cooperation and Development (OECD) recently concluded that migrant workers have played an important role in Ireland's economic growth. The Economic and Social Research Institute predicts that Ireland's economy will continue to be dependent on migrant labour for the foreseeable future, and declining birth rates in Europe suggest that the same is true throughout the EEA.

Key Term

European Economic Area and EU

The EEA consists of the European Union and four other states (highlighted in bold). The ten "accession states", which joined the EU in 2004, are asterisked.

Austria, Belgium, Cyprus*, Czech Republic*, Denmark, Estonia*, Finland, France, Germany, Greece, Hungary*, Ireland, Italy, Latvia*, Lithuania*, Luxembourg, Malta*, Poland*, Portugal, Slovakia*, Slovenia*, Spain, Sweden, The Netherlands, United Kingdom, Iceland, Liechtenstein, Norway, Switzerland.

Migrant workers come primarily for economic reasons. Many will want to work in Ireland for only relatively short periods before returning home or finding work elsewhere, but some will make Ireland their home and may eventually apply for Irish citizenship. This section covers the basics of who is entitled to work here and the related issue of permission to live in Ireland.

2.1 Recruiting

If you are sending staff abroad to recruit or to oversee recruitment for you, give them adequate training and support. Some Irish hospitals join together to recruit staff abroad: senior management representatives are often sent to oversee recruitment practices and to provide information directly to the recruits about the jobs and about living in Ireland.

Many employers recruit non-EEA workers through employment agencies, which may be based in Ireland or abroad. Employment agencies can be knowledgeable intermediaries whose expertise can greatly assist in the practicalities of recruitment.

You should seek appropriate references and assurances of good practice from agencies because the quality and practices of recruitment agencies can vary considerably. Migrant workers who are recruited through an employment agency that has poor professional standards are more likely to have problems adjusting to their new employment in Ireland. The most common complaints are:

- inadequate information about Ireland prior to arrival
- inadequate information about the nature of the employment
- the accumulation of substantial debt arising from the fees charged by the employment agency. Charging migrant workers a recruitment fee is illegal in Ireland.

It is important that migrant workers (and indeed EEA workers) get adequate, accessible information in advance, about living in Ireland, the job and the support they can expect from you.

2.2 Employment and equality law

Non-EEA workers are entitled to the same employment protections as EEA workers. This handbook advocates a proactive approach by employers in respect of employment rights, including providing accessible information on basic employment rights to all workers.

The **Employment Equality Act 1998** prohibits discrimination in relation to employment on nine distinct grounds: gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community. The legislation applies to public and private sector employment; it applies not just to employers but also to employment agencies, vocational training bodies, trade unions and employer, professional and trade associations. The Act deals with discrimination in job advertisements, vocational training, access to employment and employment conditions including training, work experience and advancement within employment. In addition to outlawing sexual harassment, the act provides that harassment on any of the nine grounds constitutes discrimination and employees who feel they have been harassed can seek redress. As an employer, you can be held - **vicariously liable** for

- harassment carried out by your employees in the course of their employment, whether or not the acts are done with your knowledge or approval. However, it is a defence if you can prove that you took reasonable steps to prevent the employee from doing that particular act or acts of that description.

- harassment carried out by agents, clients, customers or other business contacts, if you do not take reasonable steps to prevent such harassment.

The **Equal Status Act 2000** prohibits discrimination in the provision of goods and services, the disposal of property and access to education, on any of the nine grounds set out in the **Employment Equality Act 1998**.

The **Equality Act 2004** gives effect to recent anti-discrimination directives (on race, employment and gender) from the European Union and applies their provisions to all nine grounds in the equality legislation. While Ireland was already largely compliant with the directives, the Act made some changes, the most important of which permits employers to undertake additional measures to facilitate the integration of workers or to eliminate the effects of discrimination on the ground of race.

