



**SPECIAL COMMITTEE ON COVID-19 RESPONSE SUBMISSION ON BEHALF OF
MIGRANT RIGHTS CENTRE IRELAND (MRCI)
EDEL MCGINLEY, DIRECTOR
9TH JULY 2020**

I would like to thank the committee for the invitation to come before you today in relation to meat processing plants. I would like to also introduce Bríd McKeown who is working directly with workers in the agri-food sector.

Migrant Rights Centre Ireland (MRCI) is a national organisation working to promote the rights of migrant workers and their families living in situations of vulnerability throughout Ireland. MRCI has been working with agri-food workers since 2009.

Normally we would not appear before a committee without a worker who has direct experience present to give testimony, however such is the fear from workers of repercussions that we would not put any worker in a position where they would jeopardise their employment and livelihood. We present here today some of the concerns and issues that have been raised with us by workers across a number of meat factories.

This is a group of people who have been asked during a global pandemic to get vital food into our homes. They deserve to have our respect and a government and employers that prioritise their safety.

Meat Sector

This is a multi-billion sector, with exports valued at between €2.25¹ and €3.81² billion³. This is clearly a high value sector to the Irish economy, and arguably why it was deemed essential during COVID-19, and equally possibly why there was a lack of political will to close factories when clusters emerged.

Data

To get a better understanding of the sector it is important to know who works in the industry. There are serious limitations in publically available data collected on the participation of migrants in the labour market, including the meat sector.

¹ Bord Bia, *Beef Market Update: Growing the success of Irish food & horticulture* [online], May 2020, viewed 16th June 2020, www.agriculture.gov.ie/media/migration/farmingsectors/beef/beeftaskforce/BordBiaMarketReport130520.pdf

² IBEC, Meat Industry Ireland, *Meat Industry: Key Statistics 2018* [online], viewed 16th June 2020, https://meatindustryireland.ie/Sectors/MII/MII.nsf/vPages/Meat_sector~key-statistics!OpenDocument

³ The €3.81 billion figure 'Meat Sector' includes beef, lamb, pigmeat, and poultry.

Special tabulation Census Data 2016 shows 12,413 employees in meat production, processing and preserving of meat. 52% are Irish Nationals and 42% are migrant workers. 77% are male and 23% female 57% of the total workforce are aged between 25-44 years⁴.

However, in 2017, 183 employment permits were issued to meat processing companies⁵. In 2018, 978 were issued⁶; in 2019, 950 were issued⁷; and from January to May 2020, 931 employment permits were issued⁸. This make a total of 3,042. Excluding renewals (2017 – 2019; n.117).

Combining CSO 2016 data and employment permits data reveals a total number of workers in this sector at **15,338**. The data also shows the **migrant workforce in this sector accounts for 58%**. Of this 59% are EU workers and 41% are non-EU workers. 19% of the workforce are on employment permits. See Appendix 1

It is also important to note that this figures above will most likely not include undocumented migrants who also work in this sector, and are particularly vulnerable to exploitation and discrimination.

The main nationalities are Polish, Lithuanian, Romanian, Latvian, Moldovan, Slovakian, Brazilian, South African, Botswanan, Filipino. Workers report to MRCI that EU and non-EU workers are overrepresented on the factory floors.

Work Permits

It is important to understand the differing contexts for EU and non-EU Workers. EU workers have freedom movement under EU law, while workers from outside of the EU require employment permits to work.

It can take well over five years to obtain citizenship and full access to the labour market in the State⁹. Therefore, it is important to note that immigration status creates specific sets of vulnerabilities and challenges. A workers is essentially tied to their employer. This means that they can only work for the company listed on their employment permit in the position they were recruited into¹⁰. Changing employer is technically quite difficult¹¹.

It is the experience of MRCI that employees on employment permits find it significantly more difficult to assert their rights. Workers report to us that they cannot choose not to come to work if ill, or seek improved conditions for fear of losing their employment permit and immigration status¹². This is also the case if they try to change employer. MRCI has long been calling for a move to sectoral permits to allow workers to effectively change jobs easily should they wish to do so.

