

UNISON

Northern Ireland

**2019 European
Election Manifesto**



UNISON is the leading trade union in the UK with over 1.3 million members, 40,000 of them living or working in Northern Ireland. Our membership includes public service workers in health and social care; the education and higher education services; local government; youth justice; private companies providing public services; and the community and voluntary sector. 84% of our membership in Northern Ireland are women.

In the 2016 referendum UNISON campaigned for a vote for the UK to remain a member of the EU in order to ensure that workers' rights were protected and to protect our public services from further damaging austerity if the economy declined. We recognised the invaluable contribution made by migrant workers to our public services. We wanted to remain within the EU so that we could then fight to reform it. We continue to call on all our political parties to seek reform of the EU, moving away from the failed and damaging policies of austerity and towards a Europe with stronger social dialogue and stronger workers' rights, with the European Pillar of Social Rights fully implemented.

Since the referendum we have worked extensively with our allies across civil society to seek the protection of the Good Friday Agreement and our members' rights and livelihoods.

This election comes at a critical time for Northern Ireland, with no local devolved Assembly or Executive in place, the peace process in a fragile position and serious uncertainty surrounding the wider EU exit process.

Regardless of whether the UK leaves the EU under the terms of Theresa May's deal, Article 50 is further extended, or a general election or second referendum has been called, protecting the particular circumstances of Northern Ireland and the Good Friday Agreement in all its parts must remain of paramount importance.

It is vital that a disastrous 'no deal' exit from the EU be avoided and that any agreement between the UK and EU includes a 'backstop' to both maintain an open border across the island of Ireland and mitigate the impact of an EU exit on the Good Friday Agreement, the wider peace process and the local economy.

We know that many, particularly those within the unionist tradition, are concerned that the 'backstop' could weaken the current position of Northern Ireland as part of the United Kingdom and could effectively create a border down the Irish sea. UNISON is opposed to both a border in the Irish sea and the removal of the open border across the island of Ireland. We remain fully supportive of the principle of consent enshrined in the Good Friday Agreement in terms of the constitutional position of Northern Ireland.

This manifesto represents the key concerns of our members in relation to the UK exit from the EU. We seek endorsement of it from parties and candidates contesting these elections and will publish responses to our membership.



Patricia McKeown
Regional Secretary
UNISON Northern Ireland

Protecting the Economy

A key concern for UNISON throughout the EU exit process has been the impact that exiting the EU will have on the economy, with the potential that a weakened economy will result in lower tax revenues and a subsequent decline in resources for public services which have already suffered from sustained austerity.

As ICTU has warned, if the UK leaves the EU without a deal, goods from Northern Ireland will face major barriers to trade with both the Republic of Ireland and the rest of the EU.

Exiting the Single Market means that many goods produced in Northern Ireland and exported into the EU will no longer be recognised as conforming to EU standards and regulations, presenting a non-tariff barrier to trade.

Exiting the Customs Union will mean that Northern Ireland exports will be liable for tariffs at current World Trade Organisation Most-Favoured Nation (MFN) rates on a range of products. Dairy products for example account for around 10% of all Northern Ireland's EU exports and could face an average tariff of almost 36% trading into the EU.

In an environment of increasing costs, businesses may seek to cut jobs. Those businesses that operate and trade most on a cross-border basis will be most exposed, particularly in a 'no deal' scenario.

The 'backstop' within the Withdrawal Agreement seeks to avoid these devastating outcomes through aligning Northern Ireland with the EU Single Market in relation to goods, and keeping the whole of the UK within a single customs territory with the EU.

The backstop will only come into force if the UK and EU fail to reach an agreement before the end

of a transition period, and will only remain in force unless and until it is replaced by subsequent agreement.

UNISON is concerned that our members and public services will also be at greater risk if the UK left the EU for a future EU-UK Free Trade Agreement. It would expose our current regulations, rights and standards and public services to any future government intent on weakening and de-regulating progressive social provisions and would allow them to put public services into global trade deals with lower regulations, rights and standards.

We are asking all our MEP candidates:

- **How will you and your party protect the economy and ensure that public services in Northern Ireland do not bear the brunt of any economic downturn caused by an exit from the EU?**
- **Will you and your party support the provisions of the backstop with regards to the EU Single Market & Customs Union?**
- **Will you and your party oppose an EU-UK Free Trade Agreement that threatens workers' rights and the future of public services?**



Protecting Rights

Securing protections for the rights of our members, their families and the wider community has been a key priority for UNISON since the process of exiting the EU began. UNISON is clear that rights must not only be protected as they stand, but must also develop over time in line with progressive changes at the European level.