Enforcement

Employees' rights are the same whether they are from within the EEA or from outside it. The Labour Inspectorate of the Department of Enterprise, Trade and Employment is the statutory body responsible for ensuring observance of occupational health and safety and of labour legislation. Its role in enforcing all employment rights includes handling complaints from individual employees. The Labour Inspectorate insists that employers should have records available to verify compliance with general employment legislation. The Equality Authority has statutory powers and responsibility for overseeing and monitoring equality legislation.

The Equality Tribunal appoints Equality Officers to hear and decide claims of discrimination in employment under equality legislation. It also offers a mediation service. The Labour Court and the District Court have powers to enforce aspects of the equality legislation; cases of alleged discrimination in licensed premises under the Equal Status Act go before the District Courts rather than the Equality Tribunal.

More information

The Department of Enterprise, Trade and Employment's (DETE's) Employment Rights Information Unit answers enquiries from people about employment rights legislation and informs them of the rights and obligations of employees and employers under the legislation. It can be emailed at erinfo@entemp.ie.

The Equality Authority's helpline number is 1890 245 545 and its website is www.equality.ie.

In July 2004, the Department of Justice, Equality and Law Reform published two information documents that provided a new consolidated text of the **Employment Equality Act 1998** and the **Equal Status Act 2000** as amended by the **Equality Act 2004**. These are available from the Department of Justice, Equality and Law Reform's Equal Status Division, 01 4790200. The Equality Authority published an information booklet on **The Employment Equality Acts 1998 and 2004**; and a booklet on **The Equal Status Acts 2000 to 2004**.

3. Eligibility to work in Ireland

Nationals of states in the EEA are allowed to work in any European Union country without requiring work permits. However, the **Employment Permits Act 2003** provides that a work permit requirement may be reintroduced for nationals of the ten accession states (those that joined the EU in 2004), if the labour market suffers a serious disturbance in the first few years following accession. The **Employment Permits Act 2003** sets out the penalties for employers and employees contravening the employment permits legislation. Penalties are particularly severe for employers hiring large numbers of people illegally: up to a maximum €250,000 and a ten-year prison sentence. Employees without an employment permit can be fined up to €3,000 and/or can receive a one-year prison sentence on indictment. Most of this section is about workers from outside the EEA. In general, they will require one of three types of governmental permission before they can work legally in Ireland:

- student visas, allowing certain non-EEA students to work up to 20 hours a week and during vacations
- work permits, granted to employers in certain sectors (approved by the government) who cannot fill jobs from within the EEA
- working visas or work authorisations, granted to non-EEA professionals whose skills are in high demand here.

Key Term

Spouses

Some spouses of a non-EEA national working in Ireland with a particular employment permit may take up employment in the State as long as they obtain an employment permit under the 'Spousal Work Permit Scheme'. Through this scheme, the DETE has made the process easier for spouses of those with working visas or work authorisations as well as for some intra-company transferees, academics and researchers on work permits and registered medical professionals on work permits. In general, spouses of other migrant workers i.e , the majority of those with work permits are not entitled to access the 'Spousal Work Permit Scheme'.

3.1 Student visas

Students from the EEA are treated the same as Irish students. From 18th April 2005 new students from outside the EEA will not be permitted access to employment unless they are attending a full-time course of at least one years duration leading to a qualification recognized by the Minister for Education and Science. Those permitted access to employment may enter casual employment only (defined as up to 20 hours part-time work per week or full-time during normal vacation periods). Access to employment is not permitted to other students.

Students attending a foundation/preparatory course prior to enrolment on such a full-time course will not be permitted access to employment until they have commenced the full-time course. The entitlement to take up employment will cease upon the expiry of permission to remain as a student. Having been in casual employment will not, in itself, entitle a person to further permission to remain.

These new arrangements will not affect students who have current permission to remain at 10th April 2005. From the 1st January 2005, students on courses other than full-time courses of at least one years duration leading to a recognized qualification recognized by the Minister for Education and Science will be allowed to renew their permission to remain only where the total period of permissions granted and sought does not exceed 18 months. In the case of students already having permission to remain before that date, the period of 18 months will be calculated from 1st January 2005.

