

Minister Heather Humphries, TD.

Pathways to Work Public Consultation

Department of Social Protection

Goldsmith House

7-13 Pearse Street

Dublin 2

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30 March 2023

Sent by email to: pathwaystowork@welfare.ie

RE: Public consultation on the mid-term review of the Pathways to Work Strategy 2021 – 2025

Dear Minister Humphries,

The Irish Human Rights and Equality Commission ('the Commission') welcomes the opportunity to provide its views as part of the public consultation on the mid-term review of the Pathways to Work Strategy 2021 – 2025 ('the Strategy'). The Commission is both the National Human Rights Institution and the National Equality Body for Ireland, established under the *Irish Human Rights and Equality Commission Act 2014*. The Commission is also the Independent National Rapporteur on the Trafficking of Human Beings; Independent Monitoring Mechanism under the UN Convention on the Rights of Persons with Disabilities ('UNCRPD'); and will be assigned the role of the National Preventative Mechanism co-ordinating body under the Optional Protocol to the Convention against Torture, pending ratification. In our Strategy Statement 2022-2024, we have prioritised the following areas within the context of our work: economic equality; access to justice; eradication of racism, ableism, ageism and sexism; futureproofing; and encouraging, reporting on and enforcing compliance with the Public Sector Equality and Human Rights Duty ('Public Sector Duty').¹

¹ IHREC, [Strategy Statement 2022-2024](#) (2022)

The mid-term review, at a time of high labour market participation,² offers an opportunity for the creation of more ambitious and targeted goals, developed for and in consultation with structurally vulnerable groups.³ Persistent barriers to employment prevent groups such as disabled people, lone parents, ethnic minorities, migrants, people living outside of urban areas, young people and older people from obtaining the full benefits of periods of high employment, and heightens financial precarity in times of recession.⁴ The Strategy should focus on achieving systematic and sustainable change, by addressing structural challenges during the second half of its lifetime. We note with approval that the scope of the mid-term review extends to creating new or revised high-level goals, strands of actions and specific commitments,⁵ and we encourage the Department to be ambitious in this regard.

The four high-level ambitions of the Pathways to Work Strategy are welcome,⁶ however, it is essential that it is connected to broader departmental goals of reducing poverty and social exclusion.⁷ Despite high labour force participation, poverty and deprivation rates increased between 2021 and 2022, and more than 1 in 8 people in employment experienced deprivation.⁸ As discussed further below, the mid-term review of the Strategy offers an

² CSO, [Monthly Unemployment February 2023](#) (2023); Labour Market Advisory Council, [Labour Market Update](#) (2023), pp. 12-16; Department of Social Protection, [Pathways to Work Progress Report July 2021 – June 2022](#) (2022), pp. 9-11.

³ For the purpose of this submission, we define a structurally vulnerable person as someone who is particularly vulnerable to violations of their rights due to political, economic, social and cultural structures. Instead of focusing on the personal characteristics of individuals and groups and viewing them as lacking agency or inherently vulnerable, ‘structural vulnerability’ refers to the structures in place which render certain sectors of the population particularly vulnerable to human rights abuses.

⁴ The UN Committee on Economic, Social and Cultural Rights has requested information from the State on legislative and policy measures taken to increase employment among these groups. The State is required to respond to this request later this year and will appear before the Committee in a public hearing in March 2024; Committee on Economic, Social and Cultural Rights, [List of issues in relation to the fourth periodic report of Ireland](#) (2022), para 10.

⁵ The consultation seeks input from stakeholders on suggested changes to the current ambitions and commitments of the Strategy; Department of Social Protection, Pathways to Work Public Consultation Guidance Document (2023), p. 3. See also Labour Market Advisory Council, [Minutes – Wednesday, October 19th 2022](#) (2022), p. 3. As part of its public consultation on the mid-term review of the Roadmap for Social Inclusion, the Commission expressed its concerns about the limited scope of the review, which did not extend to revising existing targets or creating new commitments; IHREC, [Submission to the Department of Social Protection’s public consultation on the Roadmap for Social Inclusion: Mid-Term Review](#) (2022), p. 1.

⁶ Department of Social Protection, [Pathways to Work 2021-2025](#) (2021), p. 2.

⁷ Department of Social Protection, [Roadmap for Social Inclusion 2020-2025](#) (2020), p. 21.

⁸ 13.1% of people were at risk of poverty in 2022, compared with 11.6% in 2021. 12.7% of employed people experienced enforced deprivation in 2022. CSO, [Survey on Income and Living Conditions \(SILC\) 2022](#) (2023). A recent poll carried out by the Commission reported that 88% of parents with children under 16 plan to reduce

opportunity to incorporate commitments to decent work,⁹ and integrate an understanding of employment as a means to lift people out of poverty as a guiding mission.

