



# Prosperity, Participation and Fairness **Report**

Biennial Delegate Conference

**Canal Court Hotel, Newry**

**25th ~ 26th April 2006**

Northern Ireland Committee

Irish Congress of Trade Unions

## Membership of the Northern Ireland Committee 2004-06

|                         |                     |                                       |
|-------------------------|---------------------|---------------------------------------|
| <b>Chairperson</b>      | Ms P McKeown        | UNISON                                |
| <b>Vice-Chairperson</b> | Mr M Kiddle         | UCATT                                 |
| <b>Members</b>          | J Barbour           | FBU                                   |
|                         | F Bunting           | INTO                                  |
|                         | J Corey             | NIPSA                                 |
|                         | B Forbes            | Strabane Trades Council***            |
|                         | Ms C Gates          | NIPSA                                 |
|                         | B Gourley           | USDAW                                 |
|                         | Ms A Hall-Callaghan | UTU                                   |
|                         | D Harte             | Craigavon Trades Council              |
|                         | B Hodgers           | ATGWU                                 |
|                         | L Huston            | CWU                                   |
|                         | K McAdam            | AMICUS                                |
|                         | E McGlone           | ATGWU                                 |
|                         | B Mackin            | AMICUS                                |
|                         | Ms E Margrain       | NASUWT***                             |
|                         | Ms R Montgomery     | GMB**                                 |
|                         | J Nash              | SIPTU*                                |
|                         | C Wilson            | GMB*                                  |
| <b>Ex-Officio</b>       | B Mackin            | President ICTU<br>(Apr 04 – June 05)  |
|                         | P McLoone           | President ICTU<br>(June 05 – Present) |
|                         | D Begg              | General Secretary ICTU                |
|                         | P Bunting           | Asst. General Secretary               |
|                         | T Gillen            | Dep. Asst. General Secretary          |

\*Due to the resignations of J Nash and C Wilson; J Barbour and L Huston were co-opted onto the Committee.

\*\*Following the sudden and untimely death of Ms R Montgomery, D Bruno joined the Committee on an observer basis.

\*\*\*Due to the resignations of Ms E Margrain and B Forbes; S Searson and D Harte joined the Committee on an observer basis respectively.

## Attendance At Meetings

At the time of preparing this report 19 meetings were held during the 2004-06 period. The following is the attendance record of the NIC members:

|              |    |                  |    |           |    |           |    |
|--------------|----|------------------|----|-----------|----|-----------|----|
| J Barbour    | 7  | D Harte          | 2  | B Mackin  | 11 | F Bunting | 10 |
| B Hodgers    | 8  | E Margrain       | 6  | J Corey   | 13 | L Huston  | 6  |
| R Montgomery | 10 | B Forbes         | 8  | M Kiddle  | 12 | J Nash    | 4  |
| C Gates      | 10 | K McAdam         | 15 | C Wilson  | 1  | R Gourley | 4  |
| E McGlone    | 10 | A Hall-Callaghan | 9  | P McKeown | 17 |           |    |

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Section A

# Introduction



# introduction



**Peter Bunting**

*Assistant General Secretary  
ICTU*

**Patricia McKeown**

*Chairperson  
NICICTU*

## A1 Introduction

This report to the 2006 Biennial Delegate Conference outlines the main activities of the Northern Ireland Committee since 2004.

Over the past two years a number of staff have left the employment of Congress. These staff changes are the result of retirements or individuals moving on to other employments. Congress, as an entity, has witnessed a restructuring programme which impacted on Northern Ireland and is currently the subject of a review by an independent consultant.

It is disappointing to record that no progress in the re-establishment of the Northern Ireland Assembly and Executive has occurred. The absence of a devolutionary system of governance has created a democratic deficit for our members across Northern Ireland. During the continued suspension of the Assembly we have endured a sustained attack on public services and the implementation of economic policies solely designed to reduce the cost of transfers from the Treasury for the running of Northern Ireland.

The fallout of this political policy initiated by Direct Rule Ministers has been industrial unrest throughout the sectors affected, such as Civil Service, Education and Health. Allied to the attacks on pension provisions in the Public Sector, the implications of Review of Public Administration and the implications for workers of the major infrastructure investment initiatives it is obvious that a difficult period for public sector workers can be forecast.

For those workers in the private manufacturing industry, the past two years have proved difficult, particularly the continual haemorrhaging of textile jobs to other locations. Globalisation and The Race to the Bottom has led to this haemorrhaging, not only of textile jobs but the outsourcing of a wide range of other work including call centres and manufacturing. This globalisation is a key feature of job losses in our community. At another level, closures in small and medium enterprises are still occurring, which, although they don't demand the same media headlines, are equally devastating to the workers and local communities concerned.

Congress is strongly of the opinion that the economic situation facing the citizens of Northern Ireland is fraught with problems related specifically to a huge fall-off in disposal income which will have a negative domino effect on the services sector. It is self-evident that increases in energy charges, domestic rates, the imposition of additional domestic water and sewerage charges together with an attack on public pay and pensions can only result in a reduction of disposal income for Northern Ireland households.

On a positive note, there is the continuing growth in the Construction Sector which promises the creation of up to 10,000 jobs over the next few years. Much of this growth is incorporated into the £16 billion capital investment, and should generate jobs for the unemployed and economically inactive people, on the basis of objective need. The programme should be capable of incorporating good apprenticeship schemes and facilitate women entrants to the construction industry. Congress believes that Government has failed to take the action necessary to achieve these important goals. This programme also has a North/South dimension and Congress seeks the establishment of a North/South Taskforce with clear trade union input. A major element of the discussions held on the £16bn infrastructure investment programme has been the ICTU demand that it have as core to its design, implementation and delivery, equality and social inclusion outcomes. It is also inextricably linked with the Review of Public Administration.

Congress has continued to input into Government policy on the roll-out of the shared future with specific emphasis on Integration in Housing, Education and Workplace. Congress is very conscious of the welcome arrival into Northern Ireland of many migrant workers and is developing linkages with other civil society partners in a collaborative manner to combat racism and exploitation against migrants. Another central feature of Congress' work has been to attack poverty levels throughout Northern Ireland. This not only includes low pay, but also fuel poverty, which particularly has affected the elderly and is an issue which has been addressed by the Retired Workers' Committee. In pursuing the Congress economic strategy for Northern Ireland we will continue to treat it as a key feature of economic policy.

## A2 Obituaries

The Committee records with regret the death of a number of colleagues who would be well known to delegates.

### **Rhonda Montgomery – GMB**

*Former member of NIC.ICTU*

### **Margaret Wilson – UTU**

*Former member of the NIC.ICTU Retired Workers' Committee*

### **David West – NATFHE**

*Former member of the NIC.ICTU Disability Committee*

# Section B

## Conference Resolutions





# Conference Resolutions

## B1 Introduction

The June 2004 meeting of the Northern Ireland Committee considered a range of recommendations regarding the resolutions adopted at the April 2004 BDC. The NIC agreed the recommendations as presented.

The NIC has pursued a wide range of actions in relation to the resolutions and the following provides an outline of these. More detail is contained within the body of the report.

## B2 Resolutions

### Resolutions 1-10

There were 10 resolutions concerning Investing in Peace, Equality and Justice. The resolutions were referred to the Equality and Human Rights Group. The NIC also undertook a range of actions relating to the resolutions. Congress has engaged with Government and other agencies in the pursuit of policy issues.

### Resolutions 11-32

Developing Partnership and the Economic Debate

The BDC endorsed the direction of the economic policy statement presented to conference. Since then the NIC has pursued related matters with Government and social partner bodies. In particular, specific actions have been taken on:

- Water Charges
- PPP/PFI
- Review of Public Administration

### Resolutions 33-44

Education

These resolutions covered issues across the whole education sector. Representations were made to Government Departments and related matters were pursued at the Economic Development Forum.

### Resolutions 44-47

Health and Safety

Resolutions in this section were referred to the Health and Safety Committee.

### Resolutions 48-49

Gender Equality

These resolutions were referred to the Equality and Human Rights Group.

### Resolution 50

Industrial Relations

The NIC has continued to meet with the Department for Employment and Learning on issues including Working Time Regulations. Submissions have been made as appropriate.

### Resolution 51

Quangos and Public Bodies

Congress continues to maintain the position regarding trade union representation on public bodies. A number of representations have been made to Government on this issue.

# Section C

## Trade Union Organisation



# Trade Union Organisation

## C1 Officers of the Northern Ireland Committee 2004-06

At its meeting held in May 2004, the Committee elected the following Officers:

**Chairperson:** Patricia McKeown (UNISON)

**Vice-Chairperson:** Michael Kiddle (UCATT)

## C2 Staff

The following refers to the staff in the Northern Ireland Office during 2004-06:

|                                           |                                   |
|-------------------------------------------|-----------------------------------|
| <b>Assistant General Secretary</b>        | Peter Bunting                     |
| <b>Deputy Assistant General Secretary</b> | Tom Gillen                        |
| <b>Education &amp; Training Officer</b>   | Tom Moore (Retired July 05)       |
| <b>Advisory Services Officer</b>          | Ann Hope (Retired Oct 04)         |
|                                           | Ursula O'Hare (Oct 04 to present) |
| <b>Workplace Learning Officer</b>         | Clare Moore                       |
| <b>Development Education Officer</b>      | Neil Alldred                      |
| <b>Project Officer</b>                    | Alex Browne (left ICTU in May 05) |
|                                           | Pat McMullan (May 05 to present)  |
| <b>Administrative Staff</b>               | Laura Neill                       |
|                                           | Jacqui McGonagle                  |
|                                           | Aileen McErlean                   |

## C3 Women's Committee

The work of the Women's Committee is contained in Section G of this report.

## C4 Youth Committee

Following a period of inactivity the Youth Committee in Northern Ireland was reconstituted towards the end of 2005. Currently there are 10 members on this Committee. The Committee is working in close co-operation with its counterpart in the Republic of Ireland and is developing a Programme of Work. Part of this Programme is to highlight issues surrounding:

- The world of work.
- The role of trade unions.
- Young people's rights in work.

# conference resolutions

Links are also being built with trade union centres in GB and, in the near future, a meeting will be arranged with the STUC and ICTU's Youth Committees.

## C5 Global Solidarity

As delegates are doubtless aware, the Northern Ireland staff position for Global Solidarity was vacant for a little over 15 months, with Neil Alldred stepping in to the position on July 25, 2005. Aileen McErlean very ably conducted a number of the position's functions, especially in early 2005 in relation to the Coalition of Aid and Development Agencies (CADA) and the Make Poverty History Coalition in Northern Ireland, of which she was Treasurer for most of the year.



Delegates may be aware that funding has been found for another full three year programme of Solidarity work, covering the period from September 2004 to August 2007, though different funders have committed for different periods and some funding is available to March 2008 (with some funding from the early part of the project not drawn down at all).

The first priority has been to re-establish the Global Solidarity Committee here in Northern Ireland. That has been done, under the chairmanship of Brian Moore (NIPSA), and all trade unions affiliated to Congress have been invited to send a delegate if they don't already do so. The Officer also regularly attends the Solidarity Committee in the Republic and can thus feed developments from either Committee into the other.

Activities since mid 2005 have focused on the World Trade Organisation's 6th Ministerial Conference in Hong Kong. The Officer travelled to Brussels in October to prepare for that with other trade union organisations, and then represented Congress in Hong Kong from

10th to 19th December, 2005.

Prior to the trip, he met Minister Conor Lenihan TD, Minister of State at the Department for Foreign Affairs responsible for human rights and development co-operation, and presented Congress' demands for the Hong Kong conference to him. In Hong Kong, two further meetings were held with Minister Lenihan and one with Michael Ahern, Minister for Trade and Commerce. A summary of trade union demands was given to officials on the Irish and British





government delegations, as well as to NGO representatives and the press. At a dinner with Mary Robinson, former President of Ireland, the importance of core labour standards, and the centrality of the International Labour Organisation (ILO), were discussed and she promised the firmest support for the trade unions' position.

From Hong Kong an interview was conducted with the BBC in Northern Ireland and a seven minute broadcast went out in their *Sunday Sequence* programme on December 11th.

In September, the Officer travelled to Turin, to the ILO's International Training Centre, for a seminar on *Developing Training Materials for Trade Union Work on Globalisation*, which was extremely helpful for targeting development experience on specific trade union requirements, as well as for developing a network of trade union contacts. The first training session using some of those materials and understanding. The Officer has also contributed to globalisation themes on the Master's Degree course on *Leadership in Sustainable Development* at Queen's University.

Congress' Northern Ireland presence was seen in Edinburgh in July 2005 when a number of trade unionists travelled together to protest against the unacceptable levels of poverty in developing countries and to urge the UK Government – which was then managing the Presidency of the G8 (the world's seven most economically powerful countries, plus Russia) for 2005, as well as the Presidency of the European Union for the last six months of the year.

