

## EUROPEAN COMMISSION WORK PROGRAMME 2016 – COMMITTEE PRIORITIES

Committee: **Committee for the Office of the First Minister and deputy First Minister**

### **Background**

The Committee considered the Assembly Research and Information Service publication on the European Commission Work Programme 2016 at its meeting of 26 November 2015. The Committee agreed to include the items of relevance to the Committee for OFMDFM in the RaISe analysis. These are:

- New Skills Agenda for Europe (legislative and non-legislative)
- New start for working parents (legislative and non-legislative)
- Labour Mobility package (legislative and non-legislative)
- Better Migration Management (legislative and non-legislative)

In addition, the Committee will also continue its role in respect of subsidiarity monitoring.

### **PRIORITY 1: NEW SKILLS AGENDA FOR EUROPE (LEGISLATIVE AND NON-LEGISLATIVE)**

This legislative and non-legislative initiative is aimed at promoting skills development, including the mutual recognition of qualifications, supporting vocational training and higher education and reaping the full potential of digital jobs. The European Commission Work Programme 2016 states that:

*“Our New Skills Agenda will promote life-long investment in people, from vocational training and higher education through to digital and high-tech expertise and the life skills needed for citizens’ active engagement in changing workplaces and societies”*

Skills development is an important matter for the Northern Ireland economy and by mutually recognising qualifications, awarded elsewhere in the EU, migrants with existing skills can maximise their contribution towards the local economy. The lack of mutual recognition of qualifications is one of the equality-related issues impeding integration of migrants and their participation in the workforce at an appropriate level. As such the New Skills Agenda for Europe has relevance for the Racial Equality Strategy 2015-2025, published by OFMDFM in December 2015. In particular, Shared Aim 4 of the Racial Equality Strategy aims to:

*“increase the participation, representation and sense of “belonging” of people from minority ethnic backgrounds in all aspects of public, political, economic, social and cultural life.”*

The Racial Equality Strategy 2015-2025 outlines how migration has affected the workforce and sets the context for which the New Skills Agenda for Europe will be applied:

*“A study by Oxford Economics (2009) carried out by DEL estimated that migration had contributed an additional 40,000 jobs and £1.2 billion Gross Value Added (GVA - a measure of wages and profits) to our economy. As our economy recovers and grows, we will again be dependent on attracting workers from elsewhere.”*

### **Planned Committee activity**

At this time it is unclear as to what form this initiative will take and the Committee will maintain a watching brief at EU level. The Committee will receive a briefing on the Racial Equality Strategy before the end of the Assembly mandate.

### **PRIORITY 2: NEW START FOR WORKING PARENTS (LEGISLATIVE AND NON-LEGISLATIVE)**

This legislative and non-legislative initiative is aimed at balancing work-life challenges faced by working parents and supporting the participation of women in the labour market. The European Commission Work Programme 2016 states that:

*“Special attention will be paid to work-life balance of working families, with a view to increasing women's participation in the labour market.”*

Work-life balance is one of the key action areas of OFMDFM's Gender Equality Strategy 2006-2016 to counter the imbalance in participation in the formal labour market by women and men. Four strategic objectives were outlined in the strategy under this key action area:

1. To achieve better collection and dissemination of data;
2. To achieve equal value for paid work and equitable participation in unpaid work;
3. To achieve gender balance in government appointed posts; and
4. To actively promote an inclusive society.

The main reason behind the New Start for Working Parents initiative is to address the low participation of women in the labour market by modernising and adapting the current EU legal and policy framework to allow for parents with children or those with dependent relatives to better balance caring and professional responsibilities. The EU Commission believes that reducing the pay gap and increasing the number of women in employment is of benefit to individuals, employers and the economy.

The Committee notes that the Women on Boards Directive should be adopted in 2016.

A Commission public consultation on the New Start for Working Parents initiative was launched on 18 November 2015 and will run to 17 February 2016.

## Planned Committee Activity

The Committee has requested a briefing from OFMDFM on the Gender Equality Strategy. The Committee notes that the Women on Boards Directive should be adopted in 2016 and will keep a watching brief on this and the New Start for Working Parents initiative.

