



# **Your Rights in Northern Ireland**

**A guide  
for migrant  
workers from:**

**Czech Republic**

**Estonia**

**Hungary**

**Latvia**

**Lithuania**

**Poland**

**Slovak Republic**

**Slovenia**

**This guide is  
in English**



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## **Your Rights in Northern Ireland**

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## Introduction

This Guide is intended to help you, as a migrant worker, understand the rights and entitlements you have while in Northern Ireland and to ensure that if you do encounter any problems in accessing those rights and entitlements you receive the right advice. It covers a broad range of issues that are likely to affect you and any family members you have in Northern Ireland. At the end of each section you will find a list of useful contacts that can help if you need further information or advice and if you do experience any problems.

There are three Guides in the series and to make sure that you are using the right one it is very important that you read the section called “How to Use this Guide” carefully.

The Guides have been produced by ANIMATE, the Law Centre Northern Ireland and the Northern Ireland Human Rights Commission, with funding from the Office of the First Minister and Deputy First Minister. The relevant departments and agencies of the Northern Ireland Administration have agreed the contents of these Guides. The Guides will also be useful for those providing services to, assisting or advising migrant workers.

We would also like to thank the Housing Rights Service for its assistance with the section on “Housing Rights”.

We hope you find this Guide helpful and that you enjoy the full range of your rights while in Northern Ireland. It is available in the following languages: English, Latvian, Lithuanian, Slovak and Polish.

If you need more copies of this Guide or any others in the series, please contact one of the following organisations or see their websites:

### **Northern Ireland Human Rights Commission**

*Temple Court, 39 North Street, Belfast BT1 1NA*

*Telephone (028) 9024 3987*

*Fax (028) 9024 7844*

*Textphone (028) 9024 9066*

*Email [information@nihrc.org](mailto:information@nihrc.org)*

*Website [www.nihrc.org](http://www.nihrc.org)*

### **Law Centre (NI)**

*124 Donegall Street, Belfast BT1 2GY*

*Telephone (028) 9024 4401*

*Fax (028) 9023 6340*

*Email [admin.belfast@lawcentreni.org](mailto:admin.belfast@lawcentreni.org)*

*Website [www.lawcentreni.org](http://www.lawcentreni.org)*

### **Law Centre (NI) Western Area Office**

*9 Clarendon Street, Derry/Londonderry BT48 7EP*

*Telephone (028) 7126 2433*

*Fax (028) 7126 2343*

*Email [admin.derry@lawcentreni.org](mailto:admin.derry@lawcentreni.org)*

*Website [www.lawcentreni.org](http://www.lawcentreni.org)*

## How to use this guide

There are three Guides in the series for migrant workers in Northern Ireland:

- Guide for EEA and Swiss nationals (excluding A8 nationals who have been working in the UK for less than one year)
- Guide for A8 nationals who have been working in the UK for less than one year
- Guide for work permit employees

The information in this Guide has been arranged in a series of sections on a number of different topics to help you gain a better understanding of your rights and entitlements in Northern Ireland. Each section is not intended to be a complete summary of the law on that topic, but is written to address some of the most common problems that migrant workers face when in Northern Ireland.

The information in this Guide is only relevant to your stay in Northern Ireland. It does not apply to the Republic of Ireland, which is governed by a different set of laws. It is also important to note that although immigration laws are the same throughout the UK, other laws may differ slightly from one part of the UK to another and we therefore advise you to seek further advice if you plan to move away from Northern Ireland to England, Scotland or Wales.

### Using the right guide

*The information in the Guides has been put together with specific reference to your immigration status in the UK, and it is therefore essential that you read the Guide that is relevant to you. In many cases the rights and entitlements you have in Northern Ireland depend upon the country of which you are a national. So, for example, if you are working here as a \*work permit\* employee you must read the "Guide for work permit employees".*

### Special note for A8 nationals

If you are a national of one of the countries that joined the European Union in May 2004 other than Malta or Cyprus, and intend to come to the UK to work or seek work, or if you have been working legally in the UK for less than a year, you should read this Guide. This is because, even though you are also an *\*European Economic Area\** (EEA) national, there are certain limits and restrictions on your rights and entitlements in the UK until you have been working in the UK legally for one year.

However, once you have been working legally in the UK for one year, not all the sections in this Guide are relevant to you. If you have been working legally in the UK for at least one year you should read the "Guide for EEA and Swiss nationals". The A8 countries, also known as the *\*Accession States\**, are: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovak Republic and Slovenia.

## **Explanation of terms and phrases**

In the Guides it has been necessary to use complex or technical terms and phrases that are not used in everyday English. Such terms and phrases are clearly marked in the Guides by **asterisks\*\*** and in most cases the meaning is clearly explained in that section. In addition, the Guides contain a “Glossary” that also explains certain terms and phrases.

## **Advice and support organisations**

In many instances in the Guides you are advised to seek advice. When this is stated, a list of useful organisations and their contact details are provided at the end of each section. These organisations give advice free of charge.

Where telephone numbers are given, your query will only be answered in English unless clearly stated otherwise. This should not stop you from contacting the organisation as you will generally find the person who answers your call to be friendly and helpful, whatever your level of English. If you are calling to make an appointment with an advice or support organisation, it may be possible for that organisation to arrange for an interpreter to be present at the interview or, if you wish, you could arrange for a friend to telephone on your behalf and attend any interview with you.

## **Obtaining further copies of the guides**

If you have difficulty obtaining further copies of this Guide or wish to receive another Guide in the series, please contact one of the following organisations:

### ***Northern Ireland Human Rights Commission***

*Telephone (028) 9024 3987*

*Email [information@nihrc.org](mailto:information@nihrc.org)*

### ***Law Centre (NI)***

*Telephone (028) 9024 4401*

*Email [admin.belfast@lawcentreni.org](mailto:admin.belfast@lawcentreni.org)*

### ***Law Centre (NI) Western Area Office***

*Telephone (028) 7126 2433*

*Email [admin.derry@lawcentreni.org](mailto:admin.derry@lawcentreni.org)*

*Addresses, fax numbers and website addresses for these organisations can be found on page 3 of this Guide.*

## Glossary

**This glossary only provides a brief explanation of some of the technical terms used in the Guide. More detailed explanations are provided in the relevant sections.**

**Accession States/A8 nationals** – in the UK, this is the term given to eight of the ten countries that joined the European Union in May 2004. These countries are: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovak Republic and Slovenia. If you are a citizen of one of these countries you are known in the UK as an Accession State national or A8 national.

**Common Travel Area** – the United Kingdom (including Northern Ireland), the Isle of Man, the Channel Islands and the Republic of Ireland. The Common Travel Area means that there are no passport controls in operation for Irish and UK citizens travelling between the two countries.

**Entry clearance** – citizens of certain countries need to obtain permission from the UK before entering. This permission is referred to as ‘entry clearance’.

**European Economic Area** – refers to the following countries: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Ireland (Republic of), Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

**Her Majesty’s Revenue and Customs** – the official name for the UK Tax Office.

**Home Office** – the UK government department responsible for migration issues.

**National Insurance** – a tax paid from wages and salaries in the UK which is used to finance some social security benefits (see below).

**National Insurance number** – a number issued by the Social Security Agency, which you must apply for if you intend to work in the UK and if you wish to claim social security benefits (see below).

**Northern Ireland Housing Executive** – the government agency responsible for allocating government owned housing and for offering advice to homeless persons on finding suitable accommodation.

**Public funds** – refers to certain funds provided by the government, such as unemployment benefits. If you are in the UK on a work permit you are not permitted to apply for those benefits that count as public funds. See section on “Social security benefits” for further details.

**Recruitment agency** – a profit-making company that finds people to fill particular jobs or finds jobs for people seeking work.

**Remove/removal** – the act of the government to move a non-national from the UK to a certain place, usually his/her home country if s/he is unlawfully in the UK or s/he is not entitled to enter the UK.

**Residence card/registration certificate** – a document issued by the Home Office that confirms you have the right to live in the UK (source [www.ukvisas.gov.uk](http://www.ukvisas.gov.uk)).

**Social Security Agency** – the government agency responsible for issuing National Insurance numbers and social security benefits (see below).

**Social security benefit** – money provided by the government to help some individuals in financial difficulty.

**Visa** – permission to enter the UK; will usually be issued in the form of a stamp on your passport.

**Work permit** – a form of permission granted by Work Permits (UK), a branch of the Home Office, to allow non-EEA Nationals to work in the UK for a particular employer.

**Worker Registration Scheme** – the scheme through which A8 nationals must register their employment with the Home Office for the first 12 months of being employed. This scheme does not apply to A8 nationals who are self-employed.

## Working in the UK

### Can I come to the UK to look for work?

As an *\*Accession State\** (A8) national you are entitled to come to the UK to look for work. You do not need to ask the UK authorities for permission to enter the UK, nor do you need a *\*visa\** to enter the UK. However, you will need to show a passport or a National Identity Card when you enter the UK.