Links have been further established with the Make Poverty History coalition though both the Northern Ireland branch and the Republic of Ireland branch have agreed to dissolve their alliances, preferring to work together in 2006 on discrete, separate themes and campaigns, rather than on external, UK-wide, campaigns. CADA has recently held its Annual General Meeting and it is hoped Congress will be able to work more closely with interested partners in Northern Ireland on international issues such as poverty, equality, development and fair trade.

The Officer has been invited on to the Boards of the Centre for Global Education, in Belfast, and IRENE (the International Network for Education Restructuring in Europe), based in Tilburg in the Netherlands. IRENE, in particular, represents an exciting opportunity to work closely with colleagues across Europe on shared development campaigns, whilst the CGE is an excellent link into the formal educational sector in which the trade union movement is respected for its overseas development work.

The Global Solidarity Newsletter has been re-launched, early in 2006, and three resources for trade unionists have been produced in the last few months. 'Action for Change: workers' rights and free trade' is an action guide for trade unionists on the difficult and frustrating theme of international trade. 'Forced Labour' is a valuable resource on the many types of involuntary work that poor people the world over have to accept, as well as the strategies need to overcome it. Finally, 'Corporate Social Responsibility' is a thoroughly professional document that shows how employers resort to all sorts of ruses to promote voluntary regulation and to avoid having legislative requirements that compel them to respect basic workers' rights.

Global Solidarity is negotiating with outside experts to produce a report on Child Labour to be launched in time for the ILC (International Labour Conference) in June.



## C6 Trades Council Consultative Committee

Considerable progress has been made by Trades Councils since the last BDC in 2004. Currently they are active in:

Belfast, Craigavon, Derry, Fermanagh, Omagh, Newry, North Down, Strabane.

The TCCC has met regularly over the past two years and, as well as campaigning on local issues they have played a major role in developing and supporting NIC policy on matters including:

- Devolution
- Water Charges
- Review of Public Administration
- Migrant Workers
- Minimum Wage

Trades Councils have also attended an all island seminar on issues regarding:

- Organisation
- PPP/PFI
- Campaigning

Regular meetings are now held with Trades Councils in the Republic of Ireland on a quarterly basis.



## C7 Retired Workers' Committee

The Retired Workers' Committee was reconstituted in early 2005. The Committee continues to campaign vigorously on a range of issues of concern to retired workers. One issue of particular concern to the Committee is the Government's proposals for additional water charges, the introduction of which will have a serious detrimental effect on the living standards of many elderly people in Northern Ireland. The Committee has lobbied all Northern Ireland MPs on this particular issue. Another issue of deep concern to the Committee is long-term care for the elderly and, in particular, the matter of charges for personal care. Again, the Committee is lobbying all Northern Ireland MPs in regard to this issue. Work on these, and other matters, continues.

## C8 May Festival

The May Festival is now established as a major event in the cultural and social programme of Northern Ireland. The May Festival in 2004 and 2005 again attracted huge audiences both for the rally and march through Belfast City Centre and afterwards in St George's Market for the family festival day.

Belfast City Council continues to be the main sponsor for the May Festival alongside the Community Relations Council and affiliated trade unions.

Thanks are due to the NIC May Day committee which continues to meet throughout the year to plan May Day events.

The main speaker for 2004 was from the President of the Belfast Islamic Centre, Jamal Iweida. Jamal highlighted the growing problem of racist attacks in Northern Ireland, an issue of grave concern to the NIC. General Secretary David Begg provided the keynote speech in





2005 and in both years they were joined on the platform by members of the NIC ICTU and the Belfast and District Trade's Council.

The family festival in St George's market flourished again in 2004 and 2005. In both years, nearly 2,000 trade unionists and their families packed the hall to be entertained by a day of top quality music and live entertainment, all of which was completely free.

In 2004, as well as the events on May Day itself, the WLO worked with Cathedral Quarter Arts Festival and Cineversity to present a film screening during May week. This was supported by the NIC Women's Committee and was very well attended. Other events included the Belfast and District Trades Council annual May Day lecture.

The NIC May Day Committee works especially hard to ensure that there is as much participation as possible from Northern Ireland's minority communities. Particular thanks should go to the Chinese Welfare Association, the Indian Community Centre and the African Cultural Group for their support in this.



## C9 Counteract

Having gone through a period of restructuring during which both remaining staff members left the employment, Counteract is operational once again. Although CRC core funding was withdrawn, Counteract nevertheless has succeeded in securing a number of projects. At the time of writing, the Management Committee is planning the training of a group of associates to deliver Counteract Anti-Sectarian Services.



## **C10 Black and Ethnic Minority Committee**

The Northern Ireland Committee has established a Black and Ethnic Minority Committee and the inaugural meeting was held on Wednesday 22 March 2006. The terms of reference and constitution of this Committee will be developed following the BDC.

## **C11 LGBT Committee**

At the time of preparing this report the Northern Ireland Committee is establishing a LGBT Committee. The terms of reference and constitution of this Committee will be developed following the BDC.

## **C12 Private Sector Construction Committee**

The Private Sector Construction Committee representing unions with membership in the construction industry has met as required over the past two years. The main area of work has been to deal with issues surrounding PPP/PFI, and the protection of terms and conditions of employment in the construction industry.

# Section D

## Trade Union Training and Education



## D1 Introduction

Due to the retirement of Tom Moore the Officer responsible for this post and to date the non-filling of the post, this report will not be as detailed as it has been in the past.

## D2 Seminars

A series of seminars on different topics have been held over the past two years. The range of topics varied from Working Regulations, European Health and Safety Week, Role of the Health and Safety Committee, Workplace Health Strategy Programme Action Teams and Northern Ireland Drugs and Alcohol Campaign "Guidelines for Workplace Policies".

## D3 Workshops

A number of workshops which attracted a high attendance rate were held in conjunction with the LRA on the subjects of Alternative Dispute Resolution and the Information and Consultation Directive.

## D4 Developments

Following on from the retirement of John Graham as tutor at the Belfast Institute for Further and Higher Education, Ms Noelle Boyd was appointed to the position.



*Graduation of Reps who attended Inaugural Introduction to Equality Course*

## D5 Introduction to Equality – The Trade Union Representative’s Role

Congress, in partnership with the Equality Commission, drafted a new course which was launched in February 2005. The initial course had eighteen participants with a waiting list for the next course.

## D6 Certificate in Employment Law

This new course was also launched in April 2005 and has attracted significant interest.

## D7 Health and Safety Courses

Courses on the issue of health and safety continue to be a major source of interest, with participation rates so high that demand outweighs supply at the commencement of every new term.

## D8 Attendance Figures

The following is a breakdown of union workplace representatives attending 10 day and short courses.

| 10 Day Courses |             | Short Courses |             |
|----------------|-------------|---------------|-------------|
| 2004 – 2005    | 2005 – 2006 | 2004 – 2005   | 2005 – 2006 |
| 189            | 127         | 111           | 244         |

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Section

E

Community  
Situation/  
Investing in  
Peace





## E1 Community Situation

The Northern Ireland Committee has continued its work to promote the easing of tensions within the community. This is done through its work on equality and human rights, and also through its work on this agenda with affiliates, Trades Councils, social partners and allies in the community and voluntary sector.

It is with some regret that we need to record the increase in racial tensions in the community and the establishment of the Black and Ethnic Minority Committee is a direct attempt to address these issues. Congress also wishes to record our alarm at the range of key Government reports which indicate that discrimination and multiple disadvantage is growing specifically on the grounds of religious belief and political opinion, that the gender pay gap is widening and sex discrimination in areas such as maternity rights is increasing. Opportunities for work for those with disabilities has diminished, particularly in the public sector, homophobia and related hate crimes are on the increase, carers are increasing bearing and unpaid burden, child poverty is on the increase and older people are suffering from discrimination in a range of key public policy areas. It is expected that a training programme will be developed by this Committee which will allow black and ethnic minority workers to play a full part in progressing Northern Ireland society.

## E2 Assembly

Conference will be aware that the Northern Ireland Assembly and Executive remains suspended. The Northern Ireland Committee has continued to work closely with political parties on economic and social issues and through the Economic Development Forum has had the opportunity to put forward trade union views on economic and social issues to senior politicians at various meetings of the EDF.

The Northern Ireland Committee continues to work for the return of a democratic, devolved government and sees its establishment as critical if we are to protect public services and promote Northern Ireland as an economic entity.

## E3 North/South Committee

The North/South Committee of the ICTU Executive Council has met on a regular basis over the past two years and was reconstituted following the 2005 All Ireland BDC. The Committee is active on a range of key issues and projects. The main issue is currently the Race to the Bottom, focusing on public procurement and on the ?100bn North/South Infrastructure Investment Programme. Both government and the business sector have attempted to exclude ICTU and workers' rights from the agenda. The Committee, with the full support of the Executive Council, has made key interventions including access to the North/South Roundtable. The projects include the North/South Health Services Partnership, launched 5 years ago at a major conference in Dublin, and re-mandated at a similar conference in Belfast in November

2005, addressed by the Tanaiste and the Minister for Health NI. The partnership programme currently includes work on employability for disabled people, health catering for an increasingly diverse multi-racial society, North and South, and tackling health inequalities. The Participation and Rights Project is groundbreaking and is developing a rights-based framework to enable communities in North Belfast and North Dublin to work together to secure better jobs and services, has now received major funding from Atlantic Philanthropies.

## E4 Victims

The NIC has continued to take an active interest in matters concerning victims of violence. As before, the Committee's representatives on the Regional Partnership Board, various European Monitoring Committees and Local Strategy Partnerships have continued to contribute to the debate on these issues. These Monitoring Committees have included Interreg and Peace 2.

## E6 Ex-Prisoners

The work referred to in the 2004 BDC has continued over the past two years. Regular meetings have been held with ex-prisoner groups in an effort to ensure their full reintegration into the economic and social life of Northern Ireland.

## THE EURES CROSS-BORDER PARTNERSHIP

The EURES (EUROpean Employment Services) Cross-border Partnership is delighted to be associated with the NIC, ICTU Conference.

The Partnership brings together Public Employment Services, Trade Unions and Employer Organisations to assist those interested in working on the other side of the border from where they live (both north and south). It does this by identifying and attempting to overcome obstacles which people face.

The Partnership provides:

- A network of specialist Advisers on cross-border labour market issues;
- A free Information, Guidance and Placement Service for anyone interested in travelling to work across the border;
- A free Recruitment and Advice Service for employers interested in employing cross-border workers;
- A forum for identifying obstacles to cross-border labour mobility.

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Section F

# Economic and Employment



## F1 Introduction/Overview

Despite the economic upbeat mood expressed by some commentators it is a given that the Northern Ireland economy is under severe pressure. Allowing for the fact that employment growth has occurred and that there has been an increase in exports these positives cannot disguise the obvious fact that Northern Ireland's relative ranking in terms of UK regional prosperity has changed little since 1990. Against this backdrop of alleged buoyancy lies a legacy of deprivation: -

**Educational inequalities:** 47% of those leaving school with no qualifications;

**Health inequalities:** mortality rates for under 75s are 47% higher in 'deprived wards' (local Council). The worst waiting times in the UK for health services;

**Economic inactivity:** levels 28% higher than UK for health services;

**Income levels:** workers continue to be burdened with low pay and, as demonstrated by Congress recently, many workers not even in receipt of the legal national minimum wage;

**An increasingly discriminatory society on grounds of race, politics, religion, sexual orientation, marital status, gender and income.**

One would think that those in Government would propose a radical economic strategy designed to reduce inequalities and raise income levels through the creation of sustainable employment. Unfortunately the policy direction of the Government, encouraged by private business, is to reduce the levels of employment in the Public Sector and implement, where possible, a regional pay policy aimed at reducing income levels for those remaining.

Allied to this is a policy of subjecting the citizenry of Northern Ireland to the highest energy costs (electricity, gas) in the UK and impose further costs on the community through increased domestic rates and the implementation of additional water and sewerage charges. All in all then, a Government policy which ultimately will reduce disposable income in every household with a consequential negative impact on the services sector resulting in more closures and growing unemployment.

Congress shares the recent comments of the Secretary of State in that we both wish to see the development of a sustainable Northern Ireland economy. We strongly disagree with his simplistic contention that we are solely a dependent economy. Trade unionists are fully committed to long-term regional sustainability. We have a vision of a vibrant regional mixed economy underpinned by both a dynamic public and private sector. We understand that regional competitiveness must come from the wealth generating sector and that public services should be delivered to promote the highest quality of outcomes and to meet objective need. Congress has been arguing for an all-island approach to economic strategy for a considerable period. In short, trade unionists, not merely share the Secretary of State's vision, we prefigured it.

