

**Submission from the Irish Congress of
Trade Unions to the Executive Office
of the NI Executive on the draft
Programme for Government
Document 2016-2021**

December 2016

The Irish Congress of Trade Unions (ICTU or Congress) is the single umbrella organisation for trade unions on the island of Ireland. Congress is the largest civil society organisation in Northern Ireland. The organisation is required, through its mission statement, to strive to achieve economic development, social cohesion and justice by upholding the values of solidarity, fairness and equality.

The Northern Ireland Committee (NIC) of the ICTU is the representative body for 34 trade unions with over 215,000 members across Northern Ireland. Information on the NIC is available on www.ictuni.org

Congress welcomes the opportunity to make a submission to the Executive Office of the NI Executive on the draft Programme for Government Document 2016-2021. Congress notes the limited scope of this consultation, and looks forward to more detailed engagement with the Executive Office of the NI Executive, as well as other departments of the NI Executive and state agencies, on the content, measurement and evaluation of the Programme for Government (Hereafter the PfG).

Congress notes the statement on page 5 of the PfG which states: *“the involvement of stakeholders in every stage of development and delivery is essential to the spirit of the OBA collective planning and implementation process.”*

Given that NIC-ICTU is a key social partner and is the largest representative grouping in civic society in NI, we require bilateral engagement on the ongoing development of how the proposed PfG would be implemented in a number of the 14 outcomes where we have a particular interest and indeed expertise. We believe such a bilateral engagement should occur on an ongoing basis with the relevant SRO from time to time.

The PfG references the need to engage with employers, business, local authorities and academia which is all proper and correct. However, it critically fails to reference the need to engage with organised labour in NI, (albeit there is once reference to employee voice). Whether this is by design or oversight, a shift in focus is required so organised labour can participate in this important process, otherwise this process is not an inclusive one.

Policy matters (1): A Fair Economy

Congress supports the 14 outcomes highlighted and identified in the draft PfG as they are all very positive and together will contribute to creating a better society for all of the people of Northern Ireland, over a period of time.

The PfG contains 14 strategic outcomes which, it asserts, “set a clear direction of travel and enable continuous improvement on the essential components of societal wellbeing.”

Achieving these strategic outcomes intimately involves union members, both as providers and as beneficiaries. Union members deliver every aspect of government and contribute towards the attainment of good health and education, economic success and confident and peaceful communities.

In addition to merely fulfilling our statutory obligations, trade unions work for the wider benefit of society and advocate on behalf of people and communities.

We are however, concerned that the ambitions in the draft PfG are not supported or underpinned by any real and meaningful detail as to how this PfG will be funded. As the devolved government has few tax raising powers other than rates, (both local and regional which equate to about 5% of the total public spend) we would question how the government intend to create the increased investment necessary to support such a comprehensive and ambitious programme.

Obviously the way to seek to underpin and support a long term programme to improve societal well-being across the 14 outcomes is not exclusively about spending more money. That being said we believe it would be naïve in the extreme if the view was merely a matter of doing something radically different to what we have done before with existing or less resources but in a different way. We would be of the view that these positive, progressive and welcome outcomes will not be achieved or moved forward substantially (or substantively) without an increase in spending and additional funding. We therefore, await the publication of the forthcoming Investment Strategy and the announcement of the Budget in early 2017 and reserve our right to comment further on such matters upon the publication/announcement of both initiatives.

No different to the absence of an Investment Strategy, the absence of an Economic Strategy, (which again like the Investment Strategy, we are to understand will be published shortly) makes it very difficult to comment in a more complete manner on the PfG. However, one particular concern to note which gives us an indication of the potential economic strategy the Executive wish to adopt, is the seriously mistaken policy of seeking to reduce corporation tax where the PfG states, “*The Executive is committed to an affordable and more competitive corporation tax rate and we are determined to deliver a 12.5% rate by April 2018.*” It seems the Executive are of the opinion that the current UK wide corporation tax rate is both uncompetitive and unaffordable. Whilst for some, there may be a logic in seeking to harmonise to a more all island corporation tax rate, this is also a flawed position for a number of reasons:

1. The Republic of Ireland intends to remain a part of the EU. It is more likely over time that, despite the ROI government's protestations, corporation tax across the EU will be more closely aligned and harmonised. If this occurs the corporation tax in ROI will likely rise somewhat.
2. The view that this will give NI some competitive advantage is also flawed, it will not. Multinational corporations invest in a given jurisdiction having considered a number of criteria, the tax rate being merely one of many. Access to markets is a key and fundamental criterion. As the stated position of the Westminster government is for the whole of the UK to exit the EU together, (despite the vote in Northern Ireland and Scotland to remain) there is little or no clarity as to whether Northern Ireland will either be in the Single Market or Customs Union or both. It is highly unlikely that this uncertainty will be resolved by April 2018 and uncertainty undermines further FDI and investment generally.