There is a special scheme for young people from Australia, New Zealand and Canada; the Working Holiday Authorisation (WHA) scheme allows them to work casually while spending an extended holiday in Ireland. A WHA can be issued only once and may not be renewed. The scheme does not apply to citizens of any other country. The employer must check that students are legally entitled to work: ask to see the student visa or WHA.

More information

For further information about third-level students, contact the Irish Council for International Students, www.icosirl.ie. For further information about English-language students, contact the administrator of the relevant college or the International Education Board Ireland, www.educationireland.ie.

3.2 Work permits

In 2003 47,500 work permits (including renewals) were issued by the Department of Enterprise Trade and Employment. The main sectors were services, catering, agriculture & fisheries, medical & nursing and manufacturing industry.

Work permits are issued for jobs in certain sectors that cannot be filled from within the EEA. Some types of jobs are not eligible for work permits: vacancies in those jobs must be filled from within the EEA. The list of ineligible jobs changes from time to time but the Department of Enterprise, Trade and Employment publishes the up-to-date list, the relevant application forms and its current policy, on its website at <http://www.entemp.ie/labour/workpermits/elements/index.htm>.

Jobs ineligible for work permits

All Clerical and Administrative Positions
All General Labourers and Builders
All Operator and Production Staff
In the category 'Sales Staff'
All retail sales vacancies, sales representatives, Management/Supervisory/ Specialist Sales
In the category 'Transport Staff':
All drivers of - Bus, Coach, Car, Taxi, Fork Lift, etc: (excluding HGV and Articulated vehicle driver - International)
In the category Childcare Workers:
Nursery/ Crèche Workers, Child Minder/ Nanny
In the category 'Hotel Tourism and Catering':
Reception staff, Barpersons
In the category 'Craft Workers and Apprentice\Trainee Craft Workers':
Bookbinder, Bricklayer, Cabinet Maker, Carpenter / Joiner, Carton Maker, Fitter - Construction Plant, Electrician, Instrumentation Craftsperson, Fitter, Tiler - Floor / Wall, Mechanic - Heavy Vehicles, Instrumentation Craftsperson, Metal Fabricator, Mechanic - Motor, Originator, Painter And Decorator, Plumber, Printer, Engineer - Refrigeration, Sheet Metal Worker, Tool Maker, Vehicle Body Repairer, Machinist - Wood (Excluding Plasterers and Aircraft Mechanic/Engineer)

The employer must complete an application form (and pay a fee) for an individual permit for each intended employee (although group permits are available for the entertainment industry, for example to cover visiting rock groups or orchestras). If the application is successful, the permit will be issued to, and held by, the employer, not the employee.

Permits are generally issued for one year, and are renewable, although you can apply for any period from one day to one year. You must source the individual workers first, then apply for their permits, sending the appropriate fee with your application. Neither the employer nor an employment agency may pass on this fee to the potential worker.

Six steps to securing work permits

- 1 Check whether your vacancies are eligible for work permits: contact FÁS Jobs Ireland at 1850 66 77 66 or visit the DETE website www.entemp.ie.
- 2 Register the vacancies with FÁS for four weeks.
- 3 Find your potential employees. You must identify individual workers as each one requires a separate permit application.
- 4 Decide the duration of employment to be covered by the permits: anything from one day to one year.
- 5 Make the application to DETE Work Permits Section, accompanied by the appropriate fee. DETE will check with FÁS that the jobs cannot be filled from within the EEA.

Current fees

Duration of Work Permit	Fee
One Month	€65.00
Two Months	€95.00
Three Months	€125.00
Four Months	€170.00
Five Months	€210.00
Six Months to One Year	€500.00

- 6 Wait for a decision on your application. At present processing takes five weeks; the telephone helpline 01 631 3333 or 01 631 3308 gives the latest information on how long it is taking.

The DETE website has a section called **Steps to take on receipt of your work permit** to guide you in what to do once your application has been approved.

Renewals and changes of employment

Applications for renewal of permits should be made 25 working days before the expiry of the current permit. The fee for a renewal is the same as that for an initial application. A renewal will not be granted if there has been a break in employment. There is no limit to the number of possible renewals.