We strenuously oppose the proposition that regional sustainability can be based on dismantling the public sector. Numerous studies of privatisation and public/private

partnerships have suggested that the transfer of management expertise from the private to the public is largely illusory. Instead, case study after case study points to simple cost reductions via cuts in the quality and quality of service. Demands from the private sector to 'take over' the running of large sections of the public sector have to be seen in the context of very substantial public monies already going into private sector companies and their historically weak record on any indicator of competitiveness.

Congress, unlike those with a solitary vested interest in our economy, is pursuing the drafting of a comprehensive economic strategy premised on a wide range of contributory factors, some of which are contained in this introduction. Congress will publish that economic strategic policy document in the short term following consultation and agreement with the Congress Economic Sub-Committee and the Northern Ireland Committee.

## **F2 Programme for Government**

Since the 2004 BDC, the Northern Ireland Committee has responded to two consultations on the Draft Priorities and Budget. These covered the periods 2005-2008 and 2006-2008. The most recent response submitted in December 2005 is detailed below:

### **Response by NIC.ICTU to the Northern Ireland Draft Priorities and Budget 2006 - 2008**

#### **1. Introduction**

As in previous years Congress welcomes the opportunity to comment on the Priorities and Budget previously known as the Programme for Government. In our discussions and comments last year we expressed grave reservations and concern about the presentation of the Priorities and Budget document when examined against previous Programmes for Government. This year's exercise is a further deterioration in the consultation process. The continued failure to comment on targets being met has made it extremely difficult for all of those organisations responding to make any really genuinely meaningful comment.

The issue of sectarianism and segregation remains a major problem for our community and the absence of a devolved administration leaves us bereft of any genuine democratic process.

The Review of Public Administration, coupled with the continued undermining of the role of public sector workers, will increase the hardship on our people. Increases of 19% on the rates and the introduction of additional water charges, combined with our difficulties in fuel poverty, will add to the ills of our community and place additional burdens on our health and education services.



Congress represents some 225,000 workers in Northern Ireland and in excess of 30 trade union organisations. We are aware that individual affiliates have commented separately on a range of issues including health, education, public services and increased rates burdens. As a central trade union body we have been in contact with our affiliates and share their concerns in these areas.

Congress was fully involved in the formulation of the Economic Vision for Northern Ireland and is now concerned that Direct Rule Minister are walking away from this locally agreed strategy in order to impose the wishes of the Treasury Department.

The following paragraphs outline some of Congress' key views on issues raised in the Priorities and Budget consultation. If this exercise is to move our community and our economy forward then there is a need for Government and social partners to analyse jointly the achievement of the goals referred to in this consultation.

## 2. Strategic Context

The NIC notes the strategic priorities detailed at paragraph 10, namely:

- Economic growth
- Public sector reform
- High quality public services
- A society based on partnership, equality, inclusion and mutual respect

Paragraphs 11 – 13 go on to develop the context in which this year's Draft Priorities and Budget was framed. These paragraphs fail to acknowledge that the proposals in the consultation are set out against a significant reduction in public expenditure and so-called 'efficiency savings in departmental budgets'. We shall comment further on this matter in the body of our response.

### The Vision for Northern Ireland

2.1 Congress welcomed the opportunity to participate in the preparation of an 'Economic vision for Northern Ireland' and we are on record in recognising a more inclusive form of consultation and engagement. In particular the Trade Union Movement has given support around the need to:

- Strengthen the skills base in Northern Ireland and we have supported the need to include the current workforce in this important area
- Promote innovation and research
- Improve our infrastructure

- 2.2 Again we recognise the comments regarding the private sector in paragraph 16. It is essential that our private sector should seek to expand in the area of research and development in an effort to create sustainable and well paid jobs.
- 2.3 The thinly disguised attack on the public sector promoted in paragraph 17 is most unwelcome to Congress. It is regrettable that Government should once again seek to undermine the role and dedication of public sector workers in an effort to bolster a weak and unadventurous private sector. The purpose of the Economic Development Forum (EDF) has been to draw on our strengths and also to foster the concept of partnership in an effort to make Northern Ireland a high growth economy capable of creating and sustaining a competitive international edge. Well paid, high quality jobs are at the core of this vision.
- 2.4 Congress rejects totally the imputation that 'pay and esteem' in the public sector is a cause of a weak and unattractive private sector. We support the need for a balanced economy. Transferring jobs from the public to the private sector is not the answer. It is unacceptable that Government should use the Priorities and Budget consultation to attack and undermine a high quality public service.
- 2.5 Congress fully endorses the content of paragraph 19. In order to secure this greater and stronger partnership arrangements should be developed between the Governments of Northern Ireland and the Republic of Ireland. Social partnership arrangements between North and South should be strengthened and resourced.
- 2.6 Congress agrees with the comments in paragraph 20. Congress also notes in paragraph 21 the reference to higher economic inactivity rates in Northern Ireland that are caused by a range of factors which include poverty, poorer health quality, lack of jobs and people being cut-off from Job Seekers' Allowance, to name but a few.

## Society and Community

- 2.7 Congress recognises that much has still to be achieved if we are to reach a community with a shared future. We hold on to the view that this can best be attained through the efforts of a local assembly which earns and returns the trust of local society in all its forms. Social partners have a determined role to play in this goal. In particular, we look forward to the action plans rolling from the Shared Future consultation. Trade unions will be disappointed if there is not an enhanced role for the Trade Union Movement in resolving community division and tensions as a result of the consultation on Shared Future.

## Public Expenditure and Public Service Delivery

- 2.8 This section recognises that public expenditure in Northern Ireland has been declining over the past number of years. It is difficult to reconcile this policy of reduction at a time when even Government is highlighting growing needs in a wide range of public services. Government goes on in paragraph 33 to refer to 'resource pressures' and the need to prioritise expenditure. It is clear that its response is to punish the Northern

Ireland community by increasing the rates bill by some 19% and introducing draconian water charges. They say that this additional revenue will be directed towards priority services such as health. Government fails to take any account of the population's ability to pay whilst at the same time Northern Ireland has the highest fuel and electricity costs in the United Kingdom.

- 2.9 Again Government attacks public sector workers in paragraph 33 and highlights public sector pay as a burden to the provision of quality public services. Their response is to suggest regional pay levels intended to exploit workers both from Northern Ireland and other European Union member states. The philosophy appears to be that low wages, combined with increased charges for rates, water, etc, will motivate workers to deliver high quality front line services. Congress rejects this view. It is only by providing quality training, on and off the job, pay fair wages and give good conditions that individuals can be encouraged to provide a high quality service in any sector, public or private.

## The Economy

- 2.10 Paragraphs 15 to 23 deal with in general terms the economy of Northern Ireland. They cover issues such as the Economic Vision, the private sector and North/South co-operation. Reference is also made to research and development and economic inactivity. The following paragraphs express the position of Congress in these areas.

The problems of the Northern Ireland economy and the medium term strategies for overcoming them and building a world class economy have been clearly laid out in the *"Economic Vision for NI" 20005-2015*, and the *Investment Strategy for Northern Ireland*. (ISNI) However, for the record, Congress most strongly opposes the latter's reliance on Public Private Partnerships/Private Finance Initiative to deliver that strategy.

The problems are identified as follows:

- Productivity (output per person per hour) is significantly lower than in the UK as a whole.
- The manufacturing sector is shrinking
- Northern Ireland is over-dependent on the public service for employment and economic activity.
- Northern Ireland receives much more per capita in public spending than the rest of the UK and contributes less per capita in revenue (taxes plus rates) than the rest of the UK.
- Skills and training levels are not adequate in the workforce or in the population as a whole to overcome the lower productivity levels.
- The level of economic activity, (numbers at work as a proportion of the employable population) is significantly lower than the UK average.

- New firm formation and survival (entrepreneurship) is too low and exports are too low for successful participation in the global economy.

The solutions to all these problems are mapped out in the 'Economic Vision' document and in ISNI. These solutions can only be implemented however, through the budget plans and allocations. The question is are the budget proposals sufficient to meet challenges posed in these broad strategy documents.

The overall budget will increase to over £16 billion by 2008. Almost £15 billion of this is current expenditure and £1.2 billion in capital expenditure. This compares with £14.7 billion for 2006-07, of which £14.4 bn is current spending and £1.3 bn is capital spending.

## Capital Spending and R&D

2.11 Therefore although current spending will increase by 4%, capital spending will fall by 7.6%. While investment spending will still be 9% higher in '08 than in '05-'06, it is strange that capital spending is scheduled to fall in the final year, when the whole thrust of all economic strategy planning cries out for a raising of productivity levels in Northern Ireland. Almost all measures to increase productivity require rising capital investment commitments year on year for the next 10 years.

A key, if not the key, component of increasing productivity per employee, is increased expenditure on Research & Development. Business expenditure on R&D in Northern Ireland is just over half the level in the UK, as a percentage of value-added.

There is a general commitment to increase spending on R&D in Northern Ireland at a faster rate than in the UK in order to close the gap over time. But there does not appear to be any specific target in the budget. The Department for Enterprise, Trade & Investment is the principal agency for channelling R&D and promoting greater R&D expenditure in the economy as a whole. Yet DETI's Investment Expenditure is set to fall from £60.6 million in 2006-07 to £41 million in 2007-08, a 33% decline.

There are only two targets in DETI's PSA (public service agreement) which refer to R&D – the vague objective referred to above and a target of getting 70 Invest Northern Ireland clients to participate in R&D for the first time by 2008. This is an extremely modest target. It says nothing about what this level of participation entails, no targets are set for private companies to meet, nothing about co-ordinating the research programmes of universities with overall business needs; nothing about monitoring or carrot and stick methods to ensure that the private sector actually delivers on anything.

By March 2008 it is planned to secure 25 new inward investment projects of which 75% will be in new TSN areas. We do not know if these new projects will have any significant R&D elements in their investment.

The overall public capital investment spend of £1.2 bn appears much too low to make any significant progress to bridging the gap between per capita productivity in the UK and NI. Incidentally this in itself is not an ideal target as productivity per person per

hour in British industry is lower than in France, Germany and many other advanced economies. Public capital investment in Northern Ireland will be about 4.5% of regional GDP, whereas the equivalent figure in the Republic is about 6.7%.

## The Fiscal Deficit

2.12 This budget, more than any previous one, calls attention to and includes measures to close the fiscal deficit in Northern Ireland. At present, it states, households in England and Wales contribute £1,275 (including water charges) for services while Northern Ireland households pay only £546. The assumption implicit in the budget is that charges for services to Northern Ireland households must be doubled in the coming years. As a start, rates are to be increased by 19% next year and additional water charges are to be fully phased in by 2009, when Northern Ireland households will end up paying some of the highest water charges in the UK.

Congress rejects the implication of paragraph 62 that Northern Ireland has a fiscal deficit of £5bn that must be corrected. The Government's commitment is that Northern Ireland as a part of the UK should have the same benefits and standards as the rest of the UK. On that basis, there is not a fiscal deficit in Northern Ireland anymore than in any other particular region or area of the UK.

Moreover Northern Ireland is to be punished in another way if this revenue gap is not reduced: in addition to budgeted allocations, Northern Ireland Departments can raise money through borrowing under the RRI (Re-investment and Reform Initiative). This is a positive initiative as it gives Northern Ireland authorities more flexibility in responding to local needs and unexpected demands in particular areas. However, borrowing of this nature cannot be accessed if the revenue gap is not progressively reduced.

This whole approach is consistent with right-wing thinking that the real problem in Northern Ireland is the public service: it is allegedly too big relative to the economy as a whole; it interferes with private sector growth by attracting skilled people into the public service; people are less willing to take risks and start up their own businesses because of the perceived public service 'security blanket.'

This kind of thinking ignores the history of Northern Ireland over the past 30 years. It ignores the fact that large areas of the public service exist to service private companies and make them more innovative, more efficient and to supply them with a more skilled workforce. It ignores the higher costs of providing public services in Northern Ireland because its peripheral location and more dispersed population does not allow for the economies of scale that are possible in England and Wales. Transport costs and many other costs of living are also higher in Northern Ireland. And of course no evidence has ever been produced to show that the public service is 'squeezing out' the private sector in any way.

*The public service in Northern Ireland is not too big; the private sector is too small and it is not too small because it is being 'squeezed out' by the public sector. The solution is not to shrink the public sector of the economy but to ensure that the private sector grows more rapidly over time. This will not happen overnight. It depends on the successful implementation of a strategy which will: "Enhance all-island co-operation through the further development of collaborative, knowledge intensive, all-island trade and business development networks and supporting programmes." - Economic Vision for NI 2005-2015.*

*It will take at least 10 years to realise this vision. Punishing the people of Northern Ireland in the meantime by imposing huge additional charges upon them and shrinking the public services will not help to achieve that objective. Rather, as the productive sector expands, the productive base of the economy will grow, producing more profits, high paid jobs, and more consumer spending: rapid economic expansion in this way will provide the extra tax revenue automatically to bridge the fiscal deficit and ensure the continuation of high quality public services. This is basically what happened in the Republic of Ireland from 1993-2005.*

Whilst most paramilitary violence has ended the full benefits of a more normal society had yet to be realised due the paralysis in the political process in Northern Ireland. The delay by our political parties in agreeing a return a devolved administration with a functioning Executive and Assembly is damaging Northern Ireland's economic future and creating increased hardship for our population.

