

**Making the Link: Why Equality and Social Inclusion Matter for
Migrants and Ethnic Minorities, Equality Authority Seminar,
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Migrants, Citizens and the Equality Agenda

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Thank you for this opportunity to make the case – so rarely made - for including migrants within a holistic equality and inclusion agenda.¹

This has some urgency, because we – in Ireland, the UK and other European countries - face a choice: whether to perpetuate a ‘them and us’ divide in which Citizens and permanent residents are the target of equality agendas and recent Migrants the focus of ‘integration’; or whether to revisit that gap: to ask ourselves where migrants fit within our equality goals and where equality fits within integration?

Equality for whom?

There may be some here who would argue that all migrants should have full equality of access to jobs, services, social housing, welfare benefits and the vote from the day they arrive, regardless of immigration status or length of stay.

Others would say that is not fair – that long term residents should have priority in the labour market; that migrants should not draw on the public purse until they have contributed to it or access social housing in short supply; or that voting in elections should be for Citizens only.

¹ My thanks also to Seamus Taylor at the Department of Applied Social Studies, NUI Maynooth, for sharing his thoughtful observations in conversation during the preparation of this talk.

The law, here and in other European states, finds a line between those opposing views: migrants' conditions of entry allowing a level of access to some jobs and services while barring access to others:

- access to free schooling for all migrant children for instance but only to emergency free health care
- access to jobs and services for refugees but not for asylum seekers
- a right to vote for EU citizens in local elections but only for the nation's Citizens in general elections;

a patchwork of differing rights and restrictions depending on the migrant's country of origin, immigration status or length of time since arrival - for which the rationale for granting or denying equality of opportunity is rarely explicit or clear.

That tension, between equality of access on the one hand and restrictions to prioritise access for existing residents (or Citizens) on the other - lies at the heart of our debate today. Yet in equality circles in my experience it is rarely discussed. We think we are discussing equality for all; but when we embrace migrants within our agenda we have to step back and ask 'equality for whom, when and why?'

The fact that levels of immigration have recently taken a dip, and that many of those from abroad are EU citizens with greater entitlements than 'third country nationals', does not diminish the importance of resolving this tension. Migration at different levels and in different forms – for work, study, protection, family union or retirement - will be a permanent part our futures, for which we need to prepare.

Many European states have indeed recently developed strategies to promote the 'integration' of migrants, as Ireland did in 2008 with *Migration Nation* (DJELR 2008). The fact that you now have joined up Ministerial responsibility for equality and integration within one department provides a capacity to recognise the connections between these two agendas that is not always apparent elsewhere, including in the UK.

What is meant by Integration?

The relevance of the equality agenda to integration is apparent if we define integration not as cultural assimilation or narrowly in terms of good relations with other residents but as an interactive process that facilitates economic, social, cultural, and civic participation and, I would add, an inclusive sense of belonging at the national and local level (Spencer forthcoming, 2011).

For that participation to evolve I suggest there are two pre-requisites: migrants need the right *to* participate; and the institutions and people among whom they live need to open the door to allow them to do so. It follows that a society that wants to foster participation needs to do two things:

First, to review those restrictions attached to migrants' conditions of stay, what we might call 'statutory discrimination', to see if in all cases they are necessary and proportional; whether they find the optimal balance between protecting jobs and the public purse or are counter-productive in imposing too great a barrier to integration; whether any could be removed in order to achieve that goal.

Second, we need to ensure that migrants are included within the target groups of the existing anti discrimination agenda: that where they face unlawful discrimination on grounds of ethnicity or nationality, or indeed gender, disability or other grounds:

- employers and service providers know that they fall within the protection of the law and
- migrants know that if victims of discrimination they can have recourse to the law *and* have the confidence, and access to advice and representation, that makes that right a reality in practice.

Duty on public sector to advance equality

Yet is it right that the onus should be on the victims of discrimination to challenge discriminatory practices, to be the drivers of change? In the next generation of

equality laws should the primary responsibility not be on the institutions that have the greatest capacity to deliver equality in employment and service provision? Would that not be a more effective change management strategy?

The Council of Europe recommended as long ago as 2002 (ECRI 2002) that public authorities should be under a duty to promote equality across their functions, and I attended an excellent conference the Equality Authority organised here on that issue the following year (EA 2003). There is experience of early models of statutory duties in Northern Ireland and Britain and a new model in Britain for public bodies 'to advance equality of opportunity and foster good relations between different groups' is due to be introduced in April next year.

The details of the revised duty are currently out for consultation (GEO 2010) in which the Government proposes, somewhat controversially, to trade much of what it calls 'bureaucratic accountability' (through detailed procedural requirements on public bodies, overseen by the Equality and Human Rights Commission), for 'democratic accountability' in which a requirement on public bodies to be transparent about their actions and equality outcomes would empower civil society to call them to account.

Socio-economic duty on public bodies

But there was a further innovation in the 2010 Equality Act that is also highly relevant to today's debate: an entirely new duty on public bodies, when making *strategic* decisions, also to have due regard to the desirability of reducing inequalities of outcome that result from *socio-economic* disadvantage.

That provision may or may not be brought into force by our new Coalition government. But it reflected a welcome if long overdue awareness (on the part of government but also of NGOs which can equally operate in silos) of the relationship between socio economic inequality and the inequality that is connected to race, gender and other identities:

This is not to say that one form of inequality can be subsumed into the other but that there is a dynamic here that we need to understand (NEP 2010); that we shall not achieve greater economic equality without recognising the particular impact of race, gender, disability and age in particular; and equally that tackling the inequality associated with identity may not make sufficient difference in many cases if we leave class inequality intact.