Therefore, this initiative (even if one thought it had potential benefits) post the Brexit vote is further flawed, redundant and will do nothing to facilitate an increase in more employment, better jobs and revenues/income for the state. It will do the opposite and this undermines the potential of making progress on many of the 14 outcomes. However, we await the publication of the strategies referenced and reserve our right to make further commentary on the matter at a later date.

We are particularly concerned that the PfG deals with the *what* but not the *how*. The 14 outcomes are clearly very laudable and progressive. However, *how* we achieve them as a society is also critically important and choices as to *how* we reach this destination need to be considered and made.

As we represent the interests of over 215,000 workers through our 34 affiliate trade unions in both the public and private sector, the *how* this is done on both a macro and micro scale is critically important. If there is no additional spending and additional investment to fund strategies to seek to achieve such outcomes, (in conjunction with us working collaboratively and smarter) what choices do the Executive intend to make to seek to make these 14 outcomes a reality? Essentially who pays and for what?

We in NIC-ICTU are very clear we will strongly resist and oppose any outsourcing of public sector work, as the ultimate outcome of such an approach is not to do things better for citizens but merely more cheaply by attacking labour rates. We must remember that cheapness does not equate to value. Also, such an approach would contradict outcome 6 – *We have more people working in better jobs* and outcome 11 – *We have high quality public services*.

Public Service Delivery

The trade union movement remains fundamentally opposed to outsourcing or privatisations, and makes clear its objections to the intention to *“support the delivery of services through the most appropriate channel – whether this is in the public, private or community and voluntary sector.”*

Congress believes therefore that rather than advocating support for the delivery of public services by the private, or community and voluntary sectors, the Executive should instead commit within the PfG a clear message that further privatisation and outsourcing of public services will not occur, and that services which have previously been privatised or outsourced, in areas such as health and social care and education will be brought back ‘in-house’.

Please note the submissions by UNISON, NIPSA and UNITE, all of which analyse in greater detail and with real-world expertise, the virtues of maintaining strong and accountable public service delivery on Health, Education, Housing and local government.

Please also note the positive impact for community relations and greater equality of access to services and the opportunities which flow from an engaged and informed public.

Austerity

The trade union movement has specific concerns over the proposal to reduce corporation tax, which we outlined above. At a time when workers are facing job insecurity, a squeeze on real wages and public services are facing cuts it is hard to see a justification for businesses to have the taxes on their profits reduced. The reality of austerity, wherever its source, is in stark contrast to the rhetoric of the 14 outcomes which most people of goodwill support.

Living Wage

Two important key indicators are *“reducing poverty”* and *“increasing the proportion of people working in good jobs”*. The Living Wage has the potential to play an important role in delivering on both these indicators. The UK Government has legislated for a National Living Wage that is higher than the previous National Minimum Wage but falls short of the real Living Wage, as calculated by the Living Wage Foundation. The National Living Wage currently stands at £7.20, while the real Living Wage is £8.25 for Northern Ireland. In addition, the full adult National Living Wage is only payable to workers aged 25 and over. A worker under 25 getting a lower statutory wage is grossly unfair especially as many of these young workers are doing the same job as their older colleagues.

We believe the Executive should promote the payment of the full adult rate to all workers regardless of age. We also believe that the Executive should encourage all employers in Northern Ireland – public and private employers – to become Living Wage employers by paying the real Living Wage.

Another crucial method of delivering on *“increasing the proportion of people working in good jobs”* with better pay and conditions of employment is by the promotion of free collective bargaining between employers and independent trade unions. Evidence throughout the western world demonstrates where unions are active and engaged in collective bargaining, societies are more equal and pay and conditions of employment are better in general, than in instances where unions are weak and inactive. Free collective bargaining between unions and employers also facilitates improved productivity and effectiveness at firm level which is also essential to maintain and promote better jobs.

Employment Rights

Employment law is a transferred devolved matter and as such the Northern Ireland power-sharing arrangements are already making a real difference to the lives of its citizens while at work. The trade unions support the decision not to introduce the Trade Union Bill in Northern Ireland. Workers in Northern Ireland continue to have protection against unfair dismissal after 12 months, instead of two years as is the case in Britain. Employment tribunal fees have also not been introduced.