The budget refers to plans to complete the North-South gas pipeline by end 2006 and to proceed with the creation of an all-island electricity and energy market. Elsewhere, there are proposals for both jurisdictions to meet the health needs of people throughout the island by effective co-operation and sharing of spare capacity in hospital services, etc.

Northern Ireland has much more to gain from increasing tourist numbers than the Republic of Ireland through participation in all-Island tourist development and marketing programmes simply because it is so far behind in annual visitor numbers.

The full benefits of greater North-South trade, joint investment projects and co-ordinated activity in all areas of mutual advantage has yet to be fully exploited. A much more comprehensive and aggressive approach to North-South economic co-operation is required than the one contained in this Budget. Such developments would have a significant impact in dynamising the Northern Ireland private sector but they cannot be realised until they are driven by local political forces in both in Northern Ireland and the Republic of Ireland. Both the former Northern Ireland Economic Council and the recently formed Economic Research Institute of Northern Ireland, along with the Economic Development Forum, have supported the need for increased economic and social co-operation on the island of Ireland.



- 2.13 Overall the Budget proposals for 2006-08 do little to maintain, let alone grow, the level of public services in Northern Ireland.

*Congress seriously doubts that the targets and strategies outlined in the Economic Vision for NI 2005-2015 and in the Investment Strategy for Northern Ireland can be achieved based on the proposals in this budget. The Capital Investment budget is too low and the targets are too vague, especially for DETI programmes.*

*The budget mistakenly places the blame for Northern Ireland's economic ills on the public sector and places unfair burdens on ordinary people in order to close the fiscal deficit in an unrealistically short time-scale. Finally, the strategy of a low wage economy is not only a failure but adds to the fiscal deficit and to low regional productivity. This strategy should be formally abandoned.*

## Investment in Skills

- 2.14 Paragraph 39 refers to the need to tackle economic inactivity and increase the skills base of the working age population. Congress plays its role in attempting to achieve these goals by its involvement in the Skills sub-group of the Economic Development Forum and its on-going working relations with the Department for Employment and Learning. The following paragraphs give the detail of Congress' views on skills development.

Congress notes the emphasis given to Developing a Better Qualified and Skilled Workforce under the priority outcome Investment in Education and Skills.

This emphasis is particularly important given the differentials which exist in Northern Ireland in relation to the number of adults of working age participating in learning and the numbers of people with no formal qualifications when compared to other regions in the UK. The 2003 survey of participation in adult learning conducted by NIACE showed that fewer adults participated in learning in Northern Ireland (30%) than in England, Scotland or Wales (39%, 38% and 42%). Likewise, the percentage of the working age population with no formal qualifications is considerably higher in Northern Ireland than in other parts of the UK.

The draft Skills Strategy for Northern Ireland was issued for consultation in November 2004 and noted that:

*Population projections suggest that by 2011 there will be 18% more people, over age 50, in comparison with 2001, and 11% fewer children. Consequently, there will be fewer school leavers entering the workforce and, potentially, a greater need for the retraining of those within the existing workforce, and an increased demand for employees to update their skills. (paragraph 2.15, page 21).*

Given these predictions, apart from the associated PSA targets detailed on page 36 of the document, little mention is made in the Draft priorities and Budget document to how the existing workforce is to be supported to improve and increase skill levels. Whilst we welcome the drive to improve choices for 14-19 year olds and to tackle

economic activity we would urge government to ensure that any measures take the existing workforce into account. Under the proposed Skills and Science package, we note that the objective is to '*enhance investment in skills and training programmes for employment, to tackle economic inactivity and increase the skills of the working age population...*'

Despite this stated aim, the 5 activities and programmes which are detailed on page 28 make no reference to those currently in employment (beyond those who may be in employment in the 14-19 age group).

We are concerned to note the linkage which appears to be made between vocational training and disadvantage/underachievement (pp 66-67). We would stress that vocational training should be only one of the pathways to employment open to young people from disadvantaged backgrounds. We would likewise make the point that vocational training should be open to young people whether or not they are from disadvantaged backgrounds.

The Trade Union Movement has long advocated some regulation in relation to training in the workplace.

The Department for Employment and Learning's Draft Skills Strategy notes that:

*The evidence suggests that employers gain from the development of skills, both directly in terms of improving productivity and, perhaps less directly, through promoting flexibility. Many employers in Northern Ireland invest significantly in the skills of their workforce. Some, however, take a more sceptical view of the benefits of training and fear that their investment will be wasted, if employees choose to move on to other employers. The structure of employment, with a large number of very small businesses, may also militate against investment in training by employers. (para 2.17, p 21).*

We believe that the process of up-skilling and re-skilling the workforce needs a real and meaningful partnership approach between employers, trade unions, individuals and government. However, as the draft skills strategy suggests, this is difficult when employers take a laissez faire approach to workplace learning and skills.

Trade unions have a pivotal role to play in driving up the skills levels of the workforce. Indeed, TUC research on the impact of union added value over training shows that union effect on the incidence of training is significant and has increased over time. Whereas 39% of union members had on average done some training in the previous three months, only 26% of non-union members had. Unionised workplaces are 17% more likely to have a training centre and 11% more likely to have a training plan.

Congress has led on the training and development of a network of Union Learning Representatives who are functioning in workplaces across Northern Ireland to both support and advise their members on learning and work in partnership with employers to develop a range of innovative workplace learning initiatives.

We believe that Union Learning Representatives are key to engaging hard to reach learners, such as people with essential skills needs, and strongly believe that with the introduction of statutory recognition for ULRs, that they can play an even more significant role in supporting the development of a learning culture in the workplace.

Congress believes that the proven added value that unions can bring in relation to learning and training in workplaces can be made even stronger by providing a statutory approach to bargaining over learning and training.

In the drive to '*promote and support the acquisition of better and higher skills in the workplace and the workforce*', we would urge the Department to reflect on the importance of supporting union led learning through the Union Learning Fund. Now in its third round, the Northern Ireland ULF has proved a successful way of developing innovative learning projects in partnership with employers and providers.

We strongly recommend that the level of funding to the Northern Ireland ULF is increased and that funding is confirmed for the next three to five years. Priorities in the Northern Ireland ULF should reflect not only the needs of essential skills learners but also take cognisance of the skills needs of the wider workforce and acknowledge the important link between personal and vocational development. Cognisance should also be taken to the innovative developments in other parts of the UK in relation to the Union Academy. The UA initiative is receiving significant government support and funding in recognition of the key role trade union have in relation to skills and lifelong learning.

Congress recognises the need to direct resources at those people without a level 2 qualification and commends the Department on the work undertaken through the Essential Skills for Living Strategy. However, given the scale of the problem, Congress strongly believes that additional resources must be made available to support projects which demonstrate innovative approaches to engaging essential skills learners.

In general terms the education of our children is going to be fundamental to achieving all of our economic and social needs. Much more needs to be done to remove our problems with numeracy and literacy. It is unacceptable that 25% of our adult population are deficient in these basic skills. Congress notes that education along with health is identified by Government as a key priority. It is therefore disappointing to see that insufficient funding has been made available to develop our education system in a way which will underpin much needed investment in skills. Like health, education is an integrated service provided by an integrated staff. School cleaners, caretakers, canteen workers and grounds maintenance staff along with administrative staff and library staff are also frontline workers addressing the need to improve educational standards and remove inequalities in our system. It has been recognised that our school estate is in need of substantial upgrading. In providing better facilities for the education of our children there is also the opportunity to provide employment. This employment should be on fair wages and conditions and should be soundly based on the equality agenda.

Clearly the development of our education system will be a key component in improving the skills of our workforce and competitiveness of our industry in the global economic climate. Congress is of the clear opinion that if this is to be the case then more resources need to be directed to our education system. The Economic Development Forum is currently looking at this issue in some detail and research provided to it indicates that much more needs to be done to make our education system capable of meeting the demands of a developing industrial society.

### 3. Equality Issues

- 3.1 Congress welcomes the identification of partnership, equality, inclusion and mutual respect as a strategic priority (para 10). We look forward to developing this agenda in line with our comments on the Shared Future.

We have also addressed issues around skills and economic inactivity. Congress believes that much more can and needs to be done in relation to the gender issues surrounding the nature of economic inactivity. Again, much more needs to be done to address the barriers to women's participation in the labour market. We welcome the commitment to address the needs of lone parents (para 72), but would also argue that the gender equality strategy needs to be integrated into this issue.

- 3.2 In common with other social partners we welcome the increased emphasis on the needs of children and young people's services. However, we are disappointed that both the section dealing with the OFMDFM and Chapter 6 fail to give the necessary importance to the need to improve the equality dimensions of our society and develop community cohesion. Much more needs to be done to promote both the goals of the Single Equality Bill and the Gender Equality Strategy. The increased numbers of workers from the migrant communities give added impetus to the need for a fully developed racial equality strategy. Trade unions, along with employers, have a unique role to play in this area and this work should be fully resourced.

### F3 Water and Sewerage

Since the 2004 BDC the Government has pressed ahead with its proposals to reform the provision of water and sewerage services in Northern Ireland. In November 2004 Government issued an Integrated Impact Assessment for consultation. The NIC responded to this consultation as did a number of affiliates.

The Water Service Trade Union Group has continued to represent the interests of workers in the Sector and the NIC has continued to play an active role in the Water Coalition. Support for the Water Coalition and trade





union position has been gained from all of the political parties in Northern Ireland and a large number of District Councils. A series of meetings has been held with political representatives. In October 2005 the Water Coalition formally launched a petition against Government's proposals and, at the time of preparing this report, signatures are still being received. A number of District Councils and community groups have also conducted their own petitions. A number of demonstrations on 12 February 2005 took place throughout Northern Ireland. The NIC would like to acknowledge the contribution which Trades Councils have made in the campaign against additional water charges. At the time of preparing this report, the Coalition remains active as does the Water Service Trade Union Group.

#### F4 PPPs/Two Tier Workforce

The NIC continues to be concerned at the Government's use of PPPs/PFIs in the provision of public services. While the Committee recognises that there may be a role for some elements of this activity, the Trade Union Movement remains totally opposed to the privatisation of public services, particularly, in the provision of health and education services. As part of our discussions with Government we have held a series of meetings with representatives of the OFMDFM designed to protect the rights of workers in situations where PPPs/PFIs have been introduced. Progress has been slow, but the Committee is now hopeful that Government will introduce measures which will allow workers' conditions and employment rights, including pensions, to be protected. The NIC notes the successful lobbying on the exclusion of school meals and school cleaners from privatisation from PFI. This work is on-going.

#### F5 Review of Public Administration

Since the NIC submitted its detailed response to this Review in February 2004, representatives have continued to meet on an almost monthly basis with members of the RPA Team. Considerable attention has been paid to the rights of workers in any transfer situation which would arise from implementation of the Review. The Secretary of State announced the results of the consultation exercise on 22 November 2005. This announcement was followed by further, detailed, announcements from Department of Education, Department of Environment and Department of Health Social Services and Public Safety. In his announcement of 22 November the Secretary of State indicated that Lord Rooker would be the lead Minister and that the Head of the Northern Ireland Civil Service would be responsible for driving forward the results of the Review. A major element of this announcement was that there would be full consultation with the trade unions and, in particular, detailed discussions on the establishment



of a Public Services Commission. NIC representatives have held a number of meetings with the Head of the Northern Ireland Civil Service regarding this and other related matters. Meetings have also been held with representatives of the three Departments directly involved and Congress is seeking representation on those bodies established by the Departments to take forward the outcome of the Review. Congress has secured a representative on the Public Service Commission. It is clear that both Congress and affiliates have a long road in front of them in relation to the outcome of the Review and considerable resources are being dedicated to this work by affiliates and Congress. One particular point of concern that has been noted by the NIC has been the failure of Government to move forward on the reforms in the health service which had been raised by the Review Team and discussed fully with affiliations both during the Review itself and with Departmental officials. Instead they have used the Appleby Review on which to base the announced changes in the health services.

## F6 Concordia

The NIC continues to play an active role in the activities of Concordia. This social partnership grouping has published a range of papers on areas of common interest to the Concordia membership. Issues covered include the RPA, migrant workers, and alternative forms of energy.

Congress representatives have participated in a number of study visits to a range of European destinations.