An employee may change employment only when their new employer has obtained a work permit on their behalf. The old employer must then return the original work permit to the DETE, with a covering letter.

More information

For more information on current work permit procedures, contact the DETE Work Permit Helpline at 1890 201616 or see <http://www.entemp.ie/labour/workpermits/>

3.3 Working visas or authorisations

The working visa and work authorisation schemes are intended to offer a fast-track method of filling jobs by recruiting non-EEA professionals whose skills are in high demand here. Under these programmes, skilled workers in specific areas in particular non-EEA countries can be employed in Ireland. The scheme makes it possible for prospective employees with job offers from employers in Ireland to obtain immigration and employment clearance in advance from Irish embassies and consulates.

A working visa/work authorisation is usually valid for two years (three months in the case of a temporarily registered nurse). Authorisation to continue to work and reside in the country may be granted at the end of the first period of validity. Holders of working visas/work authorisations are allowed to change employer after arrival in Ireland as long as they continue to have authorisation to work and reside in the country. There are currently an estimated 9,000 workers employed under the work visa/work authorisation schemes; they are highly-skilled, qualified professionals in computing, construction and medicine, sectors in which Ireland had skills shortages.

The difference between working visas and work authorisations

DETE has a list of about 80 countries whose nationals do not need visas to visit Ireland; their nationals are eligible to apply for work authorisations. Countries that are not on the list are called visa-required countries; their nationals must apply for working visas.

Although the DETE makes all decisions of substance, the schemes are administered through Irish embassies and consulates. It is the employer that must first apply for a work permit through the DETE, while the potential employee (not the employer) applies for the work visa or authorisation. That has to be done from outside Ireland.

Key Term

Registered medical professionals

Medical, health and social care professionals who obtain full registration or validation while in the State, as well as those who already hold such registration or validation and who are currently employed on foot of a valid work permit, can also benefit from these streamlined provisions.

- through the Irish embassy or consulate, if there is one in the applicant's country of permanent residence
- otherwise, through any Irish embassy or consulate or by post to the Visa Office, Department of Foreign Affairs, 13-14 Burgh Quay, Dublin 2, Ireland.

This makes it possible for prospective employees with job offers from employers in Ireland to obtain immigration and employment clearance in advance from Irish embassies and consulates. However, DETE says

The issue of a Working Visa or Work Authorisation does not give the holder an automatic right to enter Ireland as Immigration Officers retain discretion in specified circumstances to refuse entry to any non-national.

Applicants may be required to attend for interview. A small fee (€50) is chargeable. The visa or authorisation, if granted, is held by the employee. The employee may move between employers within the same skills sector.

More information

For more information on work visas and work authorisations, see DETE's website at <http://www.entemp.ie/labour/workpermits/authorisation.htm> and the Department of Foreign Affairs website at <http://foreignaffairs.gov.ie/>. DETE's **Working Visas/Authorisations Information Leaflet**, available on its website, lists the jobs eligible for working visas or work authorisations, the countries whose nationals can apply for work authorisations and the special arrangements for registered medical professionals.

3.4 Resident permits

As well as permission to work here, migrants also need permission to live in Ireland. That is granted through a **Certificate of Registration**, commonly known as a resident permit (or 'green card'), obtained from the Gardaí. The Certificate of Registration will show the length of time the person can reside, a registration number and a photograph.

Key Term

Registration office

The registration office is usually the local Garda Superintendent's office or, in Dublin, the Garda National Immigration Bureau (GNIB) on Burgh Quay.

Within 90 days of their arrival in Ireland, migrant workers must go to the registration office bringing

- their passports (stamped with visas if required)
- two passport-sized photographs, unless they're going to the GNIB office (which has its own camera)
- their work permits, working visas or work authorisations.

Originals, not copies, are required. It may be useful to bring employment-related documents such as a contract or a letter from the employer. If the migrant's spouse has come to Ireland, they must go together to the registration office, bringing a certified translation of a legally recognised marriage certificate.