The Strategy's strand of action on working with evidence represents good practice for policy-making. However, there is an absence of robust and disaggregated data in Ireland to facilitate evidence-informed policy development and operationalise this commitment. The lack of ethnic identifiers in key national data sets results in particular difficulties monitoring progress achieving Strategy goals in relation to Travellers and Roma.¹⁰ We echo the recent recommendation of the Committee on the Rights of the Child for the State to ensure comprehensive, systematic, disaggregated and rights-based data collection, which is available and accessible to relevant bodies, professional groups and civil society.¹¹

We also emphasise the importance of stakeholder engagement as a critical component of evidence informed policy-making, which includes the active and informed participation of affected groups in the development, implementation, monitoring and review of the Strategy.¹² The Strategy notes that evidence must be refreshed and updated to reflect the diversity of backgrounds and challenges faced by jobseekers.¹³ In this connection, public consultations should be designed to ensure accessibility for groups that may experience digital exclusion, such as older people, people with literacy difficulties, and those living outside of urban areas. As the incoming Independent Monitoring Mechanism for the UNCRPD, we note that the State has specific obligations under Article 4.3 on the

their heating and energy consumption to reduce household costs, and 58% are worried that there will be some periods in the next twelve months when they will not have enough money to cover household food; IHREC, [Submission to the Department of the Taoiseach on the European Semester 2023 and the National Reform Programme](#) (2023), p. 10.

⁹ IHREC and ERSI, [Monitoring decent work in Ireland](#) (2021). See the section on 'Decent Work' below.

¹⁰ St Stephen's Green Trust, [Travellers in the Mainstream Labour Market: Situation, Experience and Identity](#) (2021), p. 15.

¹¹ Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#) (2023), para 10 (a)-(c).

¹² IHREC, [Submission to the Department of the Taoiseach on the European Semester 2023 and the National Reform Programme](#) (2023), p. 5; United Nations Office of the High Commissioner for Human Rights, [Guidelines for States on the effective implementation of the right to participate in public affairs](#) (2018).

¹³ Department of Social Protection, [Pathways to Work 2021-2025](#) (2021), p. 80.



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
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participation of disabled people, through their representative organisations, in the implementation and monitoring of their rights.¹⁴

Our observations under the themes of access to employment; decent work; and Just Transition are set out below. We are available to further discuss the information presented.

Yours Sincerely,

Sinéad Gibney

Chief Commissioner

Irish Human Rights and Equality Commission

¹⁴ United Nations Convention on the Rights of Persons with Disabilities, [General comment no. 7 on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention](#) (2018).

Access to employment

Sustainable Development Goals 5, 8, 10

We note that the original purpose of the Pathways to Work Strategy 2021-2025 was to increase employment rates among groups which have low levels of labour market participation, and that this was amended due to the impact of the Covid-19 pandemic.¹⁵ In light of the labour market recovery following the easing of Covid-19 restrictions, the mid-term review provides a timely opportunity to shift attention to structural and attitudinal barriers that are impeding access to the labour market. Engagement with affected groups is essential to understand the specific obstacles faced when seeking employment, as well as the intersectional forms of discrimination which operate to exclude structurally vulnerable groups from the labour market. The principle of participation should be evident in the involvement of affected groups in development of the evidence base; design of new commitments; implementation; monitoring and evaluation; and review of relevant commitments for the remainder of the Strategy.

There is strong evidence of higher unemployment rates amongst ethnic minorities, including Travellers, Roma, and people of African descent.¹⁶ Ireland compares unfavourably with EU countries in this area.¹⁷ Ethnic minority communities report attitudinal barriers to employment, including racism and micro-aggressions at the point of recruitment.¹⁸ The Pathways to Work Strategy focuses on activating structurally vulnerable groups to join the labour market, rather than changing the labour market to accommodate diversity. In doing so, it fails to highlight the role that employers play in perpetuating negative stereotypes and

¹⁵ Department of Social Protection, [Pathways to Work 2021-2025](#) (2021), p. 62.

¹⁶ Commission-supported research highlights unemployment rates of 33% for people of African descent and 80% for Travellers; Frances McGinnity, Helen Russell, Ivan Privalko & Shannen Enright, [Monitoring Decent Work in Ireland](#) (2021), p. 50, 54-55. Travellers are ten times more likely to report recruitment discrimination than White Irish people; Frances McGinnity, Raffaele Grotti, Oona Kenny and Helen Russell, [Who experiences discrimination in Ireland?](#) (2017), p. 35. See also Joint Committee on key issues affecting the Traveller Community, [Final Report of the Joint Committee on Key Issues Affecting the Traveller Community](#) (2021), pp. 51-70.