At the time of preparing this report representatives of Concordia are entering into discussions with OFMDFM to sustain the future of the organisation

## F7 Health and Personal Social Services

The Health Services Committee of Congress has been reinvigorated and a calendar of dates has now been agreed. The main area of work facing the HSC currently is a response to the RPA. Meetings have been held both at Congress and trade union side level with Department Officials. The Committee has agreed to examine its constitution and to make the necessary amendments to bring its remit into line with current health service structures and also to enable it to represent Congress on health and social services policy matters.

## F8 Education Trade Union Group

Similarly with the HSC the Education Trade Union Group has been reinvigorated. It met as required during 2005 to discuss a wide range of budgetary issues which were affecting, not only the provision of education services but, the security of jobs in this sector. A series of meetings took place with the Minister and Chief Executive Officers of the five Boards. The non-teaching sector balloted for industrial action and held an extremely well-supported strike in early 2005. At the time of preparing this report, unions in the higher education sector are undertaking industrial action on pay issues.



As in the case of the HSC the ETUG has also arranged a calendar of dates for future meetings and is also review its constitution.

*Inaugural meeting of the bi-lateral forum*

## F9 Bi-lateral Forum

Since the 2004 BDC the NIC has negotiated the establishment of a Bi-lateral Forum with Government. The Forum is chaired by a Government Minister and is attended by senior civil servants and representatives of the NIC. The agenda for these meetings is open but, to date, has concentrated on PPP/PFI, equality, migrant workers, and issues surrounding the Two-Tier Workforce. Only 2 meetings of the Forum have taken place to date. The NIC attaches significant importance the Forum and has made arrangements to secure meetings with the Sub-Group of the Permanent Secretaries Group as required.

## F10 European Structural Funds

The Northern Ireland Committee is represented on a wide range of Monitoring and Steering Committees responsible for the expenditure of European monies. These include:

Building Sustainable Prosperity  
Peace II Monitoring Committee  
The Interreg 111A Committees

At the time of preparing this report, Government has established a working group to look at the application of structural funds during the period 2007-2013 and the Northern Ireland Committee will be represented on this body.



Section

G

# Equality and Human Rights



The equality and human rights imperative drives the NIC's agenda in relation to its work on key public policy initiatives. In its work with Government departments and statutory agencies, the NIC has strongly asserted the centrality of equality and human rights considerations to the development of economic and social policy directives. There are clear and extensive equality implications to major public policy initiatives and the opportunity for these initiatives to contribute to equality outcomes in NI society. Therefore, for example, the NIC has made strong representations in relation to the equality implications of public procurement policy. In its work with public bodies, NIC will continue to draw upon the Section 75 equality duty to insist that a vigorous equality analysis should underpin public policy directives. The NIC will also continue to advocate for enforceable economic, social and cultural rights in a Northern Ireland Bill of Rights and for a Single Equality Bill that embodies strong anti-discrimination and equality standards.

Equality and human rights guide the NIC's work in responding to changing societal and labour market characteristics. New migrant workers joining the NI work-force present challenges to the trade union movement to renew its work to promote an intercultural and anti-racist society. The NIC has strongly condemned the rise in racism and in hate-crime and has worked with statutory agencies and allies in the community and voluntary sector to combat racism. More women are in the paid work-force in NI but the gender pay gap is widening and sex discrimination, particularly in relation to maternity rights remains a major denial of women's human rights. The unpaid burden of caring in an ageing society adversely impacts upon women's earnings potential, leading to a feminisation of poverty in older age. People with disabilities remain excluded from employment opportunities and despite legislation to outlaw discrimination on the grounds of sexual orientation, there has been an increase in homophobic attacks across NI. Many of the most vulnerable in our society, children and older people, face growing levels of disadvantage.

The following sections set out details of aspects of the work of the NIC in promoting a strong equality and human rights culture within the trade union movement and within wider society.

## **G1 Equality and Human Rights Committee (Northern Ireland)**

The NIC Equality and Human Rights Committee leads on equality and human rights matters. The Committee meet quarterly to advance NIC's work on issues including political/religious discrimination, disability, race, gender, sexual orientation and age; Section 75 and human rights. Members of the Committee participate in formal bilateral meetings with the two relevant statutory agencies – the Equality Commission Northern Ireland (ECNI) and the Northern Ireland Human Rights Commission (NIHRC) - to discuss issues of concern to the trade union movement and areas of joint work.

## **G2 International Human Rights Day (10 December)**

NIC has marked International Human Rights Day with a conference sponsored by the Women's Committee on *Women's Rights are Human Rights* held in 2004 in conjunction with

Women into Politics. The Conference addressed women's participation and leadership in global processes. Speakers included Thokozani Khupe, a member of the General Council of the Zimbabwe Congress of Trade Unions and Secretary of its Women's Advisory Council.

### G3 European and International Developments

NIC continues to closely monitor European and international developments in human rights law and practice. In its response to the Home Office consultation on a managed migration system, NIC drew upon international human rights norms in arguing for a rights-based approach to migration. The NIC urged the ratification of the UN Convention on the Protection of the Rights of All Migrant Workers and their Families in order to protect the rights of migrants and their families. NIC has been particularly active in relation to women's human rights and the application of international standards to gender equality issues in Northern Ireland. Following the UK Government's review of the status of its ratification of international human rights instruments, NIC was pleased to note that the UK ratified the Optional Protocol to the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). This creates a right of petition to the United Nations Women's Committee in cases where there has been a violation of women's human rights which has not been remedied at national level. NIC discussed with the NIHRC how this might be utilised in Northern Ireland to further advance women's equality. In the autumn of 2004, NIC contributed to a NI 'shadow' report on the UK's compliance with the UN CEDAW. It will be following up on this work in 2006 as it prepares a submission to the Committee in anticipation of its hearing of the UK's report on compliance with the Women's Convention in 2007. NIC was also represented at the UN Commission on the Status of Women 49th Session on 'Beijing + 10' in 2005.

The NIC cautiously welcomed the draft regulations prohibiting age discrimination which implement the age strand of the Framework Directive (see below) and is currently following the development of the European Commission's 'roadmap' for equality between men and women. The NIC looks forward to a range of activity in 2007 to mark European Year of Equal Opportunities.

### G4 Human Rights Consortium

NIC is represented on the Human Rights Consortium, an alliance of over 100 organisations which campaigns for a strong and inclusive Bill of Rights for Northern Ireland. The Consortium continues to lobby the Northern Ireland political parties on the 'roundtable' process to progress the Bill of Rights and has met with relevant NI ministers. In 2005 the Consortium published '*A Bill of Rights: What it Means to Me*', highlighting the practical benefits that a bill of rights might have for individuals across Northern Ireland. The Consortium also held a seminar with local politicians and human rights activists on the importance of economic and social rights in a Northern Ireland Bill of Rights.

## G5 Northern Ireland Human Rights Commission

NIC meets formally with the NIHRC on a twice yearly basis. In its meetings with the Commission, Congress has presented its views on the proposed Bill of Rights; appointments to the Commission and the review of powers of the Commission. NIC has also discussed possibilities for working in partnership with the Commission on certain themes, including women's international human rights protections and submissions in relation to UK compliance with the European Social Charter.

NIC welcomed the appointment in 2005 of the new Chief Commissioner, Professor Monica McWilliams, and that of the former ASO, Ann Hope as a Commissioner. Congress was pleased to welcome Professor McWilliams to give a special address to the ICTU Women's Conference in March 2006.

In January 2006 the NIC responded to the Commission's draft Strategic Plan for 2006-2008, stressing the need for focus on economic and social rights and recommending action on issues affecting migrants to the island of Ireland within the framework of the Joint Committee of the two Irish human rights commissions.

The NIC has long campaigned for the Commission to have the powers and resources necessary to ensure observance with the United Nations *Paris Principles on National Human Rights Institutions* which establish baseline standards for the constitution, composition and governance of national human rights institutions. The Committee has raised its concerns in meetings with successive Government ministers that the Commission's powers do not reflect those set out in the Paris Principles. In February 2006, NIC submitted its response to the NIO's consultation on the review of powers of the NIHRC. The NIC expressed its dismay at the Government's delay in addressing the review of powers of the NIHRC and endorsed a number of key recommendations made by the Joint Committee on Human Rights in its Report on the NIHRC (2003), including:

- A role for an independent commission in the appointment process for the NIHRC;
- Independent assessment of Commission's resource requirements;
- A requirement that Commissioners should have the requisite experience, knowledge and expertise in human rights.

The NIC also supported the NIHRC's recommendation that it should have the opportunity to review and comment on proposed laws and policies for Northern Ireland for their compliance with human rights norms and that Government should give due regard to the Commission's advice. The NIC has been concerned for some time that the Commission has lacked the necessary powers to access places of detention and to call for persons and papers. These powers are necessary to ensure compliance with the Paris Principles. The NIC strongly argued for the extension of these powers to the NIHRC without undue restriction on those places to which the Commission will have access. The NIC will continue to monitor the outcomes of this review of powers.

## G6 Bill of Rights for Northern Ireland

The NIC continues to advocate for a strong and inclusive Bill of Rights for NI. The NIC responded to the consultation document issued by the Northern Ireland Human Rights Commission, *Progressing a Bill of Rights for Northern Ireland*, noting its concerns about the document and also about the current insufficient political support for the Bill of Rights and the lack of cross-community support. In December 2005, NIC was represented at the NIHRC's Conference on a Bill of Rights. The NIC has stressed its support for a roundtable process in meetings with the Commission and with Government departments.

## G7 Human Rights and the Workplace

In October 2004, the NIC organised, in conjunction with City Bridges, a seminar on *Human Rights in the Workplace*. The keynote speakers included Professors Keith Ewing and Ivana Bacik and was attended by 52 delegates.

## G8 Developments in the Equality Law & Policy Framework

The NIC continued to make responses to consultative documents relating to the equality law framework in Northern Ireland. These included proposals for specific changes to the law on sex discrimination; family friendly working, including maternity and paternity; age discrimination and sexual orientation. These are referenced below under relevant sections.

The NIC has continued to monitor progress towards a Single Equality Bill in Northern Ireland. The NIC made detailed submissions to a further consultation paper on the Single Equality Bill in November 2004 and will continue to monitor the development of this major equality initiative.

The NIC noted the launch of the Women and Work Commission's Report in February 2006. The Report highlights the enduring pay-gap and occupational segregation that characterises the labour market and draws attention to the impact on the economy of the under-use of women's skills. The Report sets out a number of recommendations to address occupational segregation and to eliminate the gender pay gap. The Women's Committee will be closely following actions emerging from the Report.

## G9 Section 75: Equality Schemes, Screening and Equality Impact Assessments

Section 75 remains central to the NIC's work in relation to key public policy initiatives, including public procurement policy; the Review of Public Administration; the Programme for Government and Investment Strategy, as well as in relation to equality and rights strategies (e.g. Gender Equality Strategy, Older Peoples' Strategy). The NIC continues to respond to

consultations on Equality Schemes, Screening and Impact Assessments. The NIC was represented on the Equality Commission's Working Group that reviewed the Guide to the Statutory Duties and the Practical Guidance on Equality Impact Assessment and responded to the Commission's consultation on both documents. The NIC also responded to the Review of the Operation of the Section 75 Equality Duty. In its response to the Review of Operation, the NIC raised its concerns about the failure to apply Section 75 to certain high level programmes and called for strong leadership and clear political commitment to Section 75. The NIC also highlighted the need for proper resourcing of the Section 75 duty.

## G10 Equality Commission

NIC continues to meet twice yearly with the Equality Commission to discuss issue of common concern and areas of joint work. During the period under review issues discussed included: the Section 75 Review; the Single Equality Bill; disability issues, work on racism and migrant workers; the Gender Equality Strategy and women's under-representation, fair employment; and the changes to tribunal procedures. The NIC has responded to the Commission's draft Corporate Plan for 2006 – 2008 and to its review of the Strategic Enforcement Strategy. The NIC has also worked with the ECNI to deliver training to affiliates on pursuing complaints to tribunal.

## G11 Equality Coalition

NIC is represented on the Equality Coalition, an alliance of trade unions and non-governmental organisations which co-ordinates work on a range of equality matters across all the Section 75 grounds.

## G12 Race

The NIC has strongly condemned the increase in attacks on members of minority ethnic communities. The NIC endorsed and attended the launch of the guide to *Promoting Equality in Intercultural Workplaces* during Anti-Racist Workplace Week in November 2004. In March 2005, the NIC was pleased to address a conference hosted by Strabane District Council and Strabane Area Trade Union Council on *Best Practice in Addressing Racism with the Workplace and Wider Society*. For Anti-Racist Workplace Week in 2005, the NIC supported advice clinics for migrant workers and organised an international music event.





During Anti-Racism Week (March 2006) NIC was pleased to host the first meeting of its Black and Minority Ethnic Committee, attended by representatives of the Equality Commission and from the NI Council for Ethnic Minorities. The NIC is represented on the Race Equality Forum.

The NIC responded to the Home Office consultation on *Managing Migration for Britain* and has worked with Concordia in the preparation of a policy paper on migrant workers in Northern Ireland.