Helping your new employees

Your new employees are likely to need assistance and advice about living in Ireland, and one of the first steps is to help them to get their resident permits. You may also be able to help them with finding accommodation, coping with the tax system, getting driving licences or accessing public transport and finding medical and other services.

Resident permits and employment permits

A resident permit does not automatically entitle a person to an employment permit. For example, suppose you offer a job to someone who is legally resident here but on a visa that excludes employment. That person must return to her or his country of origin before you make your application for a work permit.

Renewals of resident permits are obtained from the registration office. If you are seeking a renewal of a work permit, the employee's resident permit must be up to date.

If you revoke a work permit before its renewal date, that does not mean that the worker's permission to reside in Ireland is also revoked. The DETE has in the past allowed some flexibility to enable migrant workers to find alternative employment in Ireland.

There are no specific provisions in Irish law for long-term secure resident status for non-EEA nationals. However, if they have resided in Ireland for at least ten years, they may obtain permission to remain without condition as to time. Alternatively, a non-national can acquire Irish citizenship through naturalisation, after five years of residence, or by making a post-nuptial declaration following a marriage to an Irish citizen.

More information

For further information contact the Department of Enterprise, Trade and Employment
<http://www.entemp.ie/labour/workpermits/elements/stamps.htm>.

4. Developing an intercultural workplace

An intercultural workplace is one where the employer takes account of diversity and plans for the increased cultural and ethnic diversity that arises from the employment of migrant and minority ethnic workers. The development of an intercultural workplace policy should be seen as something that is integral to meeting the wider goals of the organisation and not as an add-on or an afterthought.

Developing a proactive policy towards managing diversity in the workplace can have significant benefits for the employer, the employees and their customers. This handbook advocates a common-sense approach that takes into account human resource policy, management responsibilities and the customer service policy.

The European Commission's 2003 report **The Costs and Benefits of Diversity** highlights the benefits gained by employers who have invested time and resources in developing active workplace diversity policies:

- helped to attract and retain highly talented people
- improved motivation and efficiency of existing staff
- strengthened cultural values within the organisation
- enhanced corporate reputation
- improved innovation and creativity among employees
- enhanced service levels and customer satisfaction
- helped to overcome labour shortages
- reduced labour turnover
- lowered absenteeism rates
- improved access to new market segments
- avoided litigation costs
- improved global management capacity.

We asked for workers and we got people

Many migrant workers are here for the long term; retaining them makes good business sense. It reduces search and recruitment costs and exploits investment in their training and experience. Retention may require action both inside and outside the workplace:

- an intercultural workplace will be more attractive to workers from diverse backgrounds.
- integrating workers and their families into Irish society – treating them as people and not as economic units – will encourage them to stay. That point was made by the Irish Human Rights Commission and the NCCRI in their 2004 report **Safeguarding the Rights of Migrant Workers and Their Families**.

Key Term

Here for the long term

In 2003, for the first time, there were more work permit renewals than first-time permits, which indicates that some migrant workers are already being employed for a number of years. This trend was continued in 2004 with work permit renewals far exceeding first time permits. The Government's forthcoming National Action Plan Against Racism will include important commitments on working towards a more inclusive and intercultural society in Ireland.

Further Information

Contact the Equality Authority Lo-Call 1890 245 545
NCCRI (01) 4785777

Developing an intercultural workplace: Quick reference guide

Senior management

Equality/diversity policy

Inclusivity, understanding and respect for diversity are key elements of an intercultural workplace. The Equality Authority, in association with the social partners, has published an authoritative set of guidelines for employment equality policies in enterprises; the ten steps to developing such policies are set out below. See www.equality.ie for more details.

Ensure that your disciplinary codes contain specific reference to offensive behaviour motivated by racism.

- Ten steps to employment equality**
- Agree and support an equality committee and equality officer.
 - Communicate on employment equality with employees, clients, business contacts and service providers.
 - Develop equality of opportunity in recruitment and selection processes including advertising.
 - Include positive actions, which are now allowed under all the grounds of the equality legislation, including race and membership of the Traveller community.
 - Accommodate diversity across the nine grounds and develop necessary workplace flexibilities.
 - Build equality into job orientation in the workplace.
 - Integrate the equality dimension into training, work experience and employment counselling opportunities.
 - Develop equality of opportunity in promotions and progression including job re-grading or reclassification.
 - Develop a network with other enterprises and public bodies to ensure best practice on equality of opportunity in your organisation.
 - Evaluate, monitor and review your equality policies and practices.