We would also commend the Northern Ireland Executive for its positive decisions not to implement changes to important workplace health and safety legislation, such as to the Reporting of Incidences, Diseases and Dangerous Occurrences (RIDDOR) legislation. The trade unions would like to work closely with the Executive and Assembly in developing employment rights so we can show that the power-sharing arrangements can make a real difference to our people when they are at work.

Zero-Hours Contracts

Prior to the 2015 Assembly elections, progress was made over a new approach to zero-hours contracts in Northern Ireland. The Minister at the time suggested that after a six-month period the employer would have to provide an objective reason as to why a person should not be moved to a contract with a guaranteed number of hours. The final wording in the Employment Act 2016 provides for more general protection of zero-hours contract workers by giving the relevant Department the power to implement regulations to prevent abuses arising out of the use of zero-hours contracts.

From the Executive’s own assessment more than 28,000 workers in Northern Ireland are on zero-hours contracts. This is exploitation in the workplace that can and should be tackled by the Executive and the Assembly. We need the Executive to ensure that further regulations

are implemented to tackle the ongoing misuse of zero-hours contracts. We need to, at the very least, ban the use of zero-hours contracts where workers are in practice working regular hours.

Please note points made on this matter by our affiliated unions whose membership consists of too many low-paid workers in both private and public sectors (USDAW, UNISON, UNITE).

Short-hours

Underemployment – workers on short-hours contracts or workers not getting the hours they need – is a major problem in the economy. We welcome the inclusion of “reduce underemployment” as a key indicator. The Executive should work closely with the trade unions to highlight and tackle underemployment.

We refer TEO’s PfG team to more detailed submissions made by affiliated trade unions and allies on the economy, public services, workers’ rights and equality matters, and urge a careful reading of their individual responses. The sectoral expertise of trade unions such as Unison (Health), Unite (Manufacturing and other services), INTO (Education), USDAW (retail and hospitality), NIPSA (public services) as well as our affiliates from other sectors, shape and sharpen our policy responses and initiatives.

Policy Matters (2): A Just Society

Congress and its affiliated trade unions also work closely with NGOs dedicated to the pursuit of greater equality in all workplaces as well as across society.

We wish to acknowledge the work of our allies and statutory bodies in this endeavour and refer inter alia to responses from the Equality Coalition, the Committee for the Administration of Justice, the Northern Ireland Equality Commission and the Northern Ireland Human Rights Commission. Also we should acknowledge other NGOs with whom we are campaigning on several equality issues: The Rainbow Project, Amnesty International, NICVA, the Law Centre and the Common Platform.

Congress firmly believes that the PfG must explicitly state that equality issues are not confined to the couple of outcomes, like *‘we have a more equal society’*, but must be mainstreamed across all 14 outcomes. In this way, all policy decisions (such as a reduction in corporation tax) would require to be scrutinised for its impact on vulnerable groups, such as those covered by section 75;

Congress suggests that an additional indicator should be included on data. This should include gathering data on section 75 groups which are currently missing from data sets, especially sexual orientation, and also should include the disaggregation of data where there are currently gaps, including on gender grounds.

In the same way that we have outlined our concerns in relation to the current absence of both investment and economic strategies, we are also concerned about the content of the Social Strategy. We should urge the PfG to make clear its commitment to publishing and updating outstanding equality strategies including, inter alia:

- Gender equality strategy
- Sexual orientation strategy
- Disability strategy
- Completing the Age Discrimination Legislation left over from previous mandate
- Committing to full implementation of the racial equality strategy

(We would further remind that commitment to an affordable system of childcare was a key manifesto commitment from political parties but that we can see no evidence of how this will be achieved in the current PfG)

We reserve the right to comment further on the requirement of the Northern Ireland executive to publish an anti-poverty strategy when we see the content of the social strategy. However we would like to draw attention to the work which has been done in relation to this matter.

A conference hosted in UNISON by the NI Anti-Poverty Network and the Child Poverty Alliance discussed a set of principles for the anti-poverty strategy, which include clear definitions of poverty and objective need, targeted outcomes, a rights-based approach, policy appraisal and effective measurement and evaluation: *“A strategy should not be limited to project-type measures, which whilst important interventions in themselves will be more limited than macro measures. The strategy needs to be geared to reducing the outgoings and/or increasing the incomes of persons subjected to poverty. Important elements would include matters such as the reintroduction of rent controls, social clauses in procurement, the tailoring of investment and economic strategies within the framework of the strategy, strengthening employment rights and their enforcement to tackle poorly paid work.”*

We would urge commitment to these principles in the PfG.