### G13 Sexual Orientation

The NIC has provided training to affiliates on the legislation that came into force in December 2003 prohibiting discrimination on grounds of sexual orientation.

The NIC responded to the consultation on the Civil Partnership Bill. The Bill proposed changes to entitle same-sex couples, who register their relationships, to similar rights and responsibilities to married couples. Equality of treatment will be required in employment and civil partners will be able to benefit from survivors' pensions. Congress was supportive of the proposals but argued that the entitlements should also apply to mixed-sex couples in committed relationships. The NIC welcomed the introduction of the Civil Partnership Act in December 2005.

The NIC looks forward to the launch of the LBGT Committee in 2006.

### G14 Age

The NIC is represented on OFMDFM's Age Legislation Working Group and also on the Older People's Strategy Group.

The NIC responded to OFMDFM's consultation on implementing the age strand of the European Employment Framework Directive (*Prohibiting Age Discrimination in Employment and Training*, November 2005). The NIC expressed serious reservations about the draft implementing Regulations. Concerns centred around the scope for justification of discrimination; the extent of exceptions to the principle of non-discrimination on grounds of age and provision for a national default retirement age. Moreover, the NIC was disappointed that government had decided to proceed by way of regulation rather than introducing primary legislation which would have afforded government the opportunity to legislate beyond the areas of employment and vocational training covered by the Framework Directive and to include goods, facilities and services in particular, aspects of which have a bearing on employment and vocational training. The NIC has raised its concerns about the draft Regulations in its meetings with the ECNI.

## G15 Women's Equality

Women's participation in the labour market has continued to rise (Labour Market Bulletin No. 19, December 2005). Research produced over the period covered by this report shows, however, that despite the increase in the proportion of women working outside the home, the growth in flexible working and the significant educational advances made by women over the past two decades, there remains a deep gender divide in the labour force in relation to work and family commitments, occupational segregation and earnings. Occupational segregation between the sexes occurs both horizontally and vertically, with far fewer women than men still filling senior posts. Inequalities in pay and occupational status occur even though women's educational attainment has increased at a faster rate than that of men and women are outperforming men at many levels of education. Despite all their achievements, however, women still enter a far narrower range of jobs than men and inequality between men and women persists in all areas of social, economic and public life in Northern Ireland.

During the period under review, the NIC responded to a number of consultations on women's equality. These included OFMDFM's Gender Equality Strategy and consultations on *Updating the Sex Discrimination Order* (July 2005) and on *Work and Families – Flexibility and Choice* (May 2005). In respect of the latter, the Committee welcomed the planned extension of maternity leave and argued in support of the right to transfer part of maternity leave entitlement to paid leave to fathers. The NIC highlighted the need for greater flexibility around paternity leave and proper resourcing of paid paternity leave. The Committee also argued for stronger rights in relation to flexible working and for amendment to the law to extend flexible working rights to parents with older children and to those with other caring responsibilities.

## G16 NIC Women's Committee

The Women's Committee was reconstituted following the ICTU Women's Conference in March 2004. During the period of this report, the Women's Committee has continued to attend meetings of the ICTU/TUC/STUC/WTUC Women's Committees. The Committee's work priorities for the period under review include the following:

- **Gender Equality Strategy:** The Women's Committee made a major contribution to the NIC's response on OFMDFM's consultation on its Gender Equality Strategy, *Gender Matters: Towards a Cross-Departmental Strategic Framework to Promote Gender Equality for Women and Men 2005-2015*. NIC is represented on the Gender Advisory Panel to OFMDFM on progressing the Gender Equality Strategy.
- **Equal Pay/Low Pay:** The NIC has continued to challenge pay inequality in Northern Ireland (women earn 80% of men's and 70% of part-time). NIC responded to the Department of Employment and Learning's consultation on the draft Equal Pay Questionnaire and on Regulations to implement changes to the equal pay law in regard to time limits and back pay. Training on Equal Pay in 2004 focused on the new Regulations that subsequently came into force in October 2004. The NIC continues to press for mandatory pay audits believing that these are an effective tool to identify and tackle pay gaps.

The earnings differential between women and men has decreased slightly, partly due to the introduction of the National Minimum Wage in 2002 which had a greater effect on female average earnings than male average earnings. Northern Ireland as a region has the highest prevalence of low pay within the United Kingdom. The NIC welcomed the increases in the NMW for adults and young people in October 2004 and the introduction of a NMW for 16-17 year olds. However, we still believe that the rate is set at too low a level to make a real difference in the earnings gap and continue to recommend to Government that there should be an up-rating formula related to male full-time earnings to help tackle existing pay inequalities. The Low Pay Commission has now been asked by Government to look at the impact of the NMW has had on the gender pay gap and the pay of ethnic minority and disabled workers in the past five years.

In November 2004 the Government established the Women and Work Commission which was tasked with considering a range of influences on the gender pay gap and making recommendations on tackling it. The Commission's Interim Report identified the main causes of the pay gap as being: women's labour market experience (both its length and the number of interruptions); part-time working; and occupational segregation. However the NIC and the Women's Committee believe that the issues contributing to the gender pay gap are well understood and that the real question is whether the political will exists to resolve the problem. The NIC made this point along with others including the need for transparency in pay systems and legislative change to allow for mandatory pay audits and for unions to take collective cases when it met with the Commission in June 2005. The NIC will monitor the actions arising from the Commission's Final Report which was published in February 2006,

The NIC is a member of the Equal Pay Forum which brings together organisations representing public, private and voluntary sector employers and trade unions to work towards eliminating the gender pay gap in Northern Ireland. During the period under review the Forum organised a number of seminars on the issue including one on Job Evaluation – the Way Forward in April 2005 which was attended by Women's Committee members.

- **Violence against Women:** Building on its work on *Domestic Violence and the Workplace – a Guide for Negotiators*, the Committee subsequently developed a training programme to assist trade union representatives to develop workplace policies on domestic violence. The Committee continues to take an active part in Amnesty International's *Stop Violence against Women* campaign. The NIC is represented on its Advisory Group on Violence Against Women in Northern Ireland. The Women's Committee was represented at the launch of the *Tackling Violence at Home Strategy* and corresponding *Action Plan* in October 2005. The USO was invited to address a conference in March 2006 organised by Opportunity Now on *Domestic Violence and the Workplace*.



- **Gender Sensitive Health and Safety:** building on from the theme of the 2004 ICTU Women's Conference, *Gender Sensitive Health and Safety*, the Committee organised training on the issue in October 2004. With the Health and Safety Executive for Northern Ireland, the Women's Committee held a further conference on Gender Sensitive Health and Safety in March 2006.
- **European Enlargement:** The Women's Committees' Joint Seminar, Women in the New Europe, took place in Belfast on 5/6 March 2005 and was attended by 140 delegates. The keynote speakers were Alexandra Bitusikova from the European University Association in Bussels who spoke on *Women in civic and political life in the new EU Member States*; Danuta Wodjat from the ETUC who spoke on *Women and Unions in the new EU Member States*, Pauline Conroy, Rahaleen Ltd who spoke on *Women Migrant Workers in Ireland* and Beate Andres from the ILO who addressed the issue of *Trafficking in Women*. Participants also heard about the experiences of being a migrant worker in Ireland from Tayra McKee the Migrant Worker Support Officer from the South Tyrone Empowerment Programme and from Mike Jennings, Regional Secretary, SIPTU. Workshops on the themes addressed by the Keynote Speakers were held during the seminar.
- **Equality Clause:** The Women's Committee had representation on the Working Group that drafted the Equality Clause and Equality Audit. The 2005 BDC agreed to begin monitoring on gender in the first instance.
- **Gender Budgeting:** The Women's Committee took the lead role in the organisation of a Round Table on *Gender Budgeting* in June 2004, attended by women from trade unions, the voluntary and community sector, academics, government departments, District Councils and the Equality Commission.
- **Ad Hoc Women's Policy Group:** The USO represents the Women's Committee on the Ad Hoc Women's Policy Group which consists of a wide range of organisations from the trade union, voluntary and statutory sectors. The overall aim of the Group is to work in partnership, sharing information and discussing research on women, thereby collectively strengthening the gender dimension of policy making. The Group has worked together in response to the Gender Equality Strategy.
- **Women & Public Life:** The under-representation of women in public life is a continuing concern for the Women's Committee. While women constitute 51% of the population they account for less than one third of public appointments in Northern Ireland. Women comprise only 17% of the Northern Ireland Assembly (despite the passing of the Sex Discrimination [Election Candidates] Act which allows political parties to select candidates from women-only short lists), 19% of Local Councillors and 31% of the membership of public bodies. The USO represents the NIC on the Local Government Staff Commission's Women's Development Steering Group. The Group was established by the Local Government Training Group and tasked with identifying and addressing training and development needs against a background of under-representation on women at senior levels in District Councils. The Group launched a year long initiative, Women in Local Councils – Making a Difference in January 2006, which has been designed to attract women into local government at all levels and to encourage those already employed to apply for higher graded posts. The initiative will also address the under-representation of women in local politics.



*Clockwise: Professor Kathleen Lynch, University College, Dublin; Peter Bunting, Assistant General Secretary, ICTU and Monica McWilliams, Chief Commissioner, NI Human Rights Commission; Peter McLoone, President ICTU.*

## G17 ICTU Women's Conference 2006

The ICTU Women's Conference was held in Belfast on 10 – 11 March 2006 on the theme of *Women, Work and Caring*. Keynote speakers included the Advocacy & General Services Director, Sally Ann Kinahan, Professor Kathleen Lynch from UCD, Anneli Palm from the Swedish Trade Union Federation and Thabita Khumalo from the Zimbabwean Congress of Trade Unions,. Professor Monica McWilliams gave a special address. The Conference was attended by over 200 delegates.

## G18 Disability

Substantial changes to the disability law framework have taken place during the period under review. The Disability Discrimination Act 1995 has been amended in relation to employment and occupations and for trade occupations and qualification bodies and the new Disability Discrimination (NI) Order 2006 broadens the scope of the definition of disability. The NIC welcomed the introduction of the SENDO legislation.

Training seminars on the Disability Law Framework took place during the period under review covering current legislation and proposed changes.

## G19 Congress Disability Committee (Northern Ireland)

The Disability Committee was formed in 1992 with the aim of seeking the full implementation of the 1990 ICTU Charter of Rights for Disabled People. Some of the committee members also represent workers with a disability on committees of the Department for Employment and Learning, the OFMDFM and other committees in the community.

During the period of this report the following guest speakers have addressed the committee: Hazel Wilson from Deafblind NI, Eddie McVeigh from the European Commission, Ian Humes from the Department of Regional Development, Laura McCartney from Disability Action and Emma Kelly from the Equality Commission NI.

The following are members of the Disability Committee, serviced by Tom Gillen (Deputy Assistant General Secretary,) officer elections also took place in December 2004.

Pamela Dooley (Deputy: Rita Murray), Liz Fiddis, Dessie Ferguson, Joan Foster, Monica Goligher, Melanie Houston, Kenny McAdams, Bernie McCrea, Anne Madden, Michael Morgan, Robert Newell, George Noble, Dr. G. Max O'Brien (Chairperson), Alan Owens, Joe Reid, Dr. Brian Rushton, Mark Wilkinson (Vice-Chairperson), Margaret Wykes.



The committee was sad to learn, belatedly, of the death in a London hospital of David West. David, who was NATHFE's representative, had been a well-respected and faithful member of the Disability Committee for many years. Although tormented by pain on most days, the committee will always remember him for his tenacity and knowledge on disability issues.

The Disability Committee has pursued the adoption by the NIC of the ICTU Workway Scheme and hoping for discussions with the Department to improve the employment opportunities of disabled people. During the past two years the Disability Committee was disappointed to learn of the removal of the disability directorate from the Equality Commission NI. These concerns have been raised through the Equality and Human Rights Group with the Commission, but without success. No progress was made for a meeting with the ICTU Disability Committee. The committee has raised internally the failure at previous ICTU and NIC/ICTU conferences a report of progress in Northern Ireland of issues covering disability. Meetings are to be arranged with the Electoral Commission and the electoral office to promote improved adjustments to the election procedures at subsequent elections. Additional discussions and a meeting were held with the ICTU Deputy General Secretary on the importance of improved resources and good communication with the Disability Committee together with a number of other issues, discussions are continuing. The Disability Committee has informed the NIC that it will not hold meetings at "Carlin House" because of the lack of facilities for disabled people. Little progress has been made on a Single Equality Bill or the Bill of Rights for Northern Ireland. Some minor improvements have been made in legislation for people with disabilities. Disability was added to the hate crime provisions and the further improvements were made with the adoption of the Disability Discrimination Order. The special educational needs disability order (SENDO) was implemented towards the end of 2005. Particular interest was taken in the past years to secure improvements to the legal provisions for trains, buses and taxis. A submission was also made on the Regional Transport Strategy. Although air and sea travel are not included because they are not devolved issues an important European Directive will issue later in 2006. This will make one provider responsible for joined-up services from the car park to departure at airports. The committee also submitted proposals on the "Reform of Taxis and Private Hire Vehicles".