¹⁷ A 2020 survey of five EU countries found that Ireland had the lowest percentage of Travellers in employment; EU Fundamental Rights Agency, [Roma and Travellers in Six Countries](#) (2020), p. 53.

¹⁸ Commission-supported research notes the experiences of ethnic minorities, who shared that their names or physical appearance often prevents them from succeeding in recruitment processes; Malgosia Machowska-Kosiack and Maria Barry, [Experiences of second-generation ethnic minority young people in Ireland](#) (2022), pp. 58-59.

allowing attitudinal biases to impact employment outcomes for particular groups. Changes to the Strategy as part of the mid-term review should reflect a whole-of-government approach to ensuring equal access to employment opportunities, including by streamlining commitments and goals with those contained in the National Action Plan Against Racism,¹⁹ and the upcoming National Traveller and Roma Inclusion Strategy and the Migrant Integration Strategy. Provision should be made for training programmes which sensitise employers to issues of conscious and unconscious bias, racism and micro-aggressions during recruitment processes, as well as incentives to encourage employers to hire jobseekers belonging to ethnic minority communities.²⁰

Structural barriers are built into the Irish employment landscape, resulting in complex hurdles faced by migrants and international and temporary protection applicants seeking employment in Ireland. Issues include the lack of recognition of skills, experience and education gained outside of Ireland,²¹ English language acquisition,²² Irish language requirements,²³ and a lack of familiarity with the State's job culture and employment system.²⁴ International and temporary protection applicants encounter particular struggles when seeking employment in their preferred sector and at the appropriate qualification level.²⁵

¹⁹ The National Action Plan Against Racism undertakes to 'Introduce measures to combat racism in employment. This to include specific measures for sectors and workplaces where minority ethnic groups are under-represented, and for sectors and workplaces where they are over-represented'; Department of Children, Equality, Disability, Integration and Youth, [National Action Plan Against Racism](#) (2023), p. 19.

²⁰ See IHREC, [Human Rights and Equality for Employers: Training](#) (2023); IHREC, [Employing International Protection Applicants: Employer Guide](#) (2021), p. 33.

²¹ IHREC, [Developing a National Action Plan Against Racism](#) (2021), p. 44. While the Migrant Integration Strategy 2017-2020 commits to better promoting the State's system for recognising vocational skills accredited in other countries (action 43 under the strategy), stakeholders have raised concerns that more efforts are needed in this regard, including greater involvement of professional bodies in the recognition process; Samantha Arnold, Emma Quinn, Sarah Groarke, Fran McGinnity and Christina Durst, [Policy and Practice Targeting the Labour Market Integration of non-EU Nationals in Ireland](#) (2019), pp. 28-29.

²² IHREC, [Developing a National Action Plan Against Racism](#) (2021), p. 44. English language acquisition has been identified as a prominent barrier to progression at work for migrants; Migrant Rights Centre Ireland, [Access, Progress, Thrive: Towards an Inclusive Labour Market in Ireland](#) (2020), p. 5.

²³ Malgosia Machowska-Kosiack and Maria Barry, [Experiences of second-generation ethnic minority young people in Ireland](#) (2022), pp. 57-58.

²⁴ IHREC, [Developing a National Action Plan Against Racism](#) (2021), p. 44.

²⁵ Recent research on the employment experiences of international protection applicants indicates that despite the availability of work permits since 2018, international protection applicants continue to face difficulties securing employment. International protection applicants also report working in jobs characterised by lower quality work, such as lower wages and poorer working conditions. Michał Polakowski and Emily Cuniffe, [Labour market integration of international protection applicants in Ireland](#) (2023), pp. vii – viii. Other

While the Pathways to Work Strategy recognises that these groups face barriers to work,²⁶ there are no time-bound, targeted commitments to address the structural inequalities impacting them.²⁷ We have made a number of recommendations in this area, such as the introduction of a formal recognition process for education and experience gained abroad, dissemination of accessible educational materials on the Irish employment system, systematic monitoring of access to decent work for international and temporary protection applicants, and certified language education.²⁸ We note that by 2027, the National Action Plan Against Racism undertakes to:

“introduce timely, accessible and transparent mechanisms by which qualifications earned outside Ireland can be recognised for use within Ireland.”²⁹

The mid-term review of the Strategy is a timely opportunity to align the Strategy with this commitment and adopt other measures to dismantle structural barriers which impact the right to work of these groups.