### When can I start looking for work?

Having entered the UK you can start looking for work immediately, although you will need to get a *\*National Insurance number\**. For more information on obtaining a National Insurance number, see the section called "Social Security benefits".

### What do I do once I have found a job?

Once you have started working you will need to register your employment with the *\*Home Office\** (the government department which is responsible for migration). This is known as the *\*Worker Registration Scheme\** (or WRS). To register with the Home Office you have to complete a WRS form, which can be ordered over the telephone in English (08705 210 224), or is available from the website [www.workingintheuk.gov.uk](http://www.workingintheuk.gov.uk) (look under schemes and programmes for the Worker Registration Scheme and then, application form).

If you are self-employed or your main reason for being in Northern Ireland is not work, then you may not need to register under the scheme. However, you should seek specialist advice.

### When do I need to register?

The Home Office requires you to register your employment within one month of starting the job. If you do not apply within that time your employment will be illegal and you may lose your job. It is therefore very important that you apply to register your employment as soon as possible.

### What does the form require?

On the Worker Registration Scheme form you will need to give your name, address, date of birth, nationality and your employment details. If this is your first application, you will also need to send with your application, the following:

- your passport or National Identity Card (you must send the original)
- a letter from your employer confirming your employment
- two passport-sized photographs, and
- payment of £70.

Your employer should not charge you for writing the letter confirming your employment and may also help with completing the application. Your employer should not charge for his/her help, as he/she would be breaking the law if your employment is not registered. However, registering with the *\*Home Office\** and ensuring that all the necessary documents are sent to the Home Office remains your responsibility.

### **How should I send the application?**

The application should be sent by special delivery.

You should make a photocopy of your passport and/or National Identity Card and keep it in a safe place before sending the original.

### **How long will it take before I get a decision?**

The Home Office states that it should take about three weeks for a decision. Your passport should be returned at around the same time as the decision is made. If you have been registered you will be issued with a Worker Registration Card, which includes your photograph and a reference number. This is the only document, which confirms that your employment in the UK is legal.

### **Can I change my employment?**

You are free to change your employment at any time, but if you do you must register your new employment with the *\*Home Office\** using a WRS form once again. When registering a change of employment you will not need to send your passport, nor will you need to pay the fee. You just need to send your WRS reference number with a letter from your new employer. The Home Office will send you a certificate, which you must keep with your Worker Registration Card.

### **Which family members can join me in the UK?**

Any family members can join you if they are also *\*European Economic Area\** (EEA) nationals.

You can also be joined by the following family members who are not EEA nationals:

- your husband/wife/civil partner
- your children up to the age of 21, or older if they are 'dependent'
- your grandchildren up to the age of 21, or older if they are 'dependent'
- your parents if they are 'dependent'
- your grandparents if they are 'dependent', and
- other 'dependent' relatives.

## Your Rights in Northern Ireland

Other family members may also qualify and you should seek specialist advice if you are unsure.

If your family members are non-EEA nationals they will need to apply to a British Embassy/High Commission for a family permit (or a visitor's *\*visa\**, if they are only coming for a short time). A family permit can be obtained from British embassies or consulates without payment of a fee. The website of the Foreign and Commonwealth Office lists the British embassies abroad with telephone and fax numbers and email addresses. The website address is [www.fco.gov.uk](http://www.fco.gov.uk).

If you have a civil partner who is a non-EEA national and who has been living with you for two or more years, he/she can apply to a British Embassy/High Commission for a *\*visa\** to join you in the UK. If this is the case, you should seek specialist advice.

### What does 'dependent' mean?

'Dependency' can be emotional, practical and/or financial, but if you are not sure you should seek specialist advice.

### Are my family members entitled to take up employment and if so will they have to register under the Worker Registration Scheme?

If you are an *\*Accession State\** (A8) national who has been working in the UK for less than 12 months, your non-EEA family members are not automatically entitled to be employed. For more information on their rights and entitlements you should seek specialist advice.

If your husband/wife/partner is an A8 national he/she may also work under the *\*Worker Registration Scheme\** and will need to follow the same procedure detailed above.

If your husband/wife/partner is an EEA national of a non-Accession state you should read the "Guide for EEA and Swiss Nationals" – see the section called "Working in the UK".

### How long do I have to register my employment?

Once you have been working legally in the UK for 12 months, without interruption, you will have full free movement rights and will no longer need to register on the Worker Registration Scheme. You can get an EEA *\*registration certificate\** confirming your right to work and live in the UK under European Community law. You apply to the *\*Home Office\** for a registration certificate, which is a small, blue, folded card, with your photograph. If your family is with you in the UK, then you should apply for a registration certificate and your family will be issued with a *\*residence card\**, which is usually stamped in their passports. This document can be used to access other rights to which you and your family are entitled, including certain *\*social security benefits\**, if the need arises.

## What does working 'without interruption' mean?

Working 'without interruption' means you must not be out of work for more than a total of 30 days in 12 months. You will need your worker registration card and other evidence of employment to show 12 months uninterrupted employment. If you have been out of work for more than 30 days during 12 months you should seek advice from a specialist agency. In calculating 30 days you do not include paid holidays, sick leave, maternity or paternity leave as you are entitled to take these types of leave.

## What happens if I am refused a Worker Registration Card?

If you are refused a Worker Registration Card or Certificate, seek specialist advice. Generally, an application would be refused if you could not prove your nationality or if you did not give adequate evidence of your employment. Unless there are issues in respect of your nationality, a refusal does not prevent you from re-applying once you have better evidence of your employment or you have found a different job. As long as you are able to support yourself you can stay until you find a job for as long as that takes.

The *\*Home Office\** may also seek to *\*remove\** you from the UK if it believes you are no longer looking for work. However, it is extremely rare for the Home Office to seek to remove someone in these circumstances unless they have committed a serious criminal offence or are considered a threat to the public.

### Useful contacts:

#### **Law Centre (NI)**

124 Donegall Street, Belfast BT1 2GY  
Telephone (028) 9024 4401

#### **Law Centre (NI) Western Area Office**

9 Clarendon Street, Derry/Londonderry BT48 7EP  
Telephone (028) 7126 2433

#### **Citizens Advice Regional Office**

Telephone (028) 9023 1120 and you will be referred to a Citizens Advice Bureau in your area, or see the website [www.citizensadvice.co.uk](http://www.citizensadvice.co.uk).

### **STEP**

Migrant Worker Support Project  
Unit T7, Dungannon Business Park  
2 Coalisland Rd, Dungannon BT71 6JT  
Telephone (028) 8772 9002

*Bi-lingual staff are available to take appointments (Polish, Portuguese, and Lithuanian) and interpreters for other languages can be arranged as required. Appointments can be made by telephoning (028) 8772 9002. STEP anticipates being registered to provide immigration advice in the near future.*

## Social security benefits

### Who can help me if I do not have enough money to live on?

If you find that you do not have enough money, you may be able to get help through state benefits. These are known in the UK as *\*social security benefits\**. If you cannot get any social security benefits, you may be able to get help from Social Services which can sometimes help in an emergency. Even if you do not come from one of the countries listed and you need help, you should always seek advice (regardless of your nationality) as you may have rights which are not covered in this Guide.

### What agency is responsible for dealing with claims for social security benefits?

The *\*Social Security Agency\** in Northern Ireland is responsible for the day-to-day running of the social security system. This agency will process your application for a *\*National Insurance number\** and/or any social security benefit you claim. When you claim any social security benefit, your application will be considered and decided by someone who works for this agency and who is called a 'decision-maker'. Tax credits and Child Benefit are dealt with by *\*Her Majesty's Revenue and Customs\**.

### How do I get a National Insurance number?

In order to claim most social security benefits, you will normally have to show that a National Insurance number can be allocated to you. If you have lived and worked in Northern Ireland before, this means you will have to provide the Social Security Agency with your National Insurance number. You will also have to produce proof or evidence that the number you have given is your own. If you cannot remember your number, you will have to provide the Social Security Agency with sufficient information or evidence to enable your number to be traced.

A National Insurance number is required for employment and to receive social security benefits. You must apply for a National Insurance number if you are intending to work in the UK otherwise your tax contributions will not be recorded. You do not need to be in employment in order to receive a National Insurance number. It is sufficient that you are looking for employment. If you apply for a social security benefit or a tax credit which is administered by Her Majesty's Revenue and Customs, you will need to have an official National Insurance number which has been allocated by the Social Security Agency's National Insurance number allocation section. If you are coming to live and work in Northern Ireland for the first time, you will have to apply for a National Insurance number. You will be assisted with the completion of Form CA5400 and will be asked to sign it at the end of an interview.

When you apply for a *\*National Insurance number\**, you will have to provide sufficient documentary evidence to show that you are who you say you are.