## PRIORITY 3: LABOUR MOBILITY PACKAGE (LEGISLATIVE AND NON-LEGISLATIVE)

The Labour Mobility Package follows a review of the posting of workers directive, EURES and social security coordination in the previous EU work programme. The European Commission Work Programme 2016 states that:

*“The Labour Mobility proposals we will present ... will include measures to tackle abuse by means of better enforcement and coordination of social security systems, and we will present a targeted revision of the Posting of Workers Directive to address unfair practices leading to social dumping and brain drain by ensuring that the same work in the same place is rewarded by the same pay.”*

The key aspects of this initiative are:

1. A Communication on labour mobility will be designed to support mobility across the EU. Labour mobility is a key aspect of EU integration.
2. A targeted revision of the Posting of Workers Directive (Directive 96/71/EC). This Directive covers a wide range of issues such as maximum work periods and minimum rest periods, minimum paid annual leave, minimum rates of pay, and equal treatment between men and women.
3. A revision of Regulations on social security coordination to increase the chances of jobseekers to reintegrate in the labour market and ensure that mobility does not have a negative impact on their social security rights.

The Labour Mobility Package will impact on the integration aspects of OFMDFM’s Racial Equality Strategy 2015-2025. For example the Strategy states:

*“A significant number of migrant workers will, in due course, settle. The strategy is therefore concerned with issues that affect all people here, from both majority and minority communities. It is about allowing people, however they might be identified, to participate in society as equals.”*

## Planned Committee Activity

The Committee has requested a briefing from OFMDFM on the Racial Equality Strategy 2015-2025 and will maintain a watching brief on the implementation of the Labour Mobility Package initiative.

### **PRIORITY 4: BETTER MIGRATION MANAGEMENT (LEGISLATIVE AND NON-LEGISLATIVE)**

The European Commission Work Programme 2016 identifies the refugee crisis and the management of the migratory pressure on EU external borders as the most pressing priority facing the Union today. In addressing this priority the Programme states that:

*“We will overhaul our common asylum system to correct the gaps and weaknesses exposed in the Dublin system and to strengthen the role of the European Asylum Support Office. We will press for the Action Plan on return to be fully and quickly put into operation, and for agreement on the pending proposals implementing the European Agenda on Migration. We will also present proposals for a structured system for resettlement so that those in need of protection can be given safe passage into the EU, without risking their lives in the hands of smugglers, together with better protection schemes in neighbouring regions.”*

The Better Migration Management initiative has two dimensions:

1. Legal migration: a Communication and further legislative measures including extension of the Blue Card approach;
2. Asylum and refugees: a proposal for a structured system on resettlement of refugees and revision of the Dublin system on asylum.

Immigration matters are not devolved and the UK has so far opted out of the EU refugee dispersal proposals, preferring to take refugees directly through the UN High Commissioner for Refugees, some of whom have resettled in Northern Ireland. However, elements of the initiative may have an indirect impact on integration of migrant workers in Northern Ireland. In addition, UK future participation in some form of EU system cannot be ruled out.

Despite the fact that the UK has opted out of the EU refugee dispersal proposals the Better Migration Management will remain a priority for the Committee to inform its pending consideration of OFMDFM's draft Racial Integration Strategy as outlined in the Racial Equality Strategy 2015-25:

*“there is a strong case for a separate Refugee Integration Strategy – to ensure a smooth transition between being an asylum seeker and a refugee and to ensure that refugees can build a new life here and realise their full potential. Accordingly a draft strategy is being prepared for consultation.”*

### **Planned Committee Activity**

The Committee has requested a briefing from OFMDFM on the Racial Equality Strategy 2015-2025 and will engage with the Department as Refugee Integration Strategy develops.

### **PRIORITY 5: SUBSIDIARITY MONITORING**

In correspondence to President Juncker, the House of Lords EU Committee notes that the UK Government has raised subsidiarity concerns in respect of a number of actions in the 2016 Work Programme. These include the New Skills Agenda for Europe, the New Start for Working Parents and Caregivers and the proposed Pillar of Social Rights. The House of Lords Committee has sought assurance that the principle of subsidiarity will be respected in these cases.

### **Planned Committee Activity**

The Committee will monitor developments in these initiatives and other proposals relevant to Northern Ireland which may have subsidiarity implications. The Committee will liaise with the European committees in Westminster and the other devolved regions on issues of common concern.