The new duty to address socio-economic inequality was intended to give the message to public bodies that steps taken to address all forms of inequality must go hand in hand.

Exploitation at work

Consider migrants' experiences of extreme exploitation at work, for instance, and it is evident why this needs to be addressed holistically. If we see the issue narrowly as one of tackling human trafficking we miss the underlying cause: that there are spaces in our labour markets in which it is still possible for employers, and pimps, to abuse vulnerable workers – whether migrants or not – in that way (Anderson 2008).

Enforcement action against traffickers has its place, but will not succeed unless action is taken to address the underlying demand for exploitable labour – through inspection and enforcement of employment rights such as the minimum wage and health and safety standards, for instance; and, I suggest, by enabling workers, whatever their immigration status, to report abuse without fear of enforcement action taken against them.

We see another example of the need for a holistic response in social care where migrant workers provide much of the direct care for older people. In research carried out with colleagues at the Irish Centre for Social Gerontology at Galway, here in Ireland and in the UK, we found that the challenges migrant care workers

are facing relate to their immigration status, low pay, working conditions, race discrimination and, in some cases, rejection by older people who are themselves vulnerable people: a complex cocktail that cannot be addressed effectively through the equality agenda alone (Cangiano, Shutes et al. 2009; Walsh and O'Shea 2009).

I could add here that we need to make a further connection, to the relevance of a human rights agenda in its focus on addressing degrading treatment, and the framework it provides for resolving competing rights, but that may be stretching my argument too far for one day.

Tackle other barriers to integration

Returning to integration, it is evident that discrimination and lack of statutory rights are only two of the barriers that migrants can face. Tackling discrimination is a necessary but not a sufficient step.

We know for instance that a level of proficiency in English is a key determinant of progress in the labour market and in social integration; hence access to tuition for adults and children is key and needs to be protected from public expenditure cuts and supplemented, perhaps, by employers who benefit from migrant labour contributing to the cost.

Non recognition of qualifications is a further barrier, and migrants need access to a system which quickly endorses the comparability of their qualifications (if of a comparable standard), or gives them access to a means to retrain.

And there is a whole range of further barriers to integration that can be addressed by provision of information:

- Information for new arrivals: on their rights, responsibilities, how the system works, who to ask.

- Information for service providers unfamiliar with migrants' particular needs; and
- Information for the public who regularly over-estimate the number of migrants in the country and are anxious about their perceived impact on jobs, services and crime; sometimes encouraged in that anxiety by media hyperbole; leading the vast majority even here in Ireland now (O'Brien 2009) to say they want to see fewer migrants among their neighbours. Facts alone will not change attitudes, but they are the basis of a more informed, rational debate.

Shared responsibility

This brings me to my final point: if we can identify the full range of barriers to integration, whose responsibility is it to overcome them?

I have suggested that Government has a key role to play: to set the tone of the debate, review statutory discrimination in migrants' conditions of stay, regulate standards in the labour market and strengthen equality law. Across Europe, local government is often seen to take a lead, as here now in Dublin I believe, and there is a clear role for local service providers, whether or not in the public sector, in ensuring access to those services and jobs to which migrants are entitled.

Equality and human rights authorities, embracing migrants within their agendas, send a clear signal through their guidance, enforcement and inquiry functions; and the media has a responsibility to inform public debate through responsible reporting.

But the key player that is often the last to be mobilised is civil society – important not because of the shortage of public funds for new initiatives but because community organisations, employers and trades unions are in a position to make the greatest difference, as are migrants' neighbours; and – the people from whom they are known to receive most of their information and advice - their family and friends.

Government needs to lead, but integration is necessarily a shared responsibility in which I suggest the focus beyond government action should be a framework in which it is possible to mobilise key partners at the national and local level, each to play their part for the mutual benefit of the economy and society as a whole.

To conclude, I have argued that we need to include migrants within a holistic equality and inclusion agenda; that one consequence is a need to review the 'statutory discrimination' in migrants' conditions of stay to ensure that all of the restrictions are truly necessary and proportional; and that a second is that migrants should be embraced within the existing anti discrimination agenda.

I suggested that agenda could be developed to put the onus not on victims of discrimination but on the institutions that have the capacity – as policy makers, employers and service providers – to advance equality; that a statutory equality duty might include equality on socio-economic grounds, not only equality on grounds of race, gender and other identities; and that these equality duties could be invaluable levers to deliver the holistic approach we need to tackle inequality and exclusion, including that experienced by migrants, that cannot be reduced to a single cause.

I argued that we need to recognise that integration processes facilitate migrant participation at different levels – economic, social, cultural and civic participation – and that an integration agenda might also seek to engender an inclusive sense of belonging at the national and local level.

For that to happen we need to address broader barriers than discrimination, including barriers in access to language tuition and in recognition of qualifications; and that provision of information – to migrants, service providers and members of the public – is one lever that could be used to greater effect.

Finally I suggested that we need Government at central and local level to take the lead, but that civil society is the key player that is often neglected at the local level. If employers, unions, community groups and members of the public felt they shared a common responsibility to empower migrants to participate as full members of society, then we would truly have an opportunity to dispense with the 'them and us' divide and be able to approach the future with a collective sense that we all belong.

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