### **What evidence might prove that I am who I say I am?**

Documentary evidence which can help prove your identity can include:

- your Birth or Marriage Certificate
- your passport or a National Identity Card which has been issued by any *\*European Economic Area\** (EEA) Member State
- a letter from a solicitor, adviser or official representative of any organisation,
- a statement from someone who knows you.

### **What if I cannot provide proof that I am who I say I am?**

You will be interviewed at the *\*Social Security Agency\** by a specialist National Insurance number officer to establish if a National Insurance number can be issued. It is important that you understand the questions you are being asked and that your answers are clear. If you have difficulty understanding English, you should not hesitate to ask the Social Security Agency to arrange for an interpreter who speaks your language to be present.

It is important to note that if you do not satisfy the National Insurance number requirement, you may not be entitled to receive *\*social security benefits\**. This rule applies not only to you as the person claiming, but also to anyone for whom you may be claiming benefits, except a child or young person.

### **What tests do I need to satisfy in order to receive a social security benefit?**

When you claim a social security benefit, you will only be paid if you meet the conditions of entitlement for that benefit and if you satisfy certain residence or presence tests. The test you will have to satisfy will depend on which type of benefit you claim. This is because there are a number of different types of social security benefits. These are:

- Means-tested benefits which include Income Support, income-based Jobseeker's Allowance, Pension Credit and Housing Benefit. These are also known as income-related benefits which means that income or savings you possess may be taken into account in assessing entitlement.

## Your Rights in Northern Ireland

- Non-means-tested benefits which are paid, for example, in respect of sickness and pregnancy, unemployment, bereavement or old age. These benefits will only be awarded if you (or your spouse in the case of bereavement benefits) have paid enough *\*National Insurance\** contributions in the UK, or the equivalent in another *\*European Economic Area\** (EEA) Member State.
- Special non-contributory benefits which include Attendance Allowance, Disability Living Allowance (DLA) and Carer's Allowance.
- Child Tax Credit, Working Tax Credit and Child Benefit, which are administered by *\*Her Majesty's Revenue and Customs\**.

### Where can I go for help?

Regardless of which type of benefit you claim, it is important to remember that if you are disallowed a benefit, you should always seek advice. This is because if you are not happy with decisions made by either the *\*Social Security Agency\** or *\*Her Majesty's Revenue and Customs\**, most can be appealed to an independent tribunal. To help you decide whether there are grounds on which you can appeal any decision, you should contact an advice agency for help. Agencies that can advise you on your benefit entitlement include:

- Law Centre (NI), telephone (028) 9024 4401 (Belfast) or (028) 7126 2433 (Derry)
- Citizens Advice, Regional Office, telephone (028) 9023 1120 which will be able to refer you to a Citizens Advice Bureau in your area, and
- Advice NI, Regional Office, telephone (028) 9064 5919 which will be able to refer you to an advice centre in your area.

If you have difficulty understanding English, you should not hesitate to ask the advice centre or bureau to try to arrange for an interpreter who speaks your language to be present as it is important that you understand the questions you are being asked and that your answers are clear.

### What tests do I need to satisfy if I want to claim Income Support, income-based Jobseeker's Allowance, Pension Credit or Housing Benefit?

To qualify for any of these benefits, you must show that you are habitually resident in Northern Ireland AND that you have the right to reside in the *\*Common Travel Area\**. The Common Travel Area is the United Kingdom (including Northern Ireland), the Republic of Ireland, the Isle of Man and the Channel Islands.

You will also have to show that you have the right to reside in the Common Travel Area if you want to claim either Child Tax Credit or Child Benefit. These benefits are administered by *\*Her Majesty's Revenue and Customs\**.

## What is the habitual residence test?

In order to demonstrate that you are habitually resident in Northern Ireland, you will have to satisfy the 'habitual residence test'. This test will be applied to everyone who claims Income Support, income-based Jobseeker's Allowance, Pension Credit or Housing Benefit. You will be able to show that the test should not be applied to you if you have registered under the *\*Home Office\** *\*Worker Registration Scheme\** and you are working for an authorised employer in Northern Ireland. Otherwise, the question of whether you are habitually resident will be considered when you make a claim for any of these benefits.

## How can I prove that I am habitually resident in Northern Ireland?

To demonstrate that you are habitually resident in Northern Ireland, you will have to show that your intention when coming to live here was to establish a permanent and settled residence. This does not necessarily mean that you have to show that you intended to stay here indefinitely. If you have never lived in Northern Ireland or been here before, you will have to show your intention by actually living here for an appreciable period of time.

The exact period of time will depend on the individual circumstances in your case. Case law suggests it will normally be between one and three months. Generally, however, the longer you have lived here before you claim Income Support, income-based Jobseeker's Allowance, Pension Credit or Housing Benefit, the stronger your case will be.

When deciding if you are habitually resident in Northern Ireland, the decision-maker will have to take all factors into account. These can include:

- Any preparations you made in advance of moving to Northern Ireland.
- any enquiries you made about securing employment.
- Did you sell your home or give up your right to occupy rented accommodation?
- Did you close or transfer Bank Accounts?
- What steps did you take to dispose of possessions or arrange for them to be transported to Northern Ireland?
- Did you notify medical or school authorities (if you have children) of your intention to come to live in Northern Ireland?

If you are unsure as to whether you can show you are habitually resident in Northern Ireland, seek specialist advice.

### What facts will help me show that I satisfy the habitual residence test?

The decision-maker will also need to know of any steps you have taken to put down roots since you came to live in Northern Ireland. These can include:

- Do you intend to live in Northern Ireland for the foreseeable future?
- How will you support yourself if benefit is not paid? This question may be asked so that the decision-maker can be satisfied that you intend to continue living in Northern Ireland whether benefit is paid or not.
- Any enquiries you have made about registering yourself as available for employment or finding work.
- Have you arranged accommodation here?
- Have you registered with a doctor or dentist?
- Have you enrolled in any clubs or societies?
- Do you have any family or friends in Northern Ireland?

While these examples are only some of the factors which can be taken into account, you will have to prove to the decision-maker that you are either exempt from the habitual residence test or that you are actually habitually resident in Northern Ireland. If you cannot show this, you will be classed as a person from abroad and will not be able to claim Income Support, income-based Jobseeker's Allowance, Pension Credit and Housing Benefit until you can satisfy the test – in other words, the decision-maker **must be** satisfied that your intention when coming to Northern Ireland was to establish a permanent and settled residence.

### How can I show that I have the right to reside in Northern Ireland?

Even if you can show that you are habitually resident in Northern Ireland, you will still have to show that you have the right to reside.

If you have registered under the *\*Home Office\* \*Worker Registration Scheme\** and you are working for an authorised employer in Northern Ireland, or are self-employed and financially self-sufficient, you will be treated as having a right to reside. You will be able to claim Housing Benefit, Working Tax Credit, Child Tax Credit and Child Benefit while in work, and you will be able to continue to claim these benefits and Income Support or Pension Credit, if you fall sick, become pregnant or are off work for some other reason but remain in employment.

During the first three months in Northern Ireland you will be treated as having a right to reside. However, if you are not in employment and registered you will not normally be entitled to benefit.

To claim *\*social security benefits\** without restriction, you will have to have registered under the *\*Home Office\* \*Worker Registration Scheme\** for a period of 12 months uninterrupted employment. Therefore, it is important that you register under the Workers' Registration Scheme as soon as you become employed by an authorised employer. Any time you spent working legally in the UK prior to 1 May 2004 can count towards the 12 months registration period. For more information on the Worker Registration Scheme, see the section in this Guide called "Working in the UK".

If you change jobs during the first 12 months it is also important to tell the Home Office through the Worker Registration Scheme otherwise you will not be treated as continuously employed.

### **What happens if I lose my job?**

If you lose your job within the 12-month period of uninterrupted employment, you will no longer be treated as a worker with a right to reside and you will not be able to continue to claim these benefits. In this situation you should seek advice immediately. However, if you lose your job within 12 months because, for example, you are sick or become pregnant, you should still take advice about making a claim for benefits as you may be able to challenge the decision if your claim is rejected.

### **What benefits can I claim once I have worked continuously for 12 months?**

Once you have worked for a continuous period of 12 months uninterrupted employment and you are no longer required to register under the *\*Worker Registration Scheme\**, both you and members of your family will be able to claim the full range of benefits covering you, whether in work or unemployed. A family member for these purposes includes:

- your spouse
- children and grandchildren aged under 21 and who are dependent on you,
- your parents, grandparents and great grandparents if you can show they are still dependent on you.

If you have been registered and working for a continuous period of 12 months and you are no longer required to register under the Worker Registration Scheme, you may wish to read the "Guide for EEA and Swiss nationals" – see the section called "Social Security benefits".