EU law underpins a range of key workers' rights and obligations placed on employers. These cover areas including employment rights, equality, and health and safety laws. Outside of the EU, future Governments could try and remove key rights and obligations currently required by EU membership. The UK will no longer be required to develop laws that affect workers, their families and their communities in line with developments at the EU level.

The current backstop arrangements outlined within the Withdrawal Agreement contain some limited protections for rights and equality, protections which we would expect to see significantly strengthened as part of any agreement on a future relationship between the EU and UK. It commits to "*non-diminution*" of anti-discrimination laws based on EU law that the negotiators linked to the Good Friday Agreement to be implemented through "*dedicated mechanisms*". It is not yet clear what this mechanism will mean in practice and clarity is urgently needed in this regard.

The "*single customs territory*" provided for within the backstop between the UK and EU, designed to avoid a hard border on the island of Ireland, is accompanied by a commitment by the UK not to allow workers' rights and health and safety laws to fall below the common standard shared by the EU and UK at the end of the transition period.

Whilst this provides a floor for the whole UK in relation to these areas this is only limited protection and represents the absolute minimum acceptable to protect our members. In a 'no deal' exit from the EU, even these limited protections will not apply.

UNISON is very concerned that the draft Political Declaration on the future relationship between the UK and EU creates the possibility of current regulations, rights and standards being exposed to any future government intent on de-regulation in global trade deals. The statements made within the draft political declaration relating to the rights of workers are limited and are not legally binding. The hostility of some within the UK political establishment to workers' rights is well known. We are concerned that the future relationship is likely to only limit and freeze workers' rights rather than match the development of future rights in the EU.

We are asking all our MEP candidates for unequivocal commitments that they and their party will:

- **Oppose any attempts to dismantle rights and protections;**
- **Support the backstop provisions on rights as the minimum level of protection required and resist any attempts to remove or weaken the backstop;**
- **Seek and support robust and effective dedicated mechanisms to ensure there is no diminution of rights;**
- **Support calls for the reversal of the removal of the EU Charter of Fundamental Rights from UK law;**
- **Call for the protection of rights to be an absolute priority within any negotiations on the future relationship between the EU and UK, requiring the UK to match positive developments at the EU level moving into the future;**
- **Seek and support the introduction of a Bill of Rights for Northern Ireland that could protect rights based on EU law moving into the future.**

Protecting the Good Friday Agreement

For UNISON the protection of the Good Friday Agreement (GFA) and peace in Northern Ireland is of fundamental importance. We have repeatedly demanded that both the British and Irish Governments fulfil their role as co-guarantors of the Agreement and ensure its implementation.

It seems highly unlikely that any agreement between the EU and UK will be possible unless a 'backstop' that recognises the particular circumstance of Northern Ireland and protects the Good Friday Agreement in all its parts is included.

It is clear that the process of exiting the EU impacts on the GFA and has already damaged the operation of devolution with a lack of political consensus on the issues inhibiting the return of power-sharing.

The potential for a UK exit from the EU to further undermine and weaken the GFA can be seen across a number of its provisions. This includes the negative impact it will have on securing equivalence of rights between both jurisdictions on the island of Ireland and the undermining of the Human Rights Act 1998.

Whilst the backstop is limited in several aspects with regards to the protection of the provisions of the GFA, it represents the minimum level of protection required to mitigate the impacts of exiting the EU. It is vital that its provisions be secured and then built upon within negotiations on the future relationship between the EU and UK.

In the event of a 'no-deal', there will be no backstop arrangements in place to protect the Good Friday Agreement. A no-deal exit will inevitably lead to a hard border comprising of border infrastructure, checks and controls which will significantly disrupt the day-to-day lives of workers, their families and their communities and which may cause political and social tensions, including the potential for attacks by paramilitary groups.

A core principle of the GFA is equality of citizenship, with the Agreement recognising it as the birthright of "*the people born of Northern Ireland*" to identify as Irish or British or both and accordingly to hold British or Irish citizenship or both. When considered in light of the equality and parity of esteem provisions within the GFA, this provides for equal treatment between British and Irish citizens. Exiting the EU causes serious problems for this principle for both British and Irish citizens

and UNISON is concerned any undermining of it will lead to tensions between communities.

British citizens in Northern Ireland will have fewer rights and entitlements than Irish citizens by the fact that Irish citizens will retain EU rights and British citizens will lose them. At the same time, Irish citizens in Northern Ireland will not enjoy the full range of EU citizenship rights.

UNISON is mindful that many unionists within Northern Ireland are concerned that the backstop arrangements will lead to a border in the Irish sea and represent a constitutional challenge to the status of Northern Ireland as part of the United Kingdom.

UNISON is opposed to both a border in the Irish sea and the removal of the open border across the island of Ireland. We remain fully supportive of the principle of consent enshrined in the Good Friday Agreement in terms of the constitutional position of Northern Ireland.

