

Diane Dodds MLA
Minister for the Economy
Department for the Economy
Netherleigh
Massey Avenue
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23/4/20

Dear Minister,

I am writing to you on behalf of the Crossing Borders, Breaking Boundaries (CBBC) project to raise the concerns of agency workers relating to the application of the Coronavirus Job Retention Scheme (CJRS).

The CBBC project brings together the Irish Congress of Trade Unions (ICTU), Community Intercultural Programme (CIP) in Portadown, Migrant Rights Centre Ireland and the Ulster University. It is funded by the EU's PEACE IV Programme, managed by the Special EU Programmes Body (SEUPB). The project partners work with people from a black and minority ethnic, migrant and local background to challenge exploitation, sectarianism, racism and discrimination in the labour market. The project has given particular emphasis to the condition of vulnerable migrant workers in agriculture, food processing, services and other sectors.

Through this work we have become aware that there appears to be some misunderstanding of the application of the JRS to agency workers. This situation has left many workers and their families, from both migrant and local background, in hardship unnecessarily.

In these circumstances we are writing to you as the Minister with responsibility for the Department for the Economy (DfE) to request that all the employment agencies in NI be notified of the correct application and purpose of the CJRS. That purpose being to protect the earnings and employment relationship, and to ensure that workers and their families are not plunged into destitution which could further exacerbate the crisis our society is experiencing.

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It is the understanding of the project that the CJRS is a grant from the Government to repay employers who don't dismiss employees, but instead retain them. The Revised Guidance makes clear that the CJRS extends beyond those who are permanent, full-time employees to include other categories of workers, including agency workers, paid via PAYE. We also understand that the body which has to take the decision to furlough is the one which pays via PAYE, i.e. the employment agency.

Unfortunately, the project has been made aware that some employment agencies have mistakenly advised their workers that they are not entitled to be furloughed when the end user ceases or reduces work due to the Covid-19 crisis. Instead they are being left without alternative assignments or pay.

The CBBB project understands that there are around 50 employment agencies operating in NI employing approximately 30,000 workers. We believe that the Employment Agency Inspectorate (EAI) of the DfE may be an appropriate body to assist in advising all the employment agencies in NI of the correct application and purpose of the CJRS.

The project would also request that the EAI, or whoever you deem most appropriate, enquire from the employment agencies whether they are applying to the CJRS to furlough workers whose assignments have been terminated due to the Covid-19 crisis, and if not, what is preventing them from doing so. This information could help to identify any misunderstandings or failings in the system that can then be addressed.

Finally, as the CJRS only covers 80% of worker's earnings we would request that the employment agencies are encouraged to take up the UK Government's recommendation that the employer makes up the other 20% of their worker's earnings, particularly for those on the minimum wage, to protect them from hardship at this incredibly difficult time.

Your early response would be greatly appreciated, and if you require any further information please do not hesitate to contact me, on behalf of the CBBB project, at kevin.doherty@ictuni.org

Yours sincerely

PD

Kevin Doherty
Migrant Workers Support Unit
ICTU