When claiming Income Support, income-based Jobseeker's Allowance, Pension Credit, Housing Benefit, Child Tax Credit or Child Benefit, the burden of proving that you have the right to reside in Northern Ireland rests with you. Therefore, it is important that you give the decision-maker as much information as you can about your claim.

### **Can I claim any social security benefits if I come to Northern Ireland to look for work?**

If you have come to Northern Ireland to look for work and you would be required to register under the *\*Worker Registration Scheme\** should you find a job, you will not be treated as having the right to reside. Therefore, you will not be entitled to any of the benefits mentioned above.

### **What test do I need to satisfy if I wish to claim non-means-tested benefits?**

Non-means-tested benefits are sometimes called ‘contributory benefits’. This means that to qualify for a benefit (for example, Incapacity Benefit or income-based Jobseeker’s Allowance), you have to show that you not only meet the general conditions of entitlement to that benefit, but that you satisfy the contribution conditions attached. In other words, to qualify, you must have made sufficient *\*National Insurance\** contributions.

If you have recently arrived in Northern Ireland (especially if you have never worked either here or in Great Britain before), you may not have made enough contributions to qualify for certain benefits. If you have worked and paid contributions in another *\*European Economic Area\** (EEA) Member State, however, you can rely on those contributions when claiming contributory benefits in Northern Ireland.

Similarly, while working here, you will be entitled to claim what are known as ‘in-work’ benefits including:

- Statutory Sick Pay
- Statutory Maternity Pay
- Maternity Allowance, or
- Statutory Paternity Pay.

These benefits allow you to take paid time off from employment due to sickness, pregnancy or fatherhood. Please note that a condition of continuous employment is required when claiming Statutory Maternity Pay, Maternity Allowance or Statutory Paternity Pay. For more information on your entitlement to these benefits, see the section in this Guide called “Employment Rights”.

### **What test do I need to satisfy if I claim a special non-contributory benefit?**

There are a number of benefits which are payable even if you have not made sufficient *\*National Insurance\** contributions. These benefits can be claimed if you are sick, severely disabled or caring for someone who is severely disabled. These are known as ‘special non-contributory benefits’ and include Attendance Allowance, Disability Living Allowance and Carer’s Allowance.

To qualify for any of these benefits, you must:

- be ordinarily resident in Northern Ireland
- be present in Northern Ireland, and
- have been present in Northern Ireland for 26 weeks in the last 12 months.

To meet the residence conditions for entitlement to any of these benefits, your residence in any other *\*European Economic Area\** (EEA) Member State can count. This may help you meet the residence condition of entitlement sooner.

**Useful contacts:**

**Law Centre (NI)**

124 Donegall Street, Belfast BT1 2GY  
Telephone (028) 9024 4401

**Law Centre (NI) Western Area Office**

9 Clarendon Street, Derry/Londonderry BT48 7EP  
Telephone (028) 7126 2433

**Citizens Advice Regional Office**

Telephone (028) 9023 1120 and you will be referred to a Citizens Advice Bureau in your area or see the website [www.citizensadvice.co.uk](http://www.citizensadvice.co.uk)

**Advice NI**

Telephone (028) 9064 5919 and you will be referred to an Advice Centre in your area or see the website [www.adviceni.net](http://www.adviceni.net)

**STEP**

Migrant Worker Support Project  
Unit T7, Dungannon Business Park  
2 Coalisland Rd, Dungannon BT71 6JT  
Telephone (028) 8772 9002

Bi-lingual staff are available to take appointments (Polish, Portuguese, and Lithuanian) and interpreters for other languages can be arranged as required. Appointments can be made by telephoning (028) 8772 9002.

**National Insurance number processing**

National Insurance Number Section  
Jobs & Benefits Office  
Conor Buildings, 107 Great Victoria Street, Belfast  
Telephone (028) 9054 5500

## **Your Rights in Northern Ireland**

*National Insurance Number Section  
Jobs & Benefits Office  
140 Jervis Street, Portadown  
Telephone (028) 3839 7200*

*National Insurance Number Section  
Jobs & Benefits Office  
2 Crescent Road, Lisnagelvin, Derry/Londonderry  
Telephone (028) 7131 9300*

## Housing rights

### How can I find somewhere to live in Northern Ireland?

You can rent accommodation from a private individual and sometimes this is called 'renting privately'. A person who owns the accommodation is called a 'landlord' and a person who rents the accommodation is called a 'tenant'. Sometimes landlords ask another person or company, an 'agent', to help them rent out the accommodation. You can find private rented accommodation by checking the 'To Let' advertisements in local newspapers, newsagents' windows and by checking with letting agents or estate agents. You can also rent accommodation from a government agency called the *\*Northern Ireland Housing Executive\** (NIHE) or a Housing Association, but there are restrictions on who can get this type of housing.

Before agreeing to take up an offer of accommodation you should consider whether the accommodation, and the area, is suitable:

- Is the accommodation close to where you work?
- Is the accommodation close to public transport?
- Is the accommodation close to a shopping area and other facilities?
- Are there any personal safety issues?

You have the right to live in any area you choose, although, as with any place, some areas will be safer than others. If in doubt, contact one of the advice agencies listed at the end of this section.

Most of the rules and standards outlined in this section apply to tenancies. In some cases, you may not be a tenant if your employer or recruitment agency is providing your accommodation as part of your contract of employment, *or* if your landlord lives with you, *or* if your name is not on the tenancy agreement, *or* if your landlord has free access to all parts of the property in order to provide services such as cleaning or to move other people into rooms in the house without needing your permission. If any of these apply to you, you may be a 'licensee' and not have the same protection as a 'tenant'. If you have problems with your accommodation, seek advice from one of the advice agencies listed below.

### Are there any rules about the type of accommodation offered for rent?

Standards in the private rented sector can vary. At present, there is no requirement for a privately rented dwelling to be in good repair. However, if there is a defect that may be harmful to health, the district council can require the landlord to fix it. Examples could be a leaking toilet, a leaking roof or serious dampness.

From April 2007, district councils will be able to make a landlord bring a privately rented property up to a good standard. The property:

- must be structurally stable and free from serious disrepair
- must have facilities for preparing and cooking food, including a sink with hot and cold water
- must have a suitably located toilet, bath or shower and wash-hand basin, with hot and cold water
- must have an adequate drainage system.

### **Are there different types of private rented accommodation?**

The private rented sector includes different types of accommodation including houses and flats. One of the most common types of private rented accommodation for migrant workers is Houses in Multiple Occupation (HMOs). A HMO is a house occupied by more than two people who are not members of the same family, who have their own bedrooms, but share a kitchen and bathroom. In addition to the standards described above, the HMO:

- must not be overcrowded
- must have sufficient facilities in the kitchen for the number of occupants of the property
- must have an adequate number of toilets, baths, showers and wash-hand basins for the number of occupants
- must have adequate fire prevention and fire escape provisions.

The Housing Executive can take legal action to ensure that a HMO meets these standards. In some areas a landlord will need a licence from the Housing Executive to rent out a HMO. You can ask the Housing Executive about which areas this rule covers.

### **What are my rights as a private rented tenant?**

You should be asked to sign a document which will set out the details of the agreement which you have made with the person who owns the accommodation. This is called a 'tenancy agreement'. You must read this carefully before signing it and take advice if you are unclear about anything. In addition to the rights set out in your tenancy agreement, all private rented tenants have basic rights. These will be further extended in April 2007 but at present are:

- **The right to a rent book** – all tenants are entitled to a rent book. The rent book must contain the name, address and telephone number of your landlord and/or anyone acting on the landlord's behalf (for example, a letting agent or estate agent), the amount of rent and rates payable, the amount and purpose of any deposit and the conditions for

repayment, the length of the tenancy and who is responsible for carrying out repairs.

- **The right to freedom from harassment and/or illegal eviction** – harassment is when a person tries to prevent you from enjoying the rights of your tenancy, for example by withholding a supply of electricity, acts of violence, threatening behaviour or unlawful entry. Your landlord or his/her agent is not entitled to enter the property as and when he/she pleases unless this is stated in your tenancy agreement or you have given them permission to do so. The only exception is where the landlord needs to enter the property in an emergency, for example to carry out emergency repairs. If you feel you are being harassed or forced out of your home during the agreed period of your tenancy, contact the Environmental Health Department of your local District Council.
- **The right to notice to quit** – your landlord is required to give you at least 4 weeks **written** Notice to Quit. Once the 28 days have ended the landlord must go to court to obtain an order to evict you.
- **The right to due process of the law** – in order to evict you the landlord must go to court for permission to remove you from the property. Any attempt to force you out without a court order is illegal, and if such an attempt is made you should contact the Environmental Health Department of your local District Council.
- **The right to claim Housing Benefit** – if you are working and are registered with the *\*Home Office\** under the *\*Worker Registration Scheme\** then you are entitled to make a claim for Housing Benefit to help with the payment of rent and rates. Whether you qualify for help will depend on your income. If you have lost your job then you might be able to get some benefit but should take advice about this. For more details, see the section in this Guide called “Social security benefits”.