Where any subsidiarity concerns are identified, the Committee will communicate its view to the European Committees in the House of Commons and the House of Lords to feed into deliberations at Westminster.

### **Other EU activity planned for 2016**

The Committee looks forward to considering the following issues before the dissolution of the current Assembly mandate:

1. The final report on the Executive's EU priorities for 2014-15;
2. The Executive's priorities for 2015-16; and
3. A briefing from the Northern Ireland Assembly EU Affairs Manager

Upon commencement of the new Assembly mandate in May 2016 the Committee recommends that the proposed Committee for the Executive Office (TEO) and the Department for Communities<sup>1</sup>, as appropriate, take forward the priorities identified above. The Committee also recommends that its successor actively engages with TEO on the development of the Refugee Integration Strategy, the implementation of the Racial Equality

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<sup>1</sup> subject to the Departments Bill receiving Royal Assent

Strategy and the implementation of the recommendations of the Committee's T:BUC Inquiry.

## **COMMITTEE ACTIVITY ON 2015 EUROPEAN PRIORITIES**

### **PRIORITY 1: LABOUR MOBILITY PACKAGE**

### **PRIORITY 2: EUROPEAN AGENDA ON MIGRATION**

The Labour Mobility Package is aimed at supporting labour mobility and tackling abuse by better co-ordination of social security systems, the targeted review of the Posting of Workers Directive and an enhanced European Network of Employment Services (EURES). It includes the Posted Workers Enforcement Directive, which is a measure to increase the protection of workers temporarily posted abroad. The European Agenda on Migration aims to develop a new approach to legal migration to make the EU an attractive destination for talents and skills, balanced with firm measures against irregular migration and people trafficking and smuggling.

The initiatives aim to encourage and facilitate movement throughout the EU of both EU citizens and those from other countries for the purposes of employment. The EU policy of enlargement will also have implications for the movement of workers. Although there are currently restrictions on the movement of Croatian citizens to the UK after that country became a Member State in 2013, these will not extend beyond 2020. There are a further six recognised candidate states for membership and two potential candidate states.

The encouragement of labour mobility of both EU citizens and those from outside the EU through these initiatives could result in greater inward migration to Northern Ireland. While immigration is an excepted matter, the integration of migrant workers is a component of social cohesion in Northern Ireland. Priority 4 of the Programme for Government (PfG) focuses on 'Building a Strong and Shared Community,' which included a key commitment to 'Publish the Cohesion, Sharing and Integration Strategy to build a united community and improve community relations.' Although the Together: Building a United Community (T:BUC) strategy published under this commitment notes that there has been 'significant inward immigration [which] has led to the creation of a diverse, multicultural society,' it does not include specific actions with regard to the integration of migrant workers. Instead, it refers to a new Racial Equality Strategy which will

*take full account of recent developments, including the unprecedented inward migration we have seen in recent years and the challenges and opportunities that this presents. It will have a strong implementation mechanism to ensure that it*

*makes a difference to the lives of members of minority ethnic communities and that it contributes appropriately to achieving the overarching vision of this Strategy.*

The consultation on the draft Racial Equality Strategy for 2014-24 stated that the Strategy would

*...establish a framework for Government departments and others:*

- *to tackle racial inequalities and to open up opportunity for all;*
- *to eradicate racism and hate crime; and*
- *along with Together: Building a United Community, to promote good race relations and social cohesion.*

### **Committee Activity Undertaken**

The Committee maintained a watching brief on developments at an EU level.

The Committee took three briefings from the Department to monitor progress against PfG commitments, including progress against PfG 67 'Building a Strong and Shared Community' and the Together: Building a United Community Strategy.

The Committee was briefed on the draft Racial Equality Strategy by OFMDFM officials.

The Committee also completed its Inquiry into Building a United Community, the purpose of which was to inform the Executive's approach in the actions it takes to tackle sectarianism, racism and other forms of intolerance and to make recommendations to support and enhance policy in uniting communities and community integration. The Committee's Report was agreed in July 2015 and was debated in plenary on 28 September 2015 to coincide with Community Relations Week.