⁴ CSO Census 2016, *NACE 1010 Production, processing and preserving of meat, meat products and poultry*. Special tabulation accessed 10th June 2020

⁵ Department of Business, Enterprise and Innovation, *Employment Permit Statistics 2017* [online], last updated 2nd January 2018, viewed 16th June 2020, <https://dbei.gov.ie/en/Publications/Employment-Permit-Statistics-2017.html>

⁶ Department of Business, Enterprise and Innovation, *Employment Permit Statistics 2018* [online], last updated 16th January 2019, viewed 16th June 2020, <https://dbei.gov.ie/en/Publications/Employment-Permit-Statistics-2018.html>

⁷ Department of Business, Enterprise and Innovation, *Employment Permit Statistics 2019* [online], last updated 3rd January 2020, viewed 16th June 2020, <https://dbei.gov.ie/en/Publications/Employment-Permit-Statistics-2019.html>

⁸ Department of Business, Enterprise and Innovation, *Employment Permit Statistics 2020* [online], last updated 11th June 2020, viewed 16th June 2020, <https://dbei.gov.ie/en/Publications/Employment-Permit-Statistics-2020.html>

⁹ Department for Justice and Equality, *Long Term Residency*, viewed 17th June 2020 http://www.inis.gov.ie/en/INIS/Pages/Long_Term_Residency#

¹⁰ Department for Business, Enterprise and Innovation, *Changing Employers* [online], last updated 1st October 2014, viewed 17th June 2020, <https://dbei.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/Changing-Employer/>

¹¹ Changing employer is a technical and complex process that often requires assistance. MRCI has been supporting workers for the past 19 years to navigate the complexity of the both the employment permit and immigration system. Changing employment is technically difficult. The worker must find an employer willing to apply for an employment permit, the employer must advertise the job for specified time to fulfil a labour market test, apply the 50:50 rule, pay a fee and process the permit before a workers can take up employment. Fear of losing immigration status and a lack of information about how the system works, therefore makes it extremely difficult for workers to change employers.

¹² Migrant Rights Centre Ireland, *Workers on the Move: Past Lessons and Future Perspectives on Ireland's Labour Migration*, December 2015

Another worrying emerging issue are EU-workers employed through agencies rather than directly by a meat processing companies. There are also unique set of circumstances for non-EU (and EU) workers in the border region (in the context of Brexit) whose access to goods and services may be in Northern Ireland. With a different set of immigration laws, this can negatively impact workers – with people being at greater risk of detention and deportation by UK authorities.

Working Conditions

The meat processing sector is difficult and dangerous. Repetitive strain and workplace accidents are commonplace. Despite high incidents of health and safety breaches, the HSA reports only one prosecution in Cavan, where a worker was awarded just €2,000 for the loss of an eye.

Meat factories often do not offer sick pay beyond the statutory rate, which impacts on workers income and choices about when to return to work after an injury or illness, or even during the current COVID-19 crisis. Hours of work are often long and wages remain low, with some workers working up to 15 years with the same employer receiving just €11.50 per hour. On top of very limited or little to no progression for long-term workers, we also consistently hear reports from factories across Ireland of discrimination and workplace bullying.

MRCI Snap Shot Data - Workers in Meat Factories

Data in this sector on workers' experience is non-existent. In preparation for this hearing, MRCI asked 68 workers from various meat factories across Ireland about their experience, in detail, of working in meat processing plants during COVID-19. This data does not claim to be representative of the sector, however, it does accurately reflect reports we have been receiving from meat factory workers beyond this data pool both during the COVID-19 pandemic, and previously.

It also highlights the need for further research to build a stronger evidence base from which to make policy decisions regarding the sector.