### **What are the rules on paying for my accommodation?**

Your rent book should include details of the amount of rent you have to pay, and any other housing costs such as rates and heating and when you have to pay them. It should also state the amount of the deposit paid and the conditions under which it might be withheld by your landlord.

- **Rent** – if you have a fixed-term lease (for example, one year) the rent will be fixed for that period. At the end of the lease your tenancy will become ‘periodic’ and your landlord can then increase the rent.
- **Deposits** – most landlords will require a deposit. A deposit is used as security against damage to property, theft or rent arrears. You should be certain what the deposit is for and when the landlord can withhold it.
- **Rent in advance** – you may be asked to pay one or more month’s rent in advance.

- **Letting fees and 'key money'** - your landlord or the letting agent may ask you to pay a fee for processing your tenancy or for giving you the key to the property. You may not be legally obliged to pay these fees. Before handing over any money you should seek advice from one of the agencies listed below.
- **Guarantors** – your landlord may ask you to provide a guarantor. This is someone who guarantees to make payments if you fail to do so. This can include non-payment of rent, damage to the property and loss of items belonging to the landlord. Normally, the guarantor will be asked to sign a form stating what they are guaranteeing. If you do not know anyone who will be your guarantor you should ask the landlord if you can make an alternative arrangement.

### **When does my tenancy agreement end?**

If you have a fixed-term lease, for example for one year, the tenancy agreement should include a start and end date for the tenancy.

### **Can I leave before the end of the agreed period?**

If you wish to leave the accommodation before the end of the agreed term, you must give your landlord at least four weeks' Notice to Quit (or whatever the tenancy agreement states). Under these circumstances your landlord may request that you pay the whole of the rent for the rest of the term of the tenancy, even though you no longer live there.

If you entered into a joint tenancy with others and one of them leaves before the end of the agreed term, you and any remaining tenants may be responsible for paying all of the rent.

### **Can my landlord ask me to leave before the end of the agreed period?**

During a fixed-term tenancy agreement, for example one year, the landlord should not give you Notice to Quit unless you have broken the tenancy agreement, for example by not paying rent or by damaging the property.

### **How do I get a tenancy with the Northern Ireland Housing Executive or a Housing Association?**

If you have applied to be registered with the *\*Home Office\** under the *\*Worker Registration Scheme\** or do not have to register (for example, because you are self-employed or because you have already registered one year's uninterrupted employment) you can apply for rented accommodation to be provided by the *\*Northern Ireland Housing Executive\** (NIHE) or by a Housing Association. This is known as social housing. The NIHE also administers Housing Benefit, which is financial help with rent for people on low incomes. The NIHE is funded by the government.

Housing Associations are non-profit-making bodies, managed by a voluntary management committee. Most Housing Associations are registered by a government department called the Department for Social Development. Generally, social rented housing is cheaper than private rented housing.

If you wish to apply for social rented housing you must complete a Housing Application Form, which is available from NIHE District Offices and Housing Association offices. For a list of NIHE District Offices see the website [www.nihe.gov.uk](http://www.nihe.gov.uk).

If you are registered with the Home Office but you lose your job before you are given a house to rent, you need to seek advice. You may still be able to get a house from the NIHE or a Housing Association. If not, the duty Social Worker in your local Health and Social Services Trust may be able to help you find or pay for accommodation. You should also get advice if you have not registered or are still looking for work.

### **What do I do if I become homeless?**

You are homeless when you have no accommodation. It doesn't just mean being without a roof over your head. It can also mean living in accommodation in which it is not reasonable to live because, for example, it is in disrepair, is seriously overcrowded, or is too expensive. You may also be considered as homeless if your landlord has asked you to leave the property within 28 days.

If you are homeless you must go to your nearest *\*Northern Ireland Housing Executive\** (NIHE) District Office or the Homeless Advice Centre in Belfast, which is also part of the NIHE. A Housing Officer at the NIHE will then carry out an assessment as to whether you are unintentionally homeless, that is, that you have not deliberately made yourself homeless, and that you are eligible for assistance and in priority need. You will be considered in priority need if:

- you are pregnant
- you have a dependent child who normally lives with you (someone aged under 16 years old, or up to 19 years old if s/he is in full time education)
- you are vulnerable because you have mental health or physical health problems
- you are aged between 16 and 21 years, and at risk of sexual or financial exploitation
- you are homeless because of an emergency such as fire, flood or other disaster, or
- you have experienced, or are at risk of, violence.

## Your Rights in Northern Ireland

If you are eligible for assistance under the NIHE's rules and you are unintentionally homeless and in priority need, the NIHE has a duty to provide you with temporary accommodation until it finds you suitable housing. In any case, the NIHE will give you advice on finding suitable alternative accommodation in the private sector and on claiming Housing Benefit.

If you are vulnerable, for example because of ill health, or you have children with you the NIHE has a duty to provide you with temporary accommodation until it has checked whether or not you have registered with the *\*Home Office\**.

If you should have registered with the Home Office under the *\*Worker Registration Scheme\** and have not done so, the Housing Officer may find that you are not eligible for assistance from the NIHE beyond some advice about where to find accommodation. If this happens you should get advice from the Housing Rights Service or the Law Centre (NI). You should also get advice if you are homeless and have lost your job, have not worked, or are not able to work.

You should also contact the duty Social Worker in your local Health and Social Services Trust and ask for assistance with finding or paying for accommodation. A list of Health and Social Services Trust Headquarters is provided at the end of this section.

### Useful contacts:

#### **Northern Ireland Housing Executive (NIHE)**

Head Office, The Housing Centre  
2 Adelaide Street, Belfast BT1  
Telephone (028) 9024 0588

#### **Housing Rights Service**

Middleton Buildings, Fourth Floor  
10-12 High Street, Belfast BT1 2BA  
Telephone (028) 9024 5640

Useful information can also be found at the website [www.housingadviceni.org](http://www.housingadviceni.org), developed by Housing Rights Service and Shelter.

#### **Citizens Advice Regional Office**

Telephone (028) 9023 1120 and ask for details of your local Citizens Advice Bureau or see the website [www.citizensadvice.co.uk](http://www.citizensadvice.co.uk)

#### **Advice NI**

Telephone (028) 9064 5919 and ask for details of your nearest Advice Centre or see the website [www.adviceni.net](http://www.adviceni.net)

**STEP**

*Migrant Worker Support Project  
Unit T7, Dungannon Business Park  
2 Coalisland Rd, Dungannon BT71 6JT  
Telephone (028) 8772 9002*

*Bi-lingual staff are available to take appointments (Polish, Portuguese, and Lithuanian) and interpreters for other languages can be arranged as required.*

**Health and Social Services (HSS) Trust Headquarters**

**Armagh & Dungannon HSS Trust**

*St Luke's Hospital  
Loughgall Road, Armagh BT61 7NQ  
Telephone (028) 3752 2381*

**Causeway HSS Trust**

*8E Coleraine Road  
Ballymoney BT53 6BP  
Telephone (028) 2766 6600*

**Craigavon & Banbridge Community HSS Trust**

*Bannvale House  
Moyallen Road, Gilford BT63 5JX  
Telephone (028) 3883 1983*

**Down Lisburn HSS Trust**

*Lisburn Health Centre  
Linenhall Street, Lisburn BT28 1LU  
Telephone (028) 9266 5181*

**Foyle HSS Trust**

*Riverview House  
Abercorn Road, Derry/Londonderry BT48 6SB  
Telephone (028) 7126 6111*

**Homefirst Community Trust**

*The Cottage, 5 Greenmount Avenue  
Ballymena BT43 6DA  
Telephone (028) 2563 3700*

**Newry & Mourne Trust**

*5 Downshire Place, Newry BT34 1DZ  
Telephone (028) 3026 0505*

## **Your Rights in Northern Ireland**

### **North & West Belfast HSS Trust**

Glendinning House  
6 Murray Street, Belfast BT1 6DP  
Telephone (028) 9032 7156

### **South & East Belfast HSS Trust**

Knockbracken Healthcare Park  
Saintfield Road, Belfast BT8 8BH  
Telephone (028) 9056 5656

### **Sperrin Lakeland Health & Social Care Trust**

Strathdene House  
Tyrone and Fermanagh Hospital, Omagh BT79 0NS  
Telephone (028) 8283 5285

### **Ulster Community & Hospitals Trust**

Health & Care Centre, 39 Regent Street,  
Newtownards BT23 4AD  
Telephone (028) 9181 6666

## Employment rights

The information in this section is for all migrant workers in Northern Ireland and is written to address some of the most common problems migrant workers face. The information below is not a full summary of the law. The exercise of many of the rights described below may depend on certain conditions being satisfied or be subject to certain qualifications. This information should, therefore, not be relied upon in isolation in pursuing any claim you make against your employer. Independent legal advice should **always** be sought before taking a claim against your employer.