We would also remind the NI executive that they must make clear, within the PfG, how they will meet their international human rights obligations. We would particularly point out concluding observations from CEDAW in relation to women's reproductive health and from the UNCRPD committee in relation to disabled people's human rights. In this respect, we fail to see how outcomes such as ‘we care for others and we help those in need’ can be achieved in the context of changes to the Social Security system (whilst acknowledging the NI Executives work to mitigate against the worst impacts of welfare reform).

We would like to highlight our concern that equality law in Northern Ireland continues to lag behind other parts of the U.K.

This is a serious issue and impacts on vulnerable groups across all of society. Congress reaffirms our commitment for a Single Equality Act. In the absence of this, the NI Executive must commit to harmonising and upgrading current equality law to include the recommendations set out by the ECNI. Commitment to single equality legislation is also consistent with the Human Rights Commissions recommended Bill of Rights, covering additional grounds set out within and upwardly harmonising and strengthening existing protections. This would include the filling of gaps such as the current situation with discrimination in goods, facilities and services for all age groups

We would further suggest that in seeking to achieve a fair, diverse and respectful society, that the NI Executive legislates for equal marriage as in other parts of the U.K.

In our submission to the draft framework, Congress noted our surprise and disappointment that there was no commitment or mention of a comprehensive and affordable **childcare strategy**. We understand that this issue has been raised by a large number of respondents to the earlier consultation however we remain concerned that there is very little clarity on this matter. We would point out that the provision of a comprehensive childcare strategy relates to many of the outcomes – *a more equal society* (more women participating in the labour market), *prospers through a strong, competitive regionally balanced economy with more people working in better jobs* among others.

At the moment, NI has only 12.5 hours of free childcare for eligible children which compares to 30 hours in England and proposed 30 hours in Scotland. In NI families can apply for 12.5 hours per week of free preschool education. There is very little flexibility as to how this can be taken - 2.5 hours per day, 5 days a week during term time. Places are provided by nursery schools, primary schools with nursery units and some voluntary and private providers. There are no plans to increase the level of free preschool provision in Northern Ireland.

Bill of Rights

We would remind the Northern Ireland Executive that the implementation of a Bill of Rights for Northern Ireland is an outstanding commitment from the Good Friday Agreement.

Improving the skills profile of the population:

The NI Executive (through DEL, now DoE) has had an essential skills programme (literacy, numeracy and ICT) for adults running for many years. The percentage of the working age population in Northern Ireland with the lowest levels of literacy remains however

stubbornly high. We would need to see more detail as to how indicator 14 is to be achieved. Consideration should be given to a programme of lifelong learning for adults and the essential skills strategy should be reviewed from policy to delivery.

There is an opportunity through the apprenticeship strategy and through an apprenticeship levy but only if this is handled correctly. Any revenue raised through a levy must be returned to Northern Ireland as full and additional value in relation to Barnett. Funds should be additional to the current agreed funding levels, be clearly reserved for skills development and also be available for use by private, public and third sectors to upskill the entire workforce to a minimum Level 2 qualification.

The proposed new Apprenticeship Levy is the subject of a current consultation, to which Congress has responded, and which concludes:

“Lifelong learning and workforce development needs to be given greater emphasis in our labour market and there needs to be a focus from employers on training and development in the workplace for all workers. The extent that this can be covered by the apprenticeship levy is difficult to judge. It is important however, to ensure that consideration of how this objective can be met through the levy and/or through wider skills policy is built into to a coherent approach working with the support of employers and unions.”

Union Learning

Improving the skills profile of the population is a key indicator as it is an important part of delivering economic development in Northern Ireland.

Trade unions provide training for trade union representatives and in turn, well-trained reps help contribute to better industrial relations in the workplace. The trade unions also play a key role in encouraging members to return to lifelong learning through the Union Learning projects. Union Learning Reps have helped thousands of workers return to learning. Lifelong learning can play a pivotal role in developing the skills and qualifications of Northern Ireland’s workforce and this will in turn help the economy to grow and expand.

In line with the aim to create a strong, competitive economy the Executive should support, and encourage employers to support, trade union training for Union Reps and lifelong learning through fully funded Union Learning projects.