We welcome the Strategy’s commitment to develop a Traveller and Roma Training, Employment, and Enterprise Plan, however we are concerned about delays in progressing this commitment.³⁰ The Training, Employment, and Enterprise Plan should be targeted,

issues include a lack of networks and knowledge of the employment system; discrimination; problems with having work permits recognised by employers; disadvantage related to the location of Direct Provision centres; lack of access to childcare, particularly for women; recognition of qualifications and experience; lack of work references; language issues; loss of knowledge currency and confidence; difficulties coping with displacement and trauma; employer attitudes and awareness; and knowledge of employment rights; Doras, [Getting Right to Work: Access to Employment and Decent Work for International Protection Applicants in Ireland](#) (2021), p. 5. Temporary protection applicants responding to a recent survey shared that lack of English and non-recognition of foreign qualifications are the two largest barriers to employment; Irish Times, [Lack of English cited by Ukrainian refugees as main barrier to work](#) (2023).

²⁶ Migrants are listed as one of the target groups within the ‘working for minority groups with a disadvantage’ sub-strand of action; Department of Social Protection, [Pathways to Work 2021-2025](#) (2021), p. 75.

²⁷ In contrast, six of the twelve commitments under this sub-strand of action target the improvement of employment outcomes for Traveller and Roma communities. This is welcomed by the Commission and should be complemented by similarly targeted commitments for migrants, and international protection applicants. Department of Social Protection, [Pathways to Work 2021-2025](#) (2021), pp. 77-78.

²⁸ IHREC, [Developing a National Action Plan Against Racism](#) (2021), pp. 47-48; IHREC, [Employing International Protection Applicants: Employer Guide](#) (2021). The UN Committee on the Elimination of All Forms of Racial Discrimination has also recommended removing barriers to work for refugees, asylum seekers and stateless persons, including by providing transport and training services; Committee on the Elimination of All Forms of Racial Discrimination, [Concluding observations on the combined fifth to ninth reports of Ireland](#) (2020).

²⁹ Department of Children, Equality, Disability, Integration and Youth, [National Action Plan Against Racism](#) (2023), p. 19.

³⁰ The Progress Report indicates that the Training, Employment, and Enterprise Plan will be developed following review of the National Traveller and Roma Inclusion Strategy; Department of Social Protection,

time-bound, adequately resourced, and co-designed with Traveller and Roma groups.³¹ It should align with other policy frameworks which are currently in development, including the National Traveller and Roma Inclusion Strategy and the National Strategy for Women and Girls.³²

The disability employment gap in Ireland is among the largest in the EU.³³ Anomalies in the social welfare system prevent disabled people from entering the labour market,³⁴ impacting their right to work, as well as the right to social security. This has been recognised by the Department in the Pathways to Work Strategy, Comprehensive Employment Strategy for People with Disabilities,³⁵ and the Roadmap for Social Inclusion.³⁶ However, progress on action to address this issue across all policy frameworks has been slow.³⁷ The mid-term review of the Pathways to Work Strategy should provide a clear assessment of progress on commitment 50,³⁸ indicate a timeframe for completion of the review, and make provision for implementation of the recommendations during the second half of the Strategy's lifetime. The mid-term review should coordinate efforts across different policy

[Pathways to Work Progress Report July 2021 – June 2022](#) (2022), p. 64. The review of the National Traveller and Roma Inclusion Strategy was scheduled to conclude at the end of 2022 but is not yet published; Houses of the Oireachtas, [Dáil Debates](#) (22 March 2022); Department of Children, Equality, Disability, Integration and Youth, [Written Answers](#) (2022). See also, IHREC, [Developing a National Action Plan Against Racism](#) (2021), p. 46.

³¹ Pavee Point Traveller and Roma Centre and Applied Social Studies Maynooth University, [Roma in Ireland: Access to Fair and Decent Work](#) (2023), p. 9.

³² Pavee Point Traveller and Roma Centre and Applied Social Studies Maynooth University, [Roma in Ireland: Access to Fair and Decent Work](#) (2023), p. 9.

³³ OECD, [Disability, Work and Inclusion in Ireland – Engaging and Supporting Employers](#) (2021); Frances McGinnity, Helen Russell, Ivan Privalko & Shannen Enright, [Monitoring Decent Work in Ireland](#) (2021), p. 62.

³⁴ Department of Social Protection, [Report of the Social Inclusion Forum 2022](#) (2022), p. 19; Joanne Banks, Raffaele Grotti, Éamonn Fahey and Dorothy Watson, [Disability and Discrimination in Ireland](#) (2018).

³⁵ This Strategy notes the need to manage transitions, provide bridges into work, and make work pay for disabled people; Government of Ireland, [Comprehensive Employment Strategy for People with Disabilities](#) (2015).