The general rule is that whatever your nationality, you should not be treated differently from any of your colleagues because you are a migrant worker. Employment rights can be enforced legally in a special employment court, called an Industrial Tribunal. Where possible, you should attempt to resolve problems at your place of work first by talking to your employer. You can also talk to your trade union, the Labour Relations Agency, your local Citizens Advice Bureau or other advisory bodies for help in understanding your rights.

If your contract is governed by the law of a country other than Northern Ireland, or if you primarily work abroad, or if you are self-employed (operating your own business), or trade for yourself, what follows may not necessarily apply to you. The rights described may also depend on whether your immigration status allows you to work legally in Northern Ireland (the consequences of working illegally are covered under the question called “Should I accept work that offers cash in hand?” in this section).

### The difference between workers and employees

#### Am I a worker or an employee?

In this section the term ‘worker’ is used in the context of UK employment law and should not be confused with how the same term is used in other parts of the Guide in the context of UK immigration law.

For the purposes of UK employment law the distinction between worker and employee is very important. While both workers and employees have certain basic rights such as a minimum wage, employees have some additional rights, particularly concerning how and when employment can be ended.

It can often be difficult to establish if you are a worker or an employee. If you have a written agreement with your employer that includes the phrase ‘Contract of employment’, it is probable that you are an employee. However, this is not an absolute requirement and you may still be an employee if:

- your employer controls what you do overall and lays down when and how you do it
- you have to carry out the work yourself (you cannot normally get another worker to do it on your behalf)
- your employer requires you to work regular hours and you are paid for these hours whether or not there is work to be done

## Your Rights in Northern Ireland

- your employer supplies the equipment or tools required for your job
- your employer pays tax and *\*National Insurance\** on your behalf.

You may be a worker if:

- you are only offered work and paid when your employer needs you
- you can decide when to work, and can even turn down work when offered
- you can provide a substitute worker to carry out the work in your place if you wish
- you provide your own equipment or tools
- you are responsible for paying your own tax and National Insurance
- you have a written agreement with your employer that includes the phrase 'contract for services'.

Even with these lists it might be difficult to be sure as to whether you are a worker or an employee. You may not fulfil all the conditions and parts of both lists may be applicable to you.

If you are still in doubt, you should seek advice from a trade union or advice agency such as the Labour Relations Agency or a Citizens Advice Bureau on your individual circumstances.

## Information for both workers and employees

### Basic rights

If you work in Northern Ireland you will normally have the following basic rights:

- to be paid the national minimum wage
- not to have unlawful deductions made from your pay
- to receive an itemised payslip each time you are paid, showing your earnings and any deductions such as tax
- to working hours and holidays in line with working-time laws
- not to be unlawfully discriminated against
- to join a trade union
- to health and safety protection, and
- rights relating to pregnancy.

You may also have the right to be paid Statutory Sick Pay if you are off sick (see, "Information for employees only – additional rights", below). You should seek further advice to see if you are eligible.

### **National minimum wage**

The national minimum wage in the UK is as follows:

- If you are aged 22 or over you are entitled to £5.35 per hour from October 2006.
- If you are aged 18 to 21, you are entitled to £4.45 per hour from October 2006.
- If you are aged 16 or 17 years, you are entitled to £3.30 per hour.

There are some exceptions where an employer may legally pay you less than the figures above. If you are in any doubt, you should seek advice immediately.

Please note that any 'tips' (extra money given for good service) do not count if they are paid directly to you by a customer, but any paid through your pay packet from your employer do count.

### **Deductions from wages**

Certain deductions can legally be taken from your pay by your employer, for example tax and *\*National Insurance\**. Otherwise, deductions are only allowed if they are notified to you in writing as part of your contract, or if you sign an authorisation in advance of the deduction being made. If transport to and from work and/or accommodation is provided by your employer the contract may allow for deductions from pay to cover this. If you are in doubt about money being taken from your pay, you should seek specialist advice.

### **Rest breaks**

Most adult workers are entitled to a break of 20 minutes when the working day is over six hours long. (If you are under 18 years of age, you are entitled to a 30-minute break after working for four and a half hours.)

In addition, you are entitled to adequate rest breaks if the work is likely to put your health and safety at risk. This is likely to be the case if the work you do is repetitive, for example if you are working on a production line.

### **Limiting hours of work**

Most workers have the right to choose not to work more than 48 hours a week (generally averaged over a 17-week period). You can agree in writing to work over 48 hours if you want to. If you do so, you can change your mind at any time and choose to work less than 48 hours again. Most workers are also entitled to a daily rest break of 11 continuous hours in each 24-hour period and an uninterrupted weekly rest period of at least 24 hours in each seven-day period.

If you are a young worker (aged above the minimum school leaving age, but under 18), you may not ordinarily work more than eight hours a day and 40 hours a week. You are entitled to a daily rest break of 12 uninterrupted hours

in each 24-hour period in which you work and a weekly rest break of two days off each week. This cannot be averaged over a two-week period and should normally be two consecutive days.

### **Additional protection for working nights**

A night worker is any worker whose daily working time includes at least three hours of night time on the majority of days they work. Night time is a period of at least seven hours which includes the period from midnight to 05.00hrs (5.00am).

Most workers who regularly work nights should not work more than an average of eight hours in each 24-hour period. If the work you do at night is particularly hazardous or involves heavy physical or mental strain, you should **never** work over eight hours in any 24-hour period (with some limited exceptions). Most workers are also entitled to a free health assessment at regular intervals if they work nights.

You are entitled not to be penalised or treated less favourably by your employer as a result of asserting these working-time rights.

Please note that domestic servants are excluded from the additional protection for night workers and the 48-hour week limit.

### **Paid holidays**

Most workers should receive four weeks paid holiday each year. This is four times the contracted working week, so if you work five days a week you should receive 20 days paid holiday each year. However, unless your contract gives you public holidays (some are called 'bank holidays' in the UK) in addition to this, these public holidays are counted when calculating the four weeks.

### **Protection from discrimination**

You should not be treated less favourably than other workers or harassed because of your sex, race or national origin, disability, pregnancy, sexual orientation, religion, political belief or age. Discrimination does not have to be obvious or direct. For example, if a practice negatively affects more people in one racial group than those in another racial group, it may amount to unlawful discrimination unless it can be justified by the employer.

The right to freedom from discrimination exists from the time when you apply for a job. This means that if you feel you were not given a job because of, for example, your gender or race or national origin, you can take action against your prospective employer. If you think discrimination has prevented you from getting a particular job, you should seek advice.

### **Joining a trade union**

You are entitled to join a trade union, and it is illegal for your employer to discriminate against you or victimise you for doing so. You do not have to inform your employer of your union membership.

### **Health and safety issues**

Your employer must provide a safe and healthy working environment. Your employer should provide first-aid equipment, an adequate means of escape from the building in which you work in case of fire, and protective clothing (if applicable). He/she must also ensure that any machinery you use or come into contact with is safe and that you are trained properly, in a language you understand, to use it.

### **Pregnancy**

Pregnant workers may be entitled to maternity pay if they have worked long enough and earn enough. Further advice should be sought. Treating a worker less favourably because of her pregnancy is unlawful and can be sex discrimination.

## **Information for employees only**

### **Additional rights**

As an employee you have certain additional rights to those of workers. At any time after you have started employment you are entitled to:

- 26 weeks maternity leave (even if you were pregnant when you started the job)
- leave for family emergencies (this is unpaid)
- time off for medical appointments if pregnant
- protection from dismissal because of pregnancy or trade union activity
- be accompanied by a trade union official or work colleague in any disciplinary or grievance hearing
- equal pay to that received by members of the opposite sex doing the same or a similar job
- Statutory Sick Pay if you have been off sick for four days in a row (if you are paying *\*National Insurance\**).

You will be paid while off work for a certain limited period if you are off for one of the following reasons:

- to carry out duties as a trade union official or health and safety representative
- to look for work if faced with redundancy
- to receive ante-natal care.

## Your Rights in Northern Ireland

Additionally, if you are off work for over four days because you are sick and you earn more than £84 per week, you will probably be entitled to Statutory Sick Pay of £70.05 per week for up to 28 weeks. This includes temporary and casual employees as well as those who work part-time.

You have the right to take time off work (usually without pay) under the following circumstances:

- to take part in trade union activities
- to care for your children (if you have worked for your employer for one year you will have the right to 13 weeks unpaid parental leave before your child is five years old, or within five years of adopting a child)
- to make arrangements to deal with unexpected emergencies with family members such as illness or injury. This is not limited to your children; it includes your spouse and/or parents as well as anyone else who reasonably relies on you, whether or not they are living in Northern Ireland. Please note that you must let your employer know the reason for your absence (and how long it is likely to be for) as soon as possible.