Profile of Workers

We spoke to de-boners, kill line operators, packing hall operators, trimmers, supervisors, and cleaners. 68% male, 29% female, 3% prefer not to say. Workers were Brazilian, Polish, Lithuanian, Latvian, Georgian, Russian, Botswanan, Filipino, South African and Irish. The majority of workers we spoke to came from the beef sector, however we have included data collected from pork and poultry workers.

General Conditions

- The majority of these workers (62%) claimed they were earning €11.50 or less per hour, with four people saying they earn below €10.10 (two of whom are EU nationals)
- 13% of workers say their contracts do not reflect their current terms and conditions
- 15% say they do not have a contract, and 9% are not sure whether they have a contract or not
- 23% of workers say they are not paid overtime when they work extra hours
- 90% of the respondents said the employer does not provide a sick pay scheme

Health and Safety

57% of workers say they have been injured in the workplace. The majority of injuries include lacerations, bruises, repetitive strain, and back pain. Workers claim the injuries are caused by lack of protective

measures or equipment, none or limited training on health and safety and faulty tools or machinery, with almost a fifth of workers citing injury as an expected occupational hazard.

- 23% of these injuries went unreported
- 62% of workers do not know who the Health and Safety Officer is in their workplace
- 60% of workers felt they did not receive sufficient training for their roles when they started

Value and Discrimination

- 85% of respondents said they do not feel valued at work
- 70% felt they had been bullied in some way in their workplace
- 64% of workers who felt they have been bullied did not report it, with 21% felt too afraid to raise their concerns
- 60% of all workers we spoke to felt they have been discriminated against by their employer or management. For the majority, this discrimination was on the grounds of nationality and/or race

COVID-19 Responses

According to workers, there is a very mixed picture as to *when* protections were put in place. The varying timeframes in which employers introduced these measures, shows the inconsistent response which at the beginning of lockdown exposed workers unnecessarily to COVID-19, while showing the gaps in statutory oversight. Too much trust was given to a sector with an inconsistent health and safety track record.

Workers said COVID-19 specific Health and Safety measures were put in place as follows:

- 24% immediately during the first week
- 19% after 2 weeks
- 8% after 3 weeks
- 15% after 4 weeks
- 27% after 5 weeks or more
- 7% say there are still not sufficient safety measures in place

Enforcement of Measures

- 43% of respondents felt that where these measures were in place, their employers were not enforcing them sufficiently.
- 48% feel that there are still not sufficient measures in place. Workers commented that they simply want the full suite of advised measures to be put in place effectively alongside improved health and safety training.
- 65% of the workers we spoke to work at a plant where there has been a COVID cluster.
- For those workplaces with clusters, just 30% of workers felt their employers took effective action to keep them safe, with 67% claiming their employer had not done enough to prioritise their safety.
- 40% of workers do not feel safe working in their workplace at present

Housing

Housing can range from owner-occupied, family and individual rental accommodation, and over-crowded rental accommodation. We also have heard of agency workers living in agency-owned accommodation and being threatened with eviction during COVID-19 if they complain about working conditions or the lack of health and safety measures to prevent virus spread. Agency workers are more vulnerable to

accommodation issues as their housing is more likely to be supplied through the agency than a directly employee. It is also not clear what deductions are being made for accommodation.

- 82.5% of workers we spoke to do not live in employer-provided accommodation.
- 71.4% said they do not live with co-workers. Of those 28% that do, they live with 3 or fewer co-workers. Just 3 of the 68 people we spoke to said they shared a room with a co-worker.

Responding to COVID-19

Employer Response

MRCI began to receive complaints from workers in the meat processing sector on 26th March 2020. They were worried, frightened, and angry about the conditions they were being forced to work in, and could foresee that without appropriate health and safety measures, their health and their families would be at risk.

MRCI supported workers to raise their concerns with their employers. However, as we continued to receive ongoing complaints into May, it became clear that many factories were extremely slow to put in place adequate safety measures¹³. The ongoing delays in implementing t measures resulted in unnecessary exposure among staff during the early weeks of the crisis. This has contributed to the growing number of clusters in meat processing plants across the country.