³⁶ The Roadmap for Social Inclusion commits to developing and consulting on a 'strawman' proposal for the restructuring of long term disability payments to simplify the system and take account of the concerns expressed in the Make Work Pay report; Department of Social Protection, [Roadmap for Social Inclusion 2020-2025](#) (2020), p. 57.

³⁷ For example, the timeline in the Roadmap for Social Inclusion indicated that the strawman proposal would be available in Q4 2020 but the proposal has not yet been published; Department of Social Protection, [Roadmap for Social Inclusion 2020-2025](#) (2020), p. 57. The Minister for Social Protection indicated in February 2023 that work was at an advanced stage, however this is over 2 years past the deadline; Department of Social Protection, [Written Answers](#) (2023).

³⁸ Commitment 50 of the Pathways to Work Strategy requires the Department to 'review the current long-term disability payment schemes with a view to removing inconsistencies/anomalies and ensure that they recognise the continuum of disabilities and support employment'; Department of Social Protection, [Pathways to Work 2021-2025](#) (2021), p. 68.

frameworks,³⁹ and consider the recommendations of the OECD in the area of employment for disabled people.⁴⁰

Despite lower levels of labour market participation than men,⁴¹ the Pathways to Work Strategy does not recognise women as a group in need of additional support.⁴² This omission obscures the barriers to employment for women, including those caused by a market-driven model of childcare, which has a disproportionate impact on women's employment outcomes.⁴³ Although we welcome recent investment in childcare, we note the Committee on the Rights of the Child's recommendation that the availability of affordable childcare options for working parents is increased, including by transitioning towards a publicly funded model of childcare.⁴⁴ The mid-term review of the Pathways to Work Strategy should ensure that inadequate childcare provision is framed as an issue affecting women's labour market participation. Commitments should be aligned with work underway by the Department of Children, Equality, Disability, Integration and Youth and identified gaps should be addressed by the Strategy, in order to incentivise employment for women outside of the labour force.⁴⁵ Consideration should be given to expanding

³⁹ We note that the final action plan of the Comprehensive Employment Strategy for People with Disabilities is currently being prepared. Commitments under this action plan should be aligned with new commitments contained in the revised Pathways to Work Strategy following the mid-term review. Department of Children, Equality, Disability, Integration and Youth, [Written Answers](#) (2022).

⁴⁰ OECD, [Disability, Work and Inclusion in Ireland – Engaging and Supporting Employers](#) (2021).

⁴¹ In 2019, 63.7% of women were employed, compared to 74.6% of men; CSO, [Women and men in Ireland 2019](#) (2020). There is also a significant gender gap in part time work; IHREC, [Comments on Ireland's 19th National Report on the implementation of the European Social Charter](#) (2022), p. 15.

⁴² Under the working for all strand of action, the Pathways to Work Strategy considers the particular needs of: single parents, disabled people, older people and returners, young people, and other structurally vulnerable groups; Department of Social Protection, [Pathways to Work 2021-2025](#) (2021).

⁴³ Research evidence has demonstrated that women had to reduce their working hours or take a break from paid employment during the Covid-19 pandemic, as a result of home-schooling, child and eldercare; IHREC, [Comments on Ireland's 19th National Report on the implementation of the European Social Charter](#) (2022), p. 15; IHREC, [Submission to the Department of Social Protection's public consultation on the Roadmap for Social Inclusion: Mid-Term Review](#) (2022), pp. 4-7.

⁴⁴ Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#) (2023), para 26 (d). We have previously expressed concern regarding the failure of the State to accept articles 8 (3) and 27 (1) (c) of the European Social Charter relating to the of supports for employed mothers. IHREC, [Comments on Ireland's 19th National Report on the implementation of the European Social Charter](#) (2022), pp. 3-4.

⁴⁵ The Strategy should also seek to align with developments in the [Work Life Balance and Miscellaneous Provisions Bill 2023](#).

reasonable accommodation to assist employees with children in their childcare arrangements.⁴⁶

⁴⁶ IHREC, [Submission on the Review of the Equality Acts](#) (2021), pp. 60-62.

Decent work

Sustainable Development Goals 1, 8

Progress in achieving the Strategy's ambitions and commitments cannot be accurately assessed without placing statistics in context. It is important that the mid-term review evaluates success by considering not only the quantity of people in employment, but the quality of work, and the impact that high labour market participation is having on rates of poverty, deprivation, social exclusion and wellbeing.⁴⁷ In this connection, we note Commission-supported research on the six dimensions of decent work,⁴⁸ and reiterate our concern that increased labour market participation is not having an impact on poverty rates in Ireland. In order to address this issue, tangible commitments to decent work must be introduced during the second half of the Strategy.