After one month of employment you are entitled to:

- one week's paid notice of dismissal, except in cases of gross misconduct; this increases after two years employment, and
- pay, if you are suspended on medical grounds.

After two months of employment you are entitled to:

- a written statement of your terms of employment including your pay, hours, holidays, etc. It is important that you obtain this statement because it can be used later in court if problems arise.

After you have worked for six months, you are entitled to an additional 26 weeks unpaid maternity leave. You may be eligible for maternity pay for the first 26-week period if you have been working for a certain length of time and have a certain average rate of earnings. If this is the case, seek further advice. You can be eligible for two weeks paid paternity leave, and for adoption leave (26 weeks paid and 26 weeks unpaid), depending on your length of service and average earnings.

After working for a year, you can claim 'unfair dismissal' if your employment is ended without good reason or without following the proper procedure. If you think this may have happened to you, you should urgently contact your local trade union representative, the Labour Relations Agency or a Citizens Advice Bureau. Ask for advice on the dismissal, disciplinary procedures and time limits for lodging a legal complaint.

If your employer seriously breaches your contract or treats you in an unacceptable way and you resign because of this, you may also be able to claim unfair dismissal. It is very important to take advice before resigning.

After working for two years, you can claim redundancy pay if your job has ended and no one else has been employed to do the same job. The amount of redundancy pay you receive will depend on your age, salary and length of service.

### **Working part-time or on a fixed-term contract**

As a part-time employee you have the right not to be treated less favourably for working part-time unless your employer has a good reason which can justify less favourable treatment. In the same way, you have the right not to be treated less favourably because you are employed on a fixed-term contract unless this can be shown to be justifiable.

## **General information for workers and employees**

### **What should I do if my contract of employment is not in a language I understand?**

You should not be expected to sign a contract written in a language you do not understand. If you have already done so you should seek legal advice and translation immediately.

### **Should I accept work that offers cash in hand?**

'Cash in hand' is when an employer offers you a job without paying taxes on your earnings. The law does not permit this. You should not be expected to accept work that offers cash in hand. If your employer is breaking this law, it is likely he/she will break other employment laws relating to the protection of your rights.

If you work for cash in hand, you are working illegally. (You can also be working illegally if your immigration status does not allow you to work in this country.)

If you work illegally:

- it will be almost impossible for you to enforce any of your legal rights (apart from the right not to be discriminated against)
- you may not be entitled to *\*social security benefits\** if you become unemployed at some time in the future,
- it may affect your right to remain in Northern Ireland, particularly if, for example, you are here on a *\*work permit\**.

You should always keep all your payslips and your 'P60'. A P60 is a document you should receive in April of each year from *\*Her Majesty's Revenue and Customs\** (the Tax Office), which contains details of the tax and *\*National Insurance\** you have paid during the previous year. If you do not receive a P60 you should ask your employer for the document.

### **Is my employer permitted to keep my passport or other documents when I start working?**

No, your new employer has no right to keep your passport or other identity documents, such as your National Identity Card. However, he/she may keep photocopies of these.

### **What is a recruitment agency?**

A *\*recruitment agency\** is a profit-making company that finds people to fill particular jobs or finds jobs for unemployed people. If you are looking for work in Northern Ireland or want to change jobs, you can register with a recruitment agency which will then match your skills to a vacancy.

### **If I work for a recruitment agency, am I a 'worker' or an 'employee'?**

Normally, if you are supplied to an employer by the agency for a short time, you are likely to be a 'worker'. The length of time you work for a particular employer is important in determining whether you are a 'worker' or an 'employee'. The longer you are with a particular employer, the more likely you are to be considered an 'employee'.

The law in this area is subject to change. Therefore, if you are unsure, you should seek further advice.

### **Will the agency charge me for finding work?**

The agency is paid by employers and therefore cannot charge you a fee for finding you work or for changing from temporary to permanent work, in most circumstances. (The exception is certain occupations in the entertainment sector, such as modelling or acting.)

### **Can I register with more than one agency?**

Yes, you can register with as many agencies as you like.

### **Can the agency restrict my right to work directly for an employer they originally supplied me to?**

Once your contract with the *\*recruitment agency\** expires, or you give the agreed notice to terminate the contract, it cannot prevent you from working directly for the employer.

### **Is there anything else I should know about working for a recruitment agency?**

The recruitment agency:

- cannot insist that you buy other products or services from them (such as CV writing or protective equipment)
- cannot withhold your pay simply because they have not received payment from the organisation you worked for; if this does happen you should seek advice
- must give you a written statement of terms and conditions before you start any work, whether temporary or permanent

- must confirm any changes to these terms in writing within five working days, and
- if the agency is finding you temporary work, the written agreement must cover:
  - whether you are an employee of the agency or a worker (you will usually be a ‘worker’ if you carry out temporary work through a recruitment agency)
  - the fact that you will be paid for all the work you do
  - how much warning you must give, or are entitled to receive, to end the employment
  - the rate of pay you will receive and how often you will be paid, for example, weekly or monthly, and
  - the amount of paid annual leave that you will be given (usually four weeks).

### **What should I do if I have a complaint about a recruitment agency?**

You should contact the Department for Employment and Learning, which is responsible for enforcing regulations governing the conduct of recruitment agencies in Northern Ireland. See the “Useful Contacts” list at the end of this section for more details.

### **How do I enforce any of my rights if I feel my employer has not fulfilled his/her legal responsibilities?**

If you feel your employer has not fulfilled his/her responsibilities towards you the best way to proceed is to ask your trade union or advice agency for advice. If you are not a member of a trade union you should ask a colleague how to join. Otherwise, you can contact one of the agencies listed at the end of this section.

### **Should I take legal proceedings against my employer?**

If you have a problem or grievance you may wish to speak to your employer informally about it first. If this is unsuccessful, you should put your grievance in writing and then meet with your employer to discuss the problem. If you are still dissatisfied, you should appeal. If these steps do not resolve the problem you can take your case to an Industrial Tribunal. If you are an employee you **must** follow this grievance procedure in most circumstances.

### **What is an Industrial Tribunal?**

Industrial Tribunals are courts which only deal with employment cases. The Fair Employment Tribunal deals with claims of religious or political discrimination. Often lawyers will not be present. You can represent yourself at an Industrial Tribunal. However, it is **always** advisable to contact your trade union or at least obtain some advice on how to proceed.

### **Is there any time limit within which I need to make a complaint to the Industrial Tribunal?**

It is very important to remember that most employment-related complaints must be made within **three months** of the event which led to the complaint. In complaints relating to redundancy, the limit is usually six months.

However, if you are an employee, in most cases apart from unfair dismissal, if you have put your grievance in writing to your employer within three months, the original time limit may be extended by a further three months.

If you are a 'worker' there is no extension of the time limit. If you are in doubt, seek advice.

### **Useful contacts:**

#### **Law Centre (NI)**

124 Donegall Street, Belfast BT1 2GY  
Telephone (028) 9024 4401

#### **Law Centre (NI) Western Area Office**

9 Clarendon Street, Derry/Londonderry BT48 7EP  
Telephone (028) 7126 2433

*Although you cannot contact the Law Centre directly, a local Citizens Advice Bureau (CAB) or other advice agency may direct your case there. The Law Centre works alongside advice-giving agencies to solve legal problems. It provides specialist legal advice to these agencies and their clients, as well as representing clients in court. It does not charge for its services. There is useful employment information available on its website [www.lawcentreni.org](http://www.lawcentreni.org).*

*If your case is referred to the Law Centre it will try to ensure that interpreters are available if required. It also has access to telephone interpreters.*

#### **Citizens Advice Regional Office**

Telephone (028) 9023 1120 and you will be referred to a Citizens Advice Bureau (CAB) in your area or see the website [www.citizensadvice.co.uk](http://www.citizensadvice.co.uk)

*Most towns will have a CAB, and there are several in Belfast. They offer free, confidential advice on a variety of legal matters including employment. You can also find your nearest CAB by looking in the phone book.*

*Many CABs have no interpretation services available; however, some may have local arrangements for certain languages.*

#### **Advice NI**

Telephone (028) 9064 5919 and you will be referred to an Advice Centre in your area or see the website [www.adviceni.net](http://www.adviceni.net).