Raising awareness about diversity

Some employers organise initiatives, including intercultural social events, to provide information about the countries of origin and the customs of people from both EEA and non-EEA countries.

The National Consultative Committee on Racism and Interculturalism (NCCRI) www.nccri.com runs one-day awareness-raising days, seeking to promote awareness of both diversity and racism in the workplace.

Other approaches include the effective use of posters and publications and the linking of activities to International Day Against Racism or Anti-Racist Workplace Week.

- Action Steps**
- Organise awareness-raising training for staff to encourage greater understanding of cultural and ethnic diversity in Ireland.
 - Link in with Anti-Racist Workplace Week (early November) or the International Day against Racism (21 March).
 - Display posters and pictures that reflect diversity in a positive way.

Examples

Jury's Doyle Hotel Group has displayed posters and has also organized cultural days promoting an exchange of information and knowledge about the cultures of the different ethnic groups working in the hotel.

An Garda Síochána has organised awareness training in Templemore as part of primary training programmes. Garda Station Open Days have encouraged stronger links with local communities.

Frontline management

Tackling racist behaviour

Racism denies people their basic human rights, equality and respect. As with all forms of inappropriate behaviour in the workplace, there can be different forms of racist behaviour including harassment and bullying. Reported incidents include the circulation of racist emails and jokes or the targeting of individual workers through inappropriate behaviour. There is an onus on all employers to ensure that all employees understand that such behaviour is unacceptable. Racist behaviour may constitute harassment under the Employment Equality Act and the employer may be held responsible.

Action steps

Send out a clear signal that racist behaviour, whatever the intent, is unacceptable.

Respond to the offensive behaviour in a common-sense and professional way, in line with general company policy and taking into account the seriousness and the persistence of the behaviour. Train line managers to deal with complaints of harassment promptly and fairly.

Examples

Following the circulation of a racist email, a statutory agency in Ireland organised a one-day awareness-raising programme for a broad range of staff (not just those who had circulated the email) and amended its staff disciplinary code to include references to racism.

A further example of good practice is the publication by the Health Services Employers Agency (HSEA) of a guide to the **Employment Equality Act 1998**.

Human Resources (HR)

Induction, orientation and support

Migrant workers will need both induction, to ease them into a new job, and orientation, to help them to cope with living in a different country. Induction requires a structured programme and must include health and safety training; orientation means providing advice and practical support in adjusting to living in a new country.

Where migrant workers come in groups and their jobs are similar, induction and orientation are easy to manage. Existing structured induction programmes can be tailored to meet some of the needs of migrant workers.

Under the Equality Act 2004, employers are permitted to undertake positive actions in relation to employees on the grounds of race (Travellers were already covered under the Employment Equality Act 1998.) The Equality Authority can provide further advice about what constitutes positive actions.

Some migrant workers may need support in upgrading their basic skills, perhaps including language skills.

Action steps

Appoint one person to manage induction and orientation.

Make all new workers feel welcome and included; support them in finding their feet in a new job and a new country.

Help recruits to find accommodation or provide it for them, temporarily or permanently.

Provide information and help with public transport, driving licenses and access to medical care.

Help recruits to cope with the taxation system in Ireland.

Help migrant workers to obtain their resident permits.

Designate an existing employee to look after each new recruit.

Set up informal meet and greet initiatives to introduce new workers to their new colleagues.

Examples

Some employers in Canada use a buddy system to provide individual support to all new workers, particularly to those from outside of Canada. One member of staff provides informal advice and support to the new worker and helps them adjust to their new employment.