The committee initiated the production of a further set of disability guidelines for shop stewards on all the relevant aspects for negotiations with organisations, employers and affiliated unions. The partnership is with the Employers' Forum on Disability, the Department of Employment and Learning and City Bridges. The contents of the guidelines were compiled by City Bridges and should be launched during 2006.

After the success seminars during EYPD 2003, a further employment seminar was held in October 2005. The aim of the seminar was to identify the present requirements for those with a mental health disability. A number of invited speakers addressed around 40 participants representing about eight affiliated unions. At the end of the period the committee were considering the contents of both the "Review of Public Administration" and "Welfare Reform"

## **G20    Childcare/Children and Young People (Northern Ireland)**

Lack of affordable childcare facilities remains the single major barrier for women wishing to access training and employment opportunities. Northern Ireland continues to have the lowest



provision of childcare within the United Kingdom. The NIC is represented on Employers for Childcare, a community based initiative aimed at developing employer-led childcare provision throughout Northern Ireland.

In June 2005 the Secretary of State announced that he intended appointing a Northern Ireland Minister for Children, a measure that the Women's Committee and the NIC supported.

The NIC welcomed the introduction of draft age discrimination legislation for Northern Ireland but was dismayed that the draft regulations maintained a discriminatory age band for application of the national minimum wage. The NIC will monitor the implementation of these regulations to assess their compatibility with the Framework Directive.

## G21 NIC Equality Training Courses

The NIC organised a number of training courses and seminars on equality law and practice as well as training for women members during the period under review.

| May – December 2004                              | 2005                                     | January – February 2006            |
|--------------------------------------------------|------------------------------------------|------------------------------------|
| Disability Discrimination                        | Preparing a Case for IT                  | Family Friendly Policies & the Law |
| Overview of Recent Developments in Equality Law  | Disability Discrimination Law Update     | Pursuing a Complaint to IT         |
| Gender Sensitive Health & Safety                 | Overview of Key Legislative Developments |                                    |
| Human Rights & the Workplace (with City Bridges) | Equal Pay Update                         |                                    |
| Atypical Workers                                 |                                          |                                    |

The NIC has also organised two Women and Leadership training programmes accredited at Level 3 NIOCN.

## G22 Iraqi Women Delegation

In a spirit of international solidarity, the Women's Committee hosted the visit to NI of a delegation of Iraqi women. The delegation, organised by the Women's National Commission, met with representatives of the women's sector and with the Equality Commission and Human Rights Commission during their visit in March 2006. The Women's Committee met with the delegation to discuss the role of the women's movement in a post-conflict society and in building a strong equality and rights culture.





# Employment Law

The Department for Employment and Learning is responsible for providing an effective employment law infrastructure for Northern Ireland workers and employers. During the coming year, there will be a number of significant developments in the employment field.

## NEW WORK AND FAMILY RIGHTS

From April 2007, improved rights will be put in place to help employees balance the competing demands of work and family life. The changes will include an increase, from 6 to 9 months, in the amount of paid maternity and adoption leave as well as a right for carers of adult dependants to request flexible working arrangements from their employer. For more information, see [www.delni.gov.uk/workandfamilies](http://www.delni.gov.uk/workandfamilies).

The Work and Families Bill also includes a power to vary the statutory provision for paid annual leave so that workers will receive an increased annual leave entitlement. The Department will be consulting on this issue over the coming year.

## NEW CODES OF PRACTICE

New Codes covering **Industrial Action Ballots and Notice to Employers** and **Access and Unfair Practices during Recognition and De-Recognition Ballots** were published by the Department for Employment and Learning in March 2006.

## NEW LEGISLATION AFFECTING THE RECRUITMENT INDUSTRY IN NORTHERN IRELAND

The Department for Employment and Learning has introduced new legislation with effect from 14 January 2006 which provides powers of entry and inspection of the recruitment industry in Northern Ireland.

## TRANSFER OF UNDERTAKINGS (PROTECTION OF EMPLOYMENT)

The Government has improved and simplified the Transfer of Undertakings (Protection of Employment) Regulations and these will be introduced in April 2006. The regulations will be widened to include service provision changes and separate regulations in this area will be produced in Northern Ireland.

For guidance on these and other issues log on to [www.delni.gov.uk](http://www.delni.gov.uk) or contact us at:

**Employment Rights Branch**, Adelaide House, 39-49 Adelaide Street, Belfast, BT2 8FD, Tel: 028 90257777 Fax: 028 90257555

Section H

# Industrial Relations



## H1 Labour Relations Agency

Since the 2004 BDC the NIC has been successful in ensuring that all three seats on the LRA Board are now held by direct nominees of Congress. These names are included in Section K of this report.

The NIC has also worked with the LRA in relation to a number of seminars concerning employment legislation. These have included matters relating to new legislation regarding dismissal, disciplinary action and grievance procedures. Also, a joint seminar was held on the introduction of the Information and Consultation of Employee Regulations.

## H2 Legislation

The Department for Employment and Learning has issued a number of consultation documents regarding employment rights. The NIC has responded and details are listed in Annex 1 of the report.



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e-mail: [info@lra.org.uk](mailto:info@lra.org.uk)  
[www.lra.org.uk](http://www.lra.org.uk)

### H3 Industrial Disputes

The NIC has supported affiliates in a range of industrial disputes. Sectors involved have included a wide range of public services. These include:

- Water Services
- Civil Service Pay
- British Broadcasting Corporation
- Education
- Public Sector Pensions

The issue of public sector pensions also featured in industrial matters. Demonstrations were held in opposition to proposed legislative changes.







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# Section I

## Lifelong and Workplace learning



## 11 Introduction

The promotion of a culture of lifelong learning and the development of positive workplace learning models has been a key tenet of NIC ICTU's work programme in the two years since the last Biennial Report.

This was a significant period as it saw the long awaited publication of the government's Skills Strategy in February 2006. Whilst the NIC welcomed the publication of the Skills Strategy and acknowledged the need for a comprehensive strategy to address the skills needs for Northern Ireland, we noted with disappointment that the role of trade unions in raising the skills levels of our workforce was given scant acknowledgement.

Unions need to be recognised as key stakeholders in the skills policy framework and this should be supported by robust partnership arrangements at regional and sectoral as well as at workplace levels.

We were further disappointed that whilst the document outlined a range of measures and targets, that no additional resources appear to have been allocated to achieve the stated outcomes. We are concerned that without additional resources, that the skills strategy will simply fail.

We are also concerned that there is no commitment to introduce collective rights to training within the Skills Strategy. We believe that the introduction in April 2005 of the Information and Consultation Directive offered an unprecedented opportunity for the inclusion of training and workforce development under collective bargaining arrangements within the regulations.

Whilst acknowledging that many employers invest little or no resources in training and development, the Skills Strategy did nothing to suggest any change to the current system of voluntarism which does not oblige employers to invest in skills. NIC ICTU believes that while this system continues, the majority of employers will continue to see training and development as simply a costly add on to their bottom line.

We acknowledge the importance of viewing the Northern Ireland economy within a globalising world and the opportunities and challenges that this brings. However, we believe that a real and substantial demand for traditional skills still exists, particularly in construction, engineering and agriculture and we believe that training capacity and infrastructure needs to be invested in and upgraded.

Northern Ireland lags behind England, Scotland and Wales in relation to the take up of adults in learning (30% against 39%, 38% and 42%) and the percentage of the working age population with no formal qualifications is considerably higher than in other parts of the UK.<sup>1</sup> Much more needs to be done to tackle underlying inequalities which contribute to poverty and long term unemployment. For instance, a recent report on poverty in Northern Ireland states that 37.4% of all children (aged 15 or under) in Northern Ireland are growing up in households falling below the consensual poverty threshold - almost 150,000 children live in poor households.<sup>2</sup>

<sup>1</sup> NIACE, 2003.

<sup>2</sup> Hillyard P, Kelly G, McLaughlin E, Patsios D, Tomlinson M, (October 2003) *bare necessities; poverty and social exclusion in Northern Ireland, Democratic Dialogue.*

Given these worrying statistics, we believe that the role of the trade union in ensuring there is equality of opportunity in relation to learning in the workplace is more important than ever.

## 12 Union Learning Representatives.

One of the most significant developments in this period was the introduction in May 2004 of Statutory Recognition for Union Learning Representatives. Union Learning Representatives now have similar rights to those of shop stewards or health and safety representatives in companies or organisations where the union is recognised for collective bargaining. Until the introduction of the Code of Practice, union learning representatives have had to rely on a combination of their own enthusiasm and commitment and their employer's goodwill in order to get their job done. From hereon in, they will be able to help their colleagues at the workplace access learning and skills with the support of a code of practice with full legal force.



The functions for which time off as a Union Learning Representative are allowed are:

- analysing learning or training needs
- providing information and advice about learning or training matters
- arranging learning or training
- promoting the value of learning or training
- consulting the employer about carrying on any such activities
- preparation to carry out any of the above activities
- undergoing relevant training.

Working closely with the Trade Union Studies Unit of the Belfast Institute of Further and Higher Education, approximately 100 trade union members have been trained as Union Learning Representatives. The training is accredited by the Open College network and is a five day course. The introduction of a vastly improved and updated curriculum in November 2005 will doubtless ensure that the training of ULRs continues apace.

## 13 Promotional Materials

A wide range of briefings, newsletters, reports and general information was produced in this period. All of NIC ICTU's lifelong learning publications and resources are available from [www.tradeunionlearning.org](http://www.tradeunionlearning.org)

A DVD was produced to promote the role of Union Learning Representatives in relation to workplace literacy. The DVD features a number of prominent trade union officials endorsing the role of ULRs and also interviews several union learning reps and learners as well as employers. The DVD will be used for training sessions as well as at seminars and conferences.

## 14 Union Learning Fund

This period saw the completion of projects funded under round two and round three of the ULF (2004/2005 and 2005/2006). Successful bids under round two were: AMICUS, CWU, UNISON, ATGWU and UCATT.

Bids to the ULF under round three included a number of new trade unions. Successful projects were: UNISON, CWU, GMB, ATGWU, AMICUS the Union, UCATT, POA and FBU.

## 15 Unions learn conference, 29 March 2006.

A conference to celebrate the end of the third year of the ULF NI and to examine successes and challenges was held at the end of March 2006. The conference was addressed by the Secretary of State, Peter Hain who announced a renewed commitment to the Fund and additional capacity for the NIC ICTU in delivering on the skills agenda. Other speakers included Liz Smith, director of unionlearn, the TUC's new Union Learning Academy as well as representatives from the Department for Employment and Learning, trade unions and employers.

## 16 Lifelong Learning Website

The NIC ICTU's lifelong learning website, which is funded by the Big Lottery Fund, was completely revised and updated in this period. The site was moved to a new content management system which will be even easier to use. The website is intended as a one stop shop for trade unions and their members to access news, information and best practice on trade union learning. The website should also be useful for employers and educational institutions.

The address is [www.tradeunionlearning.org](http://www.tradeunionlearning.org)

## 17 Principled Negotiation Skills.

The NIC is a partner in a Principled Negotiation Skills project which is being led by the Workers Educational Association.

The project is based around a curriculum developed by the WEA in response to a visit to Northern Ireland by the co-author of *Getting to Yes*, Bill Ury. Following Ury's visit, the WEA invited two trainers from the Boston-based Conflict Management Group (set up by Fisher and some of his Harvard graduates) to train local facilitators and develop training materials and resources. The result was a curriculum which offers an alternative way of negotiating other than the traditional 'win loose' model.

The ICTU/WEA project offers trade unions 2 free Principled Negotiation Skills courses per year over three years and in the first year this was taken up by the INTO. Since then, a number of courses have been offered including one for the UTU, a course for women trade union activists and a course open to members of affiliated trade unions. Feedback from the courses has been positive and further courses are being planned including a course for trade unions in Belfast City Council.

## 18 Cross Border Openings project.

The ICTU is a partner in a project with the Open University and the Centre for Cross Border Studies.

The Project offers short three month accredited return to study courses, access to flexible, local tutorial support to supplement the leading edge teaching material supplied and day schools with tutors and fellow students – with travel expenses paid and care costs covered.



*Brendan Mackin, ICTU President, (03-05), pictured at launch of project.*



*The launch of the Openings project, Feb 2005 with President Mary McAleese*

The programme is open to participants from across Northern Ireland and the border county and is particularly targeted at lone parents, workers in low paid jobs and unemployed people. The Congress Network of Resource Centres has been closely involved with the project and the courses have proved popular with Resource Centre users.