It is clear from the data we have presented to you here today, that there is was a predominately slow and inadequate response to put in place full and adequate protection measures for workers. Furthermore, employers' response and response rates to cases of COVID-19 or clusters in their factories have been inconsistent and unclear. It would seem that the State allowed the Meat industry to regulate itself, a very questionable approach, given the history we have outlined to you and the value workers feel. To date only one factory has closed to deal with the outbreak.

More recently, MRCI has heard reports, from both workers and local organisations supporting meat factory workers, that factories who have signed up to the Wage Subsidy Scheme are also asking their staff to claim Illness Benefit. Workers have also reported working longer hours, as a result of reduced staffing, which are not being recorded. They are also expecting a row back to poor health and safety standards after inspections.

Health Service Executive and Health Protection Surveillance Centre Response

Due to COVID-19, the Department of Health was clearly responsible for health guidelines, contact tracing and both the Health Service Executive (HSE) and the Health Protection Surveillance Centre (HPSC) became central to the response. There are questions to be asked of a number of departments as why they deemed meat production to be essential, given their clear insight into the way this work is carried out and delivered – high intensity work, requiring contact on production lines - and why sectoral guidelines were not produced until 15th May.

Infectious diseases are reportable by a medical practitioners who then report to the Medical Officer of Health for their investigation and control. COVID-19 is also reported, in anonymised format, to the HPSC for national surveillance, yet despite this, gaps emerged particularly in contact tracing.

¹³ McSweeney, E., *COVID-19 outbreaks at Irish meat plants raise fears over worker safety* [online], last updated 1st May 2020, viewed 1st May 2020, <https://www.theguardian.com/environment/2020/may/01/covid-19-outbreaks-at-irish-meat-plants-raise-fears-over-worker-safety>

Contact Tracing

Minister Creed, then Minister for Agriculture, Food, and the Marine, admitted on 30th April¹⁴, that he was aware of six clusters at meat processing plants. Yet guidelines for the sector were only issued on 15th May¹⁵. On 20th May, there were 16 clusters accounting for 828 confirmed cases – an increase of 328 over the week.

Latest figures from 3rd June, show 1,054 cases of Covid-19 confirmed across twenty meat plants, with fifteen factories are under "active investigation". 58% of patients are aged 25-44; 77.6% of them male; and seven have been treated in intensive care units with no fatalities¹⁶.

Data Breach

On May 19th it was revealed that workers' test results were being shared in the first instance with employers before workers themselves. This was a gross and serious breach of confidentiality. While assurances have been given by the HSE and Data Protection Commissioner address this, it remains unclear if new guidelines or training have been issued for staff who are carrying out contact tracing.

Institutional Racism & Public Sector Duty

Deeply worrying are the revelations made by Director of Public Health in the mid-west, Dr Mai Mannix while speaking at a HSE briefing on 5th June. Her comments reveal a level of institutional racism and discrimination that led to this very serious data breach. She said,

*"...suppose again 20 to 40 of those [people] are non-English speaking. Each of those 20 phone calls could take at least half an hour or an hour, because you have to use a translation service...So you're potentially looking at five people in my department to take four hours to go through to contact each of **these types of people**."*¹⁷

All public bodies in Ireland have a Public Sector Duty to promote equality and prevent discrimination. Clearly from the comments the HSE's approach is in breach of their public sector duty as it discriminates against people from a migrant background at a critical time when workers needed the support of state services to remain safe. This undermines trust in the HSE, leaving workers and their families exposed, and without accessible information to isolate if necessary.

While we appreciate the unprecedented nature of COVID-19 and all the work the HSE has done, in this instance however they have failed in their duty to effectively carry out contract tracing for a group of vulnerable workers. This failure also led to the blaming and scapegoating of these workers in some local communities, while also providing an opportunity for racist discourse.