Research indicates that equality and social inclusion strategies adopt an activation rather than a decent work approach to the employment of structurally vulnerable groups.⁴⁹ As noted above, this approach can also be observed in the Pathways to Work Strategy.⁵⁰ There is a risk that activation-focused employment strategies fail to appreciate that structurally vulnerable groups face obstacles when seeking quality work; they are more likely to have lower pay, lower security and stability in work, and are more exposed to work-related discrimination.⁵¹ The collective negative experiences of these groups may deter individuals from entering the labour market. It is therefore essential that the mid-term review takes a

⁴⁷ This is consistent with the high-level ambition of the Strategy to improve labour market outcomes for all; Department of Social Protection, [Pathways to Work 2021-2025](#) (2021), p. 2.

⁴⁸ The six dimensions of decent work are: access to work; adequate earnings; employee voice; security and stability; equality of opportunity; and health and safety; IHREC and ESRI, [Monitoring decent work in Ireland](#) (2021).

⁴⁹ IHREC and ESRI, [Monitoring decent work in Ireland](#) (2021), pp. 125-126.

⁵⁰ For example, commitments under the 'working for minority groups with a disadvantage' sub-strand of action include language classes, work experience and employer incentives rather than focusing on improving the accessibility of the workplace or the quality of work available; Department of Social Protection, [Pathways to Work 2021-2025](#) (2021), p. 76.

⁵¹ Issues include: risks of lower pay for migrants, single parents, and those with low educational qualifications; unequal levels of trade union participation across the equality groups; higher proportion of women and people with low education attainment working in temporary employment; and higher discrimination among women, ethnic minority respondents, those with a disability, non-Irish nationals, and non-Catholic respondents; IHREC and ESRI, [Monitoring decent work in Ireland](#) (2021). See also ESRI, [Wages and working conditions in non-irish nationals in Ireland](#) (2023); Joint Committee on key issues affecting the Traveller Community, [Final Report of the Joint Committee on Key Issues Affecting the Traveller Community](#) (2021), pp. 51-70; Michał Polakowski and Emily Cunniffe, [Labour market integration of international protection applicants in Ireland](#) (2023).

cross-departmental approach to considering Ireland's performance across the six dimensions of decent work and the experiences of structurally vulnerable groups seeking quality work.⁵²

Significant developments have occurred at the national and European level in relation to the living wage and adequate incomes since the publication of the Pathways to Work Strategy.⁵³ The establishment of a living wage that ensures that a decent standard of living enables people to live with dignity and in economic security. While much of this work is being advanced by the Department of Enterprise, Trade and Employment, the mid-term review is an opportune moment to demonstrate the commitment of the Department of Social Protection to the living wage, in recognition of the reality that activation strategies alone will not dismantle discriminatory and low pay structures.⁵⁴ In a similar way, the mid-term review offers an opportunity to assess gaps in the *Employment (Miscellaneous Provisions) Act 2018*, which purports to prohibit bogus self-employment and zero-hour contracts, but contains a number of exceptions which give rise to labour rights concerns.⁵⁵

We note the particular issues experienced by disabled people in relation to decent work, including higher rates of work-related illnesses,⁵⁶ and failures to put reasonable accommodations in place for employees with disabilities.⁵⁷ Legislative and policy responses

⁵² Integration of these ambitions into the Pathways to Work Strategy, in collaboration with the Department of Enterprise, Trade and Employment, is particularly necessary given that there is no national strategy with the aim of ensuring decent work for all.

⁵³ Department of Enterprise, Trade and Employment, [Tánaiste outlines proposal to bring in living wage for all](#) (2022); European Council, [Council adopts EU law on adequate minimum wages](#) (2022).

⁵⁴ The Pathways to Work Strategy already recognises the need to consider the adequacy of wages as part of the strand of action on working for work, which includes a commitment to pilot a basic income guarantee in the arts sector. We welcome this commitment and recommend that commitments in relation to income adequacy are scaled up during the second half of the Strategy. Department of Social Protection, [Pathways to Work 2021-2025](#) (2021), p. 60.

⁵⁵ For example, the legislation does not prohibit zero-hour contracts for work done in emergency circumstances; for short-term relief work to cover routine absences for the employer; and for independent contractors; IHREC, [Comments on Ireland's 19th National Report on the implementation of the European Social Charter](#) (2022), p. 16. We note that that issues of bogus self-employment and precarious work are discussed in the Roadmap for Social Inclusion, and are accordingly under the remit of the Department of Social Protection, in partnership with other departments; Department of Social Protection, [Roadmap for Social Inclusion 2020-2025](#) (2020), p. 31. The European Committee on Social Rights raised its concerns about these informal working arrangements in its Conclusions on articles of the Revised European Social Charter in relation to Labour Rights; European Committee on Social Rights, [Conclusions 2022: Ireland](#) (2023), pp. 16-17.