In response to the global refugee and asylum crisis, the Committee received a briefing from OFMDFM on the Executive's plans to participate in the UK Government's Vulnerable Persons Relocation Scheme. The Committee also received a briefing from a panel of key stakeholders which included representatives from the British Red Cross, the Northern Ireland Community of Refugees and Asylum Seekers and South Belfast Roundtable.

### **PRIORITY 3: EU ACCESSION TO THE ECHR**

The proposal to allow for the signature, conclusion and implementation of the EU's accession to the European Convention on Human Rights is a continuation of an initiative from the Commission Work Programme 2014. Accession to the ECHR was an obligation under the Treaty of Lisbon, which states that

*The Union shall accede to the European convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Treaties.*

Accession would permit cases to be brought to the European Court of Human Rights in respect of EU Acts.

The Court of Justice of the European Union has considered the draft accession agreement and ruled that it is incompatible with EU Treaties. The main areas of incompatibility (as set out by RaISe) are that:

- The EU would be subject to external control – specifically the EU would be subject to decisions by the European Court of Human Rights, which is not an EU institution, whereas the interpretation of EU law lies with the Court of Justice;
- There is no provision in the draft agreement for co-ordination with the EU Charter of Fundamental Rights;
- The agreement proposes treating the EU as an individual state, which misinterprets the intrinsic nature of the EU, as Member States will be required to check the observant of human rights in other Member States, undermining the EU principle of mutual trust.
- The right of Member States to request advisory opinions of the European Court of Human Rights on compatibility with ECHR undermines the autonomy of the preliminary ruling procedure provided for in the EU Treaty.

The Committee notes from the UK Government's Explanatory Memorandum (EM) 5080/15 on the Commission Work Programme 2015 that accession "in principle aligns with... commitments on civil liberties, in bringing the actions of the European Union directly within the jurisdiction of the European Court of Human Rights."

### **Committee Activity Undertaken**

The Committee maintained a watching brief, however there was no progress on this matter.

### **PRIORITY 4: SUBSIDIARITY MONITORING**

The UK Government's EM 5080/15 on the Commission work programme notes that many of the noted that the subsidiarity implications of the individual proposals will depend on the individual proposals as they develop, and that it is not possible to provide a comprehensive view on subsidiarity implications at this stage. It advises that *"more detail on subsidiarity will be provided in the EM on each legislative proposal as it is brought forward."*



## **Committee Activity Undertaken**

There were no subsidiarity issues brought to the Committee in 2015.

## **Other EU activity undertaken in 2015**

### Departmental briefings

The Committee received the following Departmental briefings:

- 4 February: Update on the implementation of the recommendations arising from the Committee's report on the Barroso Taskforce; update on the Executive's EU priorities for 2014-15.
- 9 September: Executive's performance against 2014-15 priorities; and an update on the priorities for 2015-16.
- 9 December: Update on EU issues and the work of the Office of the NI Executive in Brussels.

### Engagement with EU Scrutiny Committees

The Committee met with Lord Boswell of Aynho, Chairman of the House of Lords European Committee on the 23 November 2015 in respect of that Committee's Inquiry "Visions of EU Reform".

The Committee hosted the EC-UK forum meeting of Chairperson of European (and equivalent) committees of the House of Commons, House of Lords, Scottish Parliament and National Assembly for Wales on the 27th November 2015. The forum discussed issues of common concern, EU reform, and subsidiarity and Daithi O'Ceallaigh delivered a presentation titled 'Britain & Europe: the Endgame - an Irish Perspective'.

### EU Reform

The Chairperson participated in a panel event 'Brexit, how could it affect Trade, Agriculture and Investment?' The event was hosted by the Northern Ireland Assembly and Business Trust in partnership with the School of Politics, International Studies and Philosophy, Queen's University, Belfast.

The Committee wrote to OFMDFM to ascertain how the Executive would engage with the UK Government in respect of EU Reform. The response advised that departments will engage bilaterally with Whitehall counterparts on issues of sectoral relevance, and the Executive's views would be made known through the Joint Ministerial Committee (Europe). The Committee therefore wrote to all Executive Departments seeking further information on engagement or work undertaken in respect of EU Reform. A number of responses remain outstanding at time of this report.