¹⁴ RTE, *Dept aware of Covid-19 clusters at meat processing plants* [online], last updated 30th April 2020, viewed 30th April 2020, <https://www.rte.ie/news/politics/2020/0430/1135916-agriculture/>

¹⁵ [https://www.hpsc.ie/a-](https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/guidance/outbreakmanagementguidance/outbreakcontrolinmeatfactories/Interim%20Guidance%20OVID-19%20Meat%20Factories.pdf)

[z/respiratory/coronavirus/novelcoronavirus/guidance/outbreakmanagementguidance/outbreakcontrolinmeatfactories/Interim%20Guidance%20OVID-19%20Meat%20Factories.pdf](https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/guidance/outbreakmanagementguidance/outbreakcontrolinmeatfactories/Interim%20Guidance%20OVID-19%20Meat%20Factories.pdf)

¹⁶ McNulty, F. RTE News, *HSE says contact tracing at meat plants as high as 90%* [online], last updated 5th June 2020, viewed 17th June 2020, <https://www.rte.ie/news/coronavirus/2020/0605/1145572-covid-meat-factories/>

¹⁷ <https://www.farmersjournal.ie/15-meat-factories-under-active-investigation-550323>

Health and Safety Authority Response

Testimony from Dr Sharon Mc Guinness of the HSA to this committee confirmed, that despite receiving reports by the HSA during April, as of 19th May, not a single inspection had been carried out in a meat factory¹⁸. It is deeply disturbing that the agency tasked with dealing with health and safety in the work place, did nothing to investigate reports made prior to this date.

Despite the Return to Work Safely Protocol introduced on 9th May 2020, no action was taken by the HSA. In response to a joint letter sent by MRCI and SIPTU (26th May 2020), the HSA confirmed that it began checking compliance with the Protocol from 18th May. They further outlined that they had received seven complaints about four different operators in the meat sector. The HSA has a suite of powers at its disposal and can shut down workplaces on the spot if this is deemed necessary, however these powers were not utilised in response to the COVID-19 clusters. There remains a lack of clarity and transparency in relation to the actions taken by the HSA across the meat sector and their plan in moving forward to ensure compliance.

¹⁸ Quinn-Mulligan, H., Farmers Journal, *No inspections carried out in meat plants – HSA* [online, last updated 19th May 2020, viewed 19th May 2020, <https://www.farmersjournal.ie/no-inspections-carried-out-in-meat-plants-hsa-546965>

Recommendations

Recommendations for future action outlined below for the consideration of the Special Committee on COVID-19 and inclusion in their final report.

Closure of Work Places

1. We continue to call for workplaces where clusters are detected to be closed for two week period to carry out a deep clean and for workers to be paid in full during this time. After this period, for a staggered re-opening with oversight from the HSE and HSA where the health and safety of workers are paramount.

Investigation

2. The HSE to carry out an investigation into follow-up contract tracing as it relates to workers and their families in this sector, including addressing institutional racism and discrimination in accessing their services.
3. Set up a Task force to look into the terms and conditions for workers in this sector and to examine state funding available

Responsibility

4. Clarify overall Ministerial and Departmental responsibility for the Meat Sector as it falls between a number of government departments

Worker Rights

1. To increase the pay for workers in this industry and at a very minimum to give a bonus to all workers employed throughout the lockdown period and beyond.
2. Introduce sectoral work permits (including for workers already in the state) to enable workers to change employers easily

Inspections

3. For the Labour Inspectors to carry out a campaign of unannounced inspections in meat factories
4. For the HSA to carry out a regime of unannounced inspections in meat factories
5. Make available greater resources to Health and Safety inspectors and Labour Inspectors to carry out their functions
6. For the HSA to provide greater transparency on its plan to address concerns in the meat sector and beyond this industry

Data Collection

7. Develop a system of data collection for this sector, including: number of workers, pay, occupation, nationality, age and gender, which allows for categorisation mirroring NACE 1010 (Production, processing and preserving of meat, meat products and poultry) to allow for better data collection and consistency of data presentation across relevant departments