⁵⁶ IHREC and ESRI, [Monitoring decent work in Ireland](#) (2021), p. 117.

⁵⁷ Joanne Banks, Raffaele Grotti, Éamonn Fahey and Dorothy Watson, [Disability and Discrimination in Ireland](#) (2018), pp. 61-62; IHREC and ESRI, [Monitoring decent work in Ireland](#) (2021), p. 57. The European Committee of Social Rights has requested further information on measures adopted by the State to ensure that disabled

requiring employers to make appropriate adjustments and accommodations would be an effective way to increase the employment rate of disabled people.⁵⁸ We prepared and sent a draft Code of Practice on the Nature and Extent of an Employer's Obligations to Provide Reasonable Accommodation to Employees with Disabilities to the Department of Children, Equality, Disability, Integration and Youth in February 2023. We encourage the timely approval of this Code of Practice so that it can be relied on in judicial proceedings and integrated into relevant policy frameworks, such as the Pathways to Work Strategy.

It is significant that these issues relating to decent work in Ireland exist against the backdrop of weak protection of collective bargaining in Ireland and lower uptake of trade union membership among certain structurally vulnerable groups.⁵⁹ We are of the view that immediate action by the State is required to address the lack of statutory provision for the right to collective bargaining in Ireland and the imbalance of power in the labour market.⁶⁰ The Labour Market Advisory Council has also noted that a greater emphasis in the Strategy on social dialogue with labour unions and other stakeholder groups is needed to improve the quality of employment and career progression, in line with Ireland's international and regional commitments.⁶¹ This holistic approach to implementing the Pathways to Work Strategy is welcome, as it increases the likelihood of positive labour market outcomes for all.

employees have the right to consult with their employer in relation to reasonable accommodation; European Committee on Social Rights, [Conclusions 2022: Ireland](#) (2023), pp. 37-38.

⁵⁸ The Commission has previously recommended the amendment of the Employment Equality Acts to provide that denial of reasonable accommodation is discriminatory; IHREC, [Submission on the Review of the Equality Acts](#) (2021), pp. 58-59. Amendments should be supported by policy commitments across relevant policy frameworks, including the Pathways to Work Strategy.

⁵⁹ IHREC, [Submission to the Department of Social Protection's public consultation on the Roadmap for Social Inclusion: Mid-Term Review](#) (2022), p. 7; IHREC, [Comments on Ireland's 19th National Report on the implementation of the European Social Charter](#) (2022), p. 30; IHREC and ESRI, [Monitoring decent work in Ireland](#) (2021), p. 88.

⁶⁰ IHREC, [Comments on Ireland's 19th National Report on the implementation of the European Social Charter](#) (2022), p. 31. The European Committee on Social Rights has made a finding of non-conformity in relation to Ireland's failure to respect the right to take collective action in its Conclusions on articles of the Revised European Social Charter in relation to Labour Rights; European Committee on Social Rights, [Conclusions 2022: Ireland](#) (2023), pp. 35-36.

⁶¹ Department of Social Protection, [Pathways to Work Progress Report July 2021 – June 2022](#) (2022), p. 74. This approach would also support the transposition and implementation of the EU Directive on adequate minimum wages; IHREC, [Comments on Ireland's 19th National Report on the implementation of the European Social Charter](#) (2022), p. 30.

Just Transition

Sustainable Development Goals 8, 11, 13

We welcome the focus of the public consultation on ensuring a Just Transition by engaging with and supporting those who are at risk of economic displacement and unemployment as a result of digitalisation and the transition to a green economy. Although the Pathways to Work Strategy refers to the need for a Just Transition to a green and digital economy, there are no concrete commitments or targets dedicated to ensuring the Just Transition, and no related references in the Progress Report. As acknowledged by the Department, maintaining focus on longer-term goals is challenging when faced with short-duration shocks to employment.⁶² To combat this and ensure continuous progress, the Strategy must translate long-term strategic goals into specific, time-bound actions in the short term and evaluate and report on progress at regular intervals.

The impacts of the transition to a green and digital economy are already being felt in Ireland, particularly in the Midlands region,⁶³ and this is set to continue. Workers are affected by job substitution, job elimination, job transformation, and the broader impact of automation.⁶⁴ Employment vulnerability in the context of climate action disproportionately impacts structurally vulnerable groups, such as older people,⁶⁵ foreign-born workers,⁶⁶ workers with low educational qualifications,⁶⁷ and workers living outside of urban areas.⁶⁸

⁶² Department of Social Protection, [Pathways to Work 2021-2025](#) (2021), p. 24.