Human Resources (HR) continued

Retention and promotion

Good human resource management will seek to ensure that all workers work to their full potential, including opportunities to take on additional responsibility that will assist in their chances of promotion. But migrant workers perceive a problem: that some employers are reluctant to give them the same level of responsibility as other workers, even if they had better qualifications and experience before coming to Ireland.

Action steps

Note that migrant workers are not necessarily short-term workers; investment in training will pay off.

Work towards the goal of ensuring equal opportunities in employment progression and opportunity for all workers, including migrant workers.

Track equal opportunities by keeping good records and monitoring staff performance and progression.

If necessary, provide additional training to upgrade workers' basic skills and language levels.

Examples

In some Irish hospitals, nurses from non-EEA countries are encouraged to appoint their own staff liaison representatives to ensure good communication on issues including the identification of further training needs.

Customer service

Looking outward

The **Equal Status Act 2000** outlaws discrimination in the provision of goods and services, but it also makes good business sense to cater for an increasingly diverse customer base, whether at home or abroad.

That may mean tailoring products and services to suit a particular country or region, taking account of cultural issues, local preferences and tastes in marketing and branding.

It may also mean considering the needs of minority ethnic customers in business planning, through customer surveys and customer liaison panels. Employees from a range of different countries and ethnic origins can bring vital information and perspectives on diversity and can result in the opening of markets.

Action steps

Include a focus on minority-ethnic customers in business planning processes.

Tailor marketing of goods and services towards minority ethnic groups through, for example, the inclusion of a diverse range of people in advertising strategies.

Ensure customer surveys and liaison panels include minority-ethnic people.

Examples

Businesses in Ireland are increasingly representing ethnic diversity in a positive way in outdoor advertising and in key publications such as annual reports. Organisations such as Dublin Bus have undertaken poster campaigns that have highlighted the growing ethnic diversity in Irish society.

Annex One: The EQUAL Initiative

EQUAL is one of four Community Initiative co-financed by the European Union 2000–2006. EQUAL seeks to identify and address fundamental forms of discrimination and inequality in the labour market, working through Development Partnerships, which operate on a geographic or sectoral basis. EQUAL seeks to inform national and European Policy and practice, particularly as regards the National Employment Action Plan and the European Employment Strategy (EES).

DAWN (Diversity at Work Network) Project

The primary aim of the DAWN programme is to help the local business community to create an intercultural workplace environment that benefits both the business and minority ethnic workers. The project will contribute to the integration of people from minority groups, and eliminate racism, and other barriers to integration, from the workplace. The key objectives are to:

- develop local platforms with proactive linkages between employees, employers and state organisations to create an intercultural environment in the workplace through awareness initiatives and training
- compile an employer and employee handbook to enable companies to develop diversity policies, practices and anti-racist awareness raising programmes
- deliver a training of trainers programme for the local business community on how to increase opportunities for ethnic workers and combat racism and other barriers to successful integration into the workplace
- develop and deliver an innovative third-level accredited learning module entitled **Diversity at the Workplace**
- develop policy and seek to influence a comprehensive immigration strategy in Ireland.



Annex Two: Contacts

The Department of Enterprise Trade and Employment

Employment Rights Information Unit
Tel 01 631 2121
Lo-call 1890 201 615
erinfo@entemp.ie

The Department of Enterprise Trade and Employment

Work permits information
Tel 01 631 3308
Lo-call 1890 201 616
workpermits@entemp.ie

FÁS, Training and Employment Authority

27 Upper Baggot Street, Dublin 4
FÁS Jobs Ireland at 1850 66 77 66
www.fas.ie

The Equality Authority

2 Clonmel Street, Dublin 2
Tel 01 4173336
Lo-call 1850 245 545
www.equality.ie

The Chambers of Commerce of Ireland

17 Merrion Square, Dublin 2
Tel 01 661 2888
www.chambersireland.ie

The National Consultative Committee on Racism and Interculturalism (NCCRI)

Floor 3
Jervis House
Jervis Street, Dublin 1
Tel 01 4785777
www.nccri.ie

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Blanchardstown Road North,
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NCCRI



Department of
Enterprise, Trade
and Employment
Managing Authority
for EQUAL