Health

UNISON will obviously provide a comprehensive analysis on the health aspects. Specifically, in relation to the indicators on health, a significant omission is in relation to legislation on abortion and reproductive rights. The Executive must move to legislate in relation to abortion to, at a minimum, comply with international human rights standards. Failing to do

this has an impact on women's physical, mental health and on their economic status. Steps to ensure compliance with international human rights standards including through the decriminalisation of abortion (including through repeal of sections 58 and 59 of the Offences Against the Person Act 1861) and to permit terminations in the cases of sexual crime and fatal foetal abnormality. The latter is a requirement to bring legislation in line with the ECHR.

A Modest Proposal

Finally, Congress notes the considerable mention of celebrating diversity and reducing intolerance. We would suggest that a simple measure for achieving this would be legislating for civil marriage equality, as in the rest of the UK and in Ireland.

Congress endorses the responses made to this PfG consultation by the Committee for the Administration of Justice and related comments from the Equality Commission.

When the parties are preparing the next programme for government in particular, issues relating to the implementation of welfare cuts, full anticipation and mitigation of equality issues, both in terms of the impact on the different groups in Northern Ireland and in terms of the impact on the least well off, should be introduced as an integral part of the programme of government.

A note on EU Membership

On 23rd June 2016, the UK voted to leave the European Union (EU). Congress campaigned for a vote to remain a member of the EU. All political leaders must think about how to address the issues that people in our communities care most about – falling incomes, insecure jobs, unaffordable housing and the huge challenges facing our public services after more than half a decade of cuts.

In Northern Ireland specifically, there is a special responsibility on the Secretary of State, James Brokenshire, in relation to preserving the free movement of people, goods and services across the border, as well as in relation to a series of policy matters, some devolved to the NI Executive, some not:

- Will farmers continue to receive the same level of support?
- Will community development programmes get the same or better funding?
- Will the UK government continue to back politically contentious EU projects, such as those which support and re-integrate ex-prisoners?
- Will the human rights provisions set up under the Good Friday Agreement be protected?
- What will happen to workers' rights?

In December 2016, Congress produced a briefing paper, 'Brexit: The key Issues', which outlined the main concerns of the trade union movement on this island. Viewing the matter from both sides of the border, the main points emphasised for this submission are:

- The democratic will of the people of Northern Ireland and the Republic of Ireland is to remain within the European Union.
- As the largest civil society grouping on the island, Congress is deeply concerned that a UK exit from the European Union will have significant, enduring negative consequences for all the people of the island.
- We are also mindful that the principle of consent underpins political and community life in Northern Ireland and governs relations between both parts of the island, as enshrined in the Good Friday Agreement. The principle of consent must be respected in this instance.
- We are determined to ensure that working people across the island do not pay the price for the decision to exit the European Union.
- We urge the administrations in both parts of the island to work together and with the trade union movement and wider civil society to ensure the democratic will of the people on the island is upheld.
- Brexit must not be used as a pretext to dismantle hard won rights and protections or to drive down employment standards generally.
- Both governments should work closely together to maximise the impact of any measures designed to assist vulnerable sectors and help create jobs in new sectors.
- Congress is calling on both governments to support Northern Ireland and the UK's continued membership of both the Single Market and the Customs Union.
- Congress is calling on both governments to support continued free movement of people on the island.
- The UK government must introduce a Sunset Clause in relation to EU funding, which guarantees continuation of that funding for up to 15 years after the date of the UK's formal exit from the European Union.
- Both governments must make a public declaration to the effect that no existing rights or protections will be lost or eroded as a result of Brexit.

These issues will all present significant challenges to the Executive over the course of the new Programme for Government, and will undoubtedly impact on the achievement of the outcomes contained within the Programme for Government. Congress believes that the impact of EU Referendum result makes it even more crucial that the Executive now works collaboratively in the best interests of the people.

The impact and outworking of the EU Referendum result must be factored into the development of the new Programme for Government. We are particularly concerned that the Executive has failed to engage with the social partners collectively to discuss and

consider how the Brexit result may impact on the people of Northern Ireland and also to plan for our collective priorities in any such negotiations with the UK government.

Civic society has a key role to play in this matter as the issue is too important to be left to elected politicians alone. We note that in Scotland the government convened a Council on Europe immediately after the Brexit result, bringing together a number of key social partners in Scotland to plan Scotland's priorities in an inclusive manner. This comprehensive and inclusive approach has not been followed in Northern Ireland and it should be. It is still not too late to do so.

Conclusion

Congress is appreciative of the opportunity to comment on this consultation, and looks forward to ongoing and regular detailed engagement with the Executive Office and Ministers and officials from other government bodies on building a more prosperous, equal and just Northern Ireland.