⁶³ Considerable job losses occurred following the decision of Bord Na Móna to cease extraction by 2028, with hundreds more losses anticipated in the coming years. This has been highlighted by the Just Transition Commissioner. Fast-tracked closures in the peat industry raise further concerns over alternative employment opportunities for workers directly employed in the industry, as well as workers employed in industry adjacent enterprise. IHREC, [Policy Statement on the Just Transition](#) (2023); Just Transition Commissioner, [Just Transition Progress Report](#) (2020), p. 42.

⁶⁴ United Nations, [Just Transition of the Workforce, and the Creation of Decent Work and Quality Jobs](#) (2021).

⁶⁵ Older people are more likely to be employed in carbon-intensive sectors; European Trade Union Institute, [Why the EU's patchy 'just transition' framework is not up to meeting its climate ambitions](#) (2022).

⁶⁶ Foreign-born workers tend to be employed in lower-paying and polluting sectors, with less access to training or upskilling towards a low-carbon economy; European Trade Union Institute, [Why the EU's patchy 'just transition' framework is not up to meeting its climate ambitions](#) (2022).

⁶⁷ Workers in the most affected sectors are more likely to have lower levels of education, a barrier to redeployment; Aarc, [Report on the Challenges, Needs and Recommended Actions for the Most Affected Territory](#), EU Structural Reform Support Programme Report, (2022); p. 10.

⁶⁸ Dáil Debates, [Early Exit from Peat for Electricity Generation: Statements](#) (6 Nov 2019).

Development of policies and actions relating to the Just Transition have been primarily progressed by the Department of the Environment, Climate and Communications.⁶⁹ Given the scale of this challenge, a whole-of-government approach should be adopted. This should include actions by the Department of Social Protection and Department of Enterprise, Trade and Employment to respond to changes in the labour market with pre-emptive workforce development, the promotion and creation of decent and sustainable jobs, and adequate social protection for job losses and displacement.⁷⁰ It is essential that skills development policies are regularly reviewed to ensure they are suitably responsive and adequately support those affected,⁷¹ and that innovative approaches are taken to ensure that employment is created in key regions.⁷²

In this context, we underline the importance of adopting a human-rights based approach to implementing the Just Transition in Ireland, having regard to all structurally vulnerable groups. The State's response should incorporate high-impact targeted funding with the greatest possible local impact.⁷³ Ongoing consultation, participation, and social dialogue are critical aspects of policy development to address employment vulnerability associated with the Just Transition.⁷⁴ The State should adopt a community development approach to funding and supporting alternative and sustainable employment opportunities and training and development.⁷⁵ We reiterate that the Just Transition investment represents an important opportunity to create the conditions to enhance decent work, including a focus

⁶⁹ The deliverables in the Department's Climate Action Plan 2023 include considerable exchequer investment; funding of 56 regional projects; low carbon investments; rehabilitation of peatlands; and support for bio-economy value chain opportunities; Department of the Environment, Climate and Communications, [Climate Action Plan 2023](#) (2022), p. 80.

⁷⁰ International Labour Organisation, [Guidelines for a just transition towards environmentally sustainable economies and societies for all](#) (2019), p. 5-6; National Economic and Social Council, [Addressing Employment Vulnerability as Part of a Just Transition in Ireland](#) (2020), p. viii.

⁷¹ International Labour Organisation, [Guidelines for a just transition towards environmentally sustainable economies and societies for all](#) (2019), p. 14.

⁷² The Climate Action Plan 2023 discusses ongoing work in relation to local employment creation (farming, geological research, renewable energy, remote working, enterprise and tourism) in the Midlands region which should be scaled up to accommodate other communities affected by decarbonisation and digitalisation; Department of the Environment, Climate and Communications, [Climate Action Plan 2023](#) (2022), pp. 81-88.

⁷³ National Economic and Social Council, [Addressing Employment Vulnerability as Part of a Just Transition in Ireland](#), (2020), p.viii. We note the funding secured to support the Just Transition in Ireland under the EU Just Transition Fund; Department of the Environment, Climate and Communications, [Minister Ryan welcomes EU approval for €169 million Just Transition fund for the Midlands](#) (2022).

⁷⁴ IHREC, [Policy Statement on the Justice Transition](#) (2023).

⁷⁵ IHREC, [Policy Statement on the Justice Transition](#) (2023).

on quality jobs, which are less vulnerable to loss. The mid-term review of the Pathways to Work Strategy offers an opportunity to broaden focus on ensuring sustainable employment, echoing approaches taken by the Government in the Future Job Ireland Strategy.⁷⁶

⁷⁶ Department of Enterprise, Trade and Employment, [Future Jobs Ireland](#) (2019).