The project was launched on 3 February 2005 by the President of Ireland, Mary McAleese. ICTU President Brendan Mackin also spoke at the launch which was well attended by trade union officials and union learning representatives.

A further two conferences took place on 17 May 2005 and November 30 2005. A range of speakers included representatives from the TUC and the EU as well as government reps from Northern Ireland and the Republic of Ireland.

A further three years of the project is planned which will focus on building educational opportunities for second chance learners as well as researching the impact of Openings courses on learners lives.

NIC ICTU is represented by Union Services Officer, Workplace Learning on the Board of Directors of the Educational Guidance Service for Adults and the Board of the Sector Skills Development Agency and on the Ministerial Essential Skills committee by Peter Bunting.



Section J

# Health and Safety





## The Health and Safety Executive for Northern Ireland (HSENI)

For information and advice on all aspects of workplace health and safety, visit HSENI's **Information and Advice Centre** at 83 Ladas Drive Belfast.

- Browse through our extensive library of reference books and free leaflets
- Avail of a wide range of videos on health and safety topics
- Access health and safety information on-line
- Use the study area

Or simply enjoy a cup of tea or coffee and catch up on the latest news in the health and safety journals.

Visitors also have the opportunity to speak directly to an Inspector, should they have any concerns or questions regarding their workplace, on a confidential basis if required.

If you can't make it to the Information and Advice Centre, HSENI's **One-2- One Telephone Service** allows you to speak directly to a health and safety inspector. Call the Freephone Helpline on 0800 0320 121

The Centre's opening hours are Monday – Thursday 9.00 am to 5.00 pm  
Friday 9.00 am to 4.30 pm.

## Conference and Training Facilities

HSENI's **Training and Resource Centre** is a purpose built conference and training facility available at no charge to not-for-profit organisations engaged in promoting health and safety. Employers' representative groups and Unions can run their own events at the Centre and avail of a conference room equipped with a smart board, overhead projector, video conferencing system, theatre style layout (capacity 70), boardroom style layout (capacity 24), a kitchen and convenient car parking. See HSENI's website for further information and booking form.



HSENI's premises are compliant with Disability Discrimination Act requirements.

Health and Safety Executive for Northern Ireland  
83 Ladas Drive, Belfast BT6 9FR

Helpline number: 0800 0320 121  
Textphone: 028 9054 6896  
Email: [hseni@detini.gov.uk](mailto:hseni@detini.gov.uk)  
Web: [www.hseni.gov.uk](http://www.hseni.gov.uk)

## J1 Committee and Officers

At the Biennial General Meeting of the Health and Safety Committee to place on Friday 28 May 2004 and was attended by 10 members representing 8 trade unions. Between May 2004 and July 2005 the Committee on a further 7 occasions. At its meeting in May 2005 the Committee elected the following Officers:

|                            |                                |
|----------------------------|--------------------------------|
| <b>Chairperson:</b>        | <b>Barbara Martin (AMICUS)</b> |
| <b>Deputy Chairperson:</b> | <b>Pat Archer (UCATT)</b>      |
| <b>Secretary:</b>          | <b>Tom Moore (ICTU)</b>        |

Following the retirement of Tom Moore one further holding meeting was held 2 September 2005.

## J2 Programme of Work

As an indication of the activities of the Committee during the period 2004-06 the following Programme of Work was agreed:

- Meet bi-monthly, as far as possible, in order to maintain and develop the trade union interest and concern in health and safety matters.
- Review the on-going work by affiliates on health and safety in order that possible developments by co-ordination can be considered.
- Provide support and information to Health and Safety Reps which will help them in the workplace and, consider improved ways of doing this, including the use of ICT and the possible establishment of a Hazards Centre in Northern Ireland.
- Promote, through such bodies as the Health and Safety Executive Northern Ireland, the positive aspects of good health and safety practice and the requirements of the law and, seek to ensure that there is no diminution in Enforcement in order the employers come to appreciate and understand the need for good health and safety management.
- Continue to play an active role in the 'Tripartite Trade Union Forum on Health & Safety' established through the Committee's proposal to assist influence at European Level.
- Continue to consider and comment upon Consultative/Discussion Documents as and when found necessary and maintain a scrutiny of legislation to seek to ensure that it promotes and supports the enforcement of good practice.
- Continue to consider H&S Enforcement Inspectors' Reports and to meet, where relevant, with the Enforcement Authorities.
- Continue to work closely with relevant agencies in Northern Ireland on promoting good health in the workplace, and on providing seminars/workshops for representatives on all 'Health At Work' ad Occupational Health/Rehabilitation issues.

- Seek to ensure that the Guide for Employers on 'Balancing Disability Rights and Health and Safety Regulations', prompted through the Committee's work with the ICTU Disability Committee, is considered in all workplaces.
- Continue to provide opportunities for workplace representatives to consider the establishment of workplace policies on Smoking, Alcohol, Substance Misuse, Stress and Violence/Bullying.
- Seek to ensure vigilance on asbestos and continue to give support to the newly established JUSTICE FOR ASBESTOS VICTIMS Support Group.
- Seek opportunities to publicly promote good health and safety practice in the workplace and continue to mark 'International Day of Mourning' to highlight the human costs of poor health and safety practice.
- Consider how welfare issues can be addressed within the provision of health and safety.
- Maintain a vigilance on legislation and working practices to ensure these are gender positive.
- Provide for the taking on of other work on health and safety this is deemed to merit attention.

As part of this Programme of Work the Committee was active in promoting activities which led to the Government's proposals to introduce a total ban on smoking in public places. At the time of preparing this report the Department of Health & Social Services and Public Safety has issued a The Draft Smoking (NI) Order 2006. Congress will be responding.

### J3 Resolutions Adopted at the 2004 Biennial Delegate Conference

The Committee was asked to consider motions 44 to 47 which were adopted at the 2004 BDC. It was noted that motions 45 and 46 fell due to the fact that the sponsoring union was not present to move. The progressed the appropriate resolutions as necessary.

### J4 Health and Safety Executive for Northern Ireland

During the period covered by this report the Committee continued to take reports from the ICTU nominees on the Board of the HSENI.

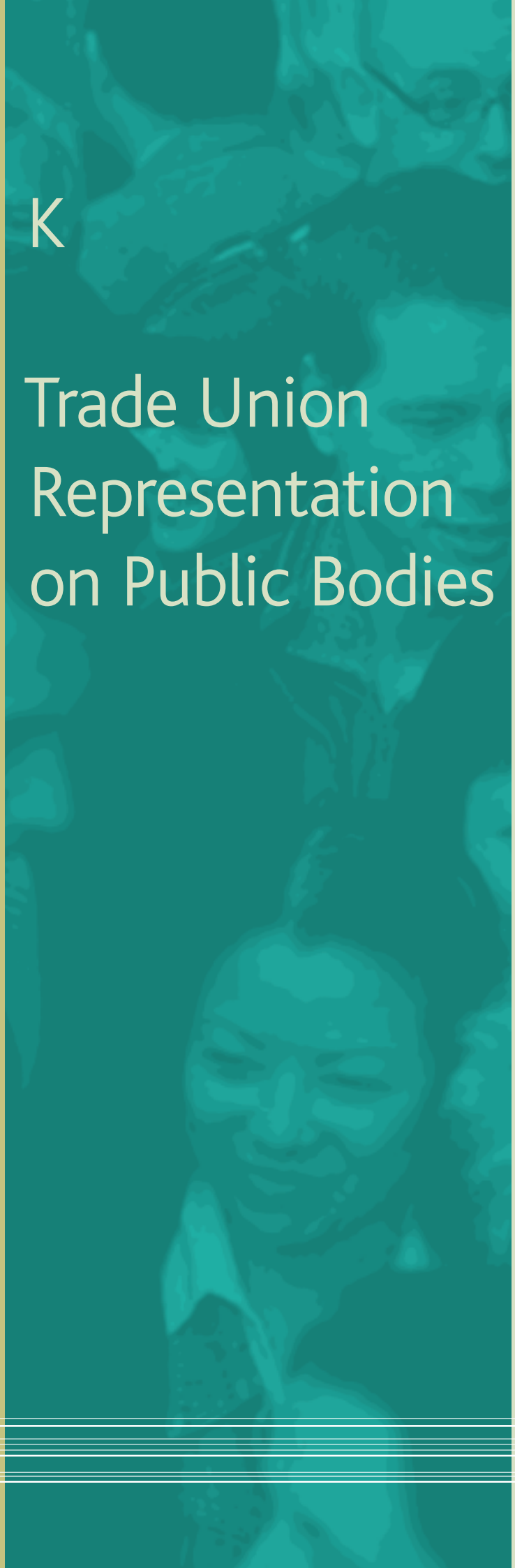
The Committee continues to value its links with the HSENI and these will be re-established and strengthened following the 2006 BDC.

### J5 Working for Health/Workplace Health Strategy

The Deputy Assistant General Secretary now represents Congress on this body and has attended a number of meetings recently.

# Section K

## Trade Union Representation on Public Bodies



## K1 Public Appointments

Since the last BDC the Northern Ireland Committee has continued to make representations to Government concerning trade union representation on public bodies. At one stage it was believed that we had made some progress in this area with the recognition by the then Secretary of State, Paul Murphy MP, that trade unions had a constructive role to play on public bodies. At the time of preparing this report no significant progress has been made.

The following details the main public bodies on which Congress representatives serve on behalf of the Northern Ireland Committee:

| PUBLIC BODY                                          | REPRESENTATIVE                                       | ORGANISATION            |
|------------------------------------------------------|------------------------------------------------------|-------------------------|
| Economic Research Institute for Northern Ireland     | T Gillen<br>Ms R Prendergast<br>J Corey              | ICTU<br>AUT<br>NIPSA    |
| NI Transport Holding Company                         | P Bunting                                            | ICTU                    |
| Invest Northern Ireland                              | F Bunting                                            | INTO                    |
| Labour Relations Agency                              | E McGlone<br>J McCusker<br>Ms P Farrell              | ATGWU<br>NIPSA<br>INTO  |
| Health & Safety Executive NI                         | Ms B Martin<br>Ms G Alexander<br>P Archer            | MSF<br>NIPSA<br>UCATT   |
| Belfast Harbour Commissioners                        | J McCusker                                           | ATGWU                   |
| Community Support Framework Monitoring Committee     | Ms P McKeown                                         | UNISON                  |
| Building Sustainable Prosperity Monitoring Committee | B Mackin                                             | AMICUS                  |
| Peace II                                             | J McCusker<br>T Gillen                               | NIPSA<br>ICTU           |
| INTERREG IIIA                                        | B Mackin<br>T Gillen                                 | AMICUS<br>ICTU          |
| Economic Development Forum                           | J McCusker<br>Ms P McKeown<br>P Bunting<br>1 Vacancy | NIPSA<br>UNISON<br>ICTU |



# Appendix 1

## List of Submissions

### March 2004

Draft Guidance on Sexual Orientation in Northern Ireland (ECNI)

### March 2004

Civil Partnership – A Legal Status for Committed Same-Sex Couples in Northern Ireland

### June 2004

Section 75 Equality Duty – An Operational Review (NIO)

### August 2004

Progressing a Bill of Rights for Northern Ireland (NIHRC)

### November 2004

Single Equality Bill (OFMDFM)

### November 2004

Workplace Guidance on Domestic Violence and Abuse (NICS)

### November 2004

Skills Strategy for Northern Ireland

### December 2004

Economic Vision

### December 2004

Priorities and Budget 2005-08

### February 2005

Gender Matters: Towards a Cross-Departmental Strategic Framework to Promote Gender Equality for men and Women 2005-2015 (OFMDFM)

### March 2005

Water Reform Proposals

### May 2005

Work and Families – Flexibility and Choice (DTI)

### July 2005

Amendments to the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 (OFMDFM)

### July 2005

Implementing the EU Equality Obligations in Northern Ireland: Updating the Sex Discrimination Order (OFMDFM)

### September 2005

Review of Public Administration

### September 2005

Review of the Operation of the s75 Duty (NIO)

### October 2005

Coming of Age (OFMDFM)

### November 2005

Making Migration Work for Britain: Managed Migration (Home Office)

### November 2005

Promoting Equality of Opportunity: Consultation on the Draft Employment Equality (Age) Regulations (NI) 2006 (OFMDFM)

### December 2005

Priorities and Budget 2006-08

### January 2006

Older People's Strategy: Action Plans and Progress (OFMDFM)

### January 2006

NIHRC Strategic Plan 2006 - 2008

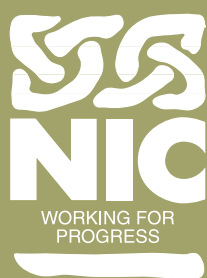
### February 2006

Review of Powers of the NIHRC (NIO)

### February 2006

ECNI Draft Corporate Plan 2006 - 2009

# introduction



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