We are asking all our MEP candidates:

- **What will you and your party do to make sure that the backstop remains in place and that the future constitutional status of Northern Ireland is subject to the principle of consent?**
- **What will you and your party do to make sure that both the UK and EU make legally binding commitments as part of any treaty on their future relationship to fully implement the principle of equivalence of rights?**
- **What will you and your party do to obtain an unequivocal commitment from the UK Government that it will both remain part of the ECHR and will not repeal or replace the Human Rights Act 1998?**
- **What will you and your party do to protect equality of citizenship under the Good Friday Agreement?**

Protecting the Common Travel Area

Free movement of people as a right under EU law is of critical importance to UNISON members, their families and the communities they live in, particularly those living in border areas. UNISON members living in the Republic of Ireland cross the border on a regular basis to work in Northern Ireland.

With the right to freedom of movement set to end, the Common Travel Area (CTA) has frequently been presented as a solution to maintaining freedom of movement for Irish and British citizens across these islands and to sustain rights associated with this, including the right to work and access public services.

However, concerns have been expressed by both the Northern Ireland Human Rights Commission and the Irish Human Rights Commission that the CTA is effectively written in sand, open to change and amendment, particularly with the UK outside of the EU.

Whilst the UK and Irish Governments have recently signed a Memorandum of Understanding on the CTA this is not legally binding and stronger action is required.

The position of Irish citizens under the EU Settlement Scheme is also very unclear. Whilst the official guidance from the UK Home Office is that Irish citizens are not required to apply for settled status, they have also stated they may do so if they wish.

In addition, question marks remain as to whether Irish citizens born in Northern Ireland can even apply for the settlement scheme, regardless of the contentious question of whether they should have to in order to continue to enjoy the same rights in the place of their birth.

The UK Government response to this question has been to state that Irish citizens resident in the UK who do not hold British citizenship will be able to apply. This suggests that Irish citizens born in Northern Ireland will not be able to apply for settled status, as the UK Home Office position is to automatically treat persons born in Northern Ireland as British, regardless of the provisions of the Good Friday Agreement.

We are asking all our MEP candidates to:

- **Press for an international legally binding treaty between the UK and Ireland to fully clarify the rights of British and Irish citizens under the CTA;**
- **Press for legislative change that recognises the provisions of the Good Friday Agreement in relation to the right to identify as an Irish citizen in Northern Ireland.**



Protecting Migrant Workers

Whilst the UK did not leave the EU on March 29th, the process of migrant workers registering to remain in the UK through the EU Settlement Scheme has already begun. UNISON has thousands of migrant worker members in Northern Ireland who make a vital contribution to the delivery of public services. They and their families must be protected and UNISON has been working with the 3 million campaign group to ensure that this happens.

Many questions surround the operation of the Settlement Scheme that must be resolved, including the safeguards that will be in place for vulnerable applicants, how reasons for refusal of settled status will be given and the levels of legal assistance that will be available for those whose applications are rejected or who experience difficulties. UNISON shares the concerns of the 3 million in this regard and believe that there is significant potential for unfair and unjust outcomes given the sheer number of EU/EEA citizens who will need to obtain settled status.

The Settlement Scheme further does not cover cross-border 'frontier' workers, who reside in the Republic of Ireland but work in Northern Ireland. The Withdrawal Agreement includes frontier workers within its provisions on citizens' rights and a separate scheme recognising their status has been promised, but details as to how it will operate have yet to be revealed.

UNISON has been alarmed to see the levels of racism, hatred and xenophobia that have grown to characterise the debate on exiting the EU. We are concerned about the potential for racial profiling to occur as freedom of movement ends.

The UK Government has previously suggested that checks on a person's immigration status will occur away from the land border on the

island of Ireland, instead taking place when a person accesses public services or employment. We will oppose any suggestion of a 'hostile environment' approach to immigration checks being put in place and of workers being required to enforce it.

UNISON believes that the proposed future immigration framework for the UK is flawed and will only exacerbate the difficulties that already exist in recruiting workers for our public services. The proposed salary threshold of £30,000 is completely unrealistic in Northern Ireland in particular given the already low rates of pay experienced by workers across the public sector and by those working in private companies providing public services.

We are asking all our MEP candidates to:

- **Challenge the operation of the Settlement Scheme to ensure that vulnerable applicants are protected and that the Scheme is transparent and robust;**
- **Press for details of the 'frontier' workers scheme to be fully consulted upon without delay;**
- **Oppose any attempts to require workers in Northern Ireland to enforce a 'hostile environment' for migrants;**
- **Oppose a future immigration framework for the UK that would weaken public services further.**





Northern Ireland

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Supported by UNISON's Campaign Fund

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