*Advice NI is an association of independent Advice Centres throughout Northern Ireland. It does not provide advice to the general public, but it can direct you to your local registered Advice Centre which will deal directly with your query. Advice NI can also be contacted by email [info@adviceni.net](mailto:info@adviceni.net).*

**Labour Relations Agency (LRA)**

*The LRA is an independent body responsible for improving employment relations in Northern Ireland. It provides advice, training and mediation among other services. Its website address is [www.lra.org.uk](http://www.lra.org.uk). Advice can be given over the telephone (028) 9032 1442. When telephoning, ask for the 'Enquiry Point'.*

**Department for Employment and Learning (DEL)**

*This is the government department responsible for employment law in Northern Ireland. Its website address is [www.delni.gov.uk](http://www.delni.gov.uk).*

*You can also visit your local Jobcentre, where an interpreter will be made available to you upon request. To make a complaint about recruitment agencies telephone (028) 9025 7590 for a complaint form.*

**Department of Trade and Industry (DTI)**

*This is the government department responsible for employment law in England, Scotland and Wales. Its website address is [www.dti.gov.uk](http://www.dti.gov.uk). The DTI website information applies to England, Scotland and Wales, but most of the same law applies to workers in Northern Ireland.*

**Equality Commission for Northern Ireland**

*The Equality Commission is the body responsible for preventing discrimination and promoting equality. It covers various areas of discrimination including gender, race, disability, sexual orientation, marital status and religious or political belief. Its website address is [www.equalityni.org](http://www.equalityni.org) and it can be contacted by telephone (028) 9050 0600.*

**Health and Safety Executive for Northern Ireland**

*If you have a query about health and safety at your workplace you can telephone the Health and Safety Executive for Northern Ireland on 0800 0320 121 or visit its website [www.hseni.gov.uk](http://www.hseni.gov.uk). The Health and Safety Executive for Northern Ireland produces leaflets in various languages which can be obtained by phoning the number above.*

**National Minimum Wage Helpline**

*If you are or might be receiving less than the legal minimum wage you should contact the Helpline, telephone 0845 6500 207.*

### **Trade unions**

*There are various trade unions which you may wish to join. These are organisations whose sole purpose is to safeguard workers' rights. A useful directory of the unions in Northern Ireland can be found at the website [www.4ni.co.uk/listing.asp?cat=878](http://www.4ni.co.uk/listing.asp?cat=878).*

*You can also find out about various unions by asking a co-worker or visiting the website of the Northern Ireland Committee of the Irish Congress of Trade Unions (ICTU) at [www.ictuni.org](http://www.ictuni.org) or telephone (028) 9024 7940. The ICTU is an umbrella group made up of various trade unions.*

*The ICTU website provides links to individual unions that act for employees in particular types of workplace (such as the TSSA, which is a union for people employed specifically in transport).*

## Health care

### What form does the public health service take in Northern Ireland?

There is a public health service in Northern Ireland and most health care is provided free of charge by the Health and Personal Social Services (HPSS). This is the Northern Ireland equivalent of the National Health Service (NHS), which operates in England, Scotland and Wales. There is some private sector health care but the public health service is used by the vast majority of people.

The health and social services are often confused with the *\*Social Security Agency\**, an agency which deals with *\*National Insurance number\** applications and *\*social security benefits\**. Health and Personal Social Services is a group of government agencies that are completely separate from social security authorities and operate under different rules of eligibility.

### What types of treatment am I entitled to?

- **Emergency and immediately necessary treatment** – emergency and immediately necessary treatment is provided free of cost to everybody regardless of nationality and immigration status.
- **Routine treatments (non-emergency services)** – routine treatments are provided free of cost to persons who live in Northern Ireland. Some visitors (tourists, family visitors, etc.) may be asked to pay for some routine treatment.
  - If you are a citizen of the European Union, the *\*European Economic Area\** or are working in Northern Ireland on any type of *\*work permit\**, you are entitled to free routine treatment. To be eligible for free treatment you need to be living in Northern Ireland. The technical term for living here is being ‘ordinarily resident’ and includes all asylum seekers, refugees, migrant workers, resident family members, most students (except those on short courses), and other persons who are settled in the UK.
- **Dentists, opticians and medicines** – if you are entitled to free treatment this includes the GP (General Practitioner or family doctor) service and all hospital and community services. Some services usually have to be paid for. The main services that usually need to be paid for are:
  - dentists
  - opticians, and
  - medicines – which are all charged at a set rate, currently around £6 to £7.

Some people in specific circumstances do not have to pay because of:

- age – under 16, or aged 16, 17 or 18 years and at school/college, or over 60 years of age
- pregnancy – if you are pregnant or have given birth in the last year

## Your Rights in Northern Ireland

- medical condition – if you have an exemption certificate due to a medical condition, or
- income – if you or your partner is receiving certain *\*social security benefits\**.

If you are not sure about your entitlements, seek advice.

When looking for dental services, you should check if the dentist is a private one or a dentist within the NHS who will charge set fees.

### **Is health care provision different for people from the Accession States (A8 nationals)?**

No, the entitlements for people from *\*Accession States\** (A8 nationals) to health care are exactly the same as those for persons from the rest of the European Union.

The restrictions placed on entitlements for migrant workers from the Accession States in May 2004 relate to certain *\*social security benefits\** and are not to do with health and social services.

### **Is health care provision different for people from outside the European Economic Area?**

Persons from outside the *\*European Economic Area\** (EEA), who are living in Northern Ireland have the same entitlements to free health care as residents from the EEA. However there are differences for non-EEA visitors (see below). Health and Social Services are not a public fund. It is irrelevant if 'no recourse to *\*public funds\**' is stamped on a passport as this refers only to specific *\*social security benefits\**.

### **What health care are visitors entitled to?**

Emergency or immediately necessary treatment is free to all. In relation to routine treatment, visitors, if they are from an EEA country or a country that has a reciprocal agreement do not have to pay for medical treatment where the need arises during the course of their visit (including for pre-existing conditions that become worse).

EEA visitors can carry a European Health Insurance Card (EHIC) – which has replaced the E111 form. Reciprocal agreement countries are:

Anguilla, Armenia, Australia, Azerbaijan, Barbados, Belarus, Bosnia, British Virgin Islands, Bulgaria, Channel Islands, Croatia, Falkland Islands/ Malvinas, Georgia, Gibraltar, Hungary, Isle of Man, Kazakhstan, Kyrgyzstan, Macedonia, Moldova, Montserrat, New Zealand, Romania, Russia, St Helena, Tajikistan, Turks and Caicos Islands, Turkmenistan, Ukraine, Uzbekistan, Yugoslavia (that is, Serbia and Montenegro).

However, if an EEA national travels specifically to the UK for free medical treatment, he/she needs to have been referred by a doctor from his/her home country and to have completed form E112. There is also a form E128 for posted workers and temporary students that gives entitlements to free treatment.

If you know of a visitor who is expected to pay but is unable to do so, there may be other specific exemptions from payment that can be argued, and you should seek advice.

If you know of someone coming to visit you in Northern Ireland, such as friends or family members (who are not from one of the above EEA or reciprocal agreement countries), it is important for them to get medical insurance.

### **How do I register for health care?**

You must register with a General Practitioner (GP, family doctor) to use the health service (except emergency services). Registration is with a GP's Practice (also known as a Health Centre, Doctor's surgery or Medical Centre, etc.), rather than with an individual GP.

When you first register with a GP Practice you will have to fill in a form – 'HS22X'. You can get this form in any GP surgery or from the Central Services Agency (CSA), a public health agency dealing with GPs.

Once you are accepted by a GP, he/she will sign the HS22X form and send it to the Central Services Agency. You will then receive a Northern Ireland medical card. You can use this card to register with a dentist or to register with another GP if you move to another area.

You can get a list of GPs from the Central Services Agency or from your local Citizens Advice Bureau.

It is very important to register with a GP as it is the GP who will often arrange first contact with other health and social services. You can choose to register with a male or female doctor as you wish.

### **What can I do if I cannot get registered or if I am removed from a GP's list?**

If a GP practice says it cannot register you, it is best to seek advice. If you are told by a GP practice that its list is full and it is not taking on any more patients, you can check if this is accurate by contacting the Central Services Agency and asking if that practice's list is full.

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If you are refused a place because the GP's list is full or for any other reason the GP practice must give you the reason in writing within 14 days of refusing you a place. It can only refuse you on 'reasonable grounds'. Reasonable grounds might be, for example, that your house is not in the practice area. It is not reasonable grounds to be refused because you are a migrant or a member of an ethnic minority group, or because of your age, religion, gender, social class, marital status, political opinion, sexual orientation, appearance, disability, medical condition, or because you have children or other persons you care for. If you believe you have been refused for any of these reasons, you should seek advice.

If you cannot find a GP Practice that will take you, you can send your HS22X form to the Central Services Agency and it will allocate you a place with a GP.

### **How long can I be registered for?**

When you register you will be asked how long you plan to stay in Northern Ireland. If you are only here for a short time and have a ticket for the journey home, you can give that date. Otherwise, it is best not to guess how long you might stay in Northern Ireland as to do so may result in you being taken off the list on the date you give, without being told in advance. It is best to say that you are planning to live here until further notice (permanently). If you later decide to leave permanently, you should then tell your GP so that you can be taken off his/her list.

### **What emergency services do GPs provide?**

All GP Practices will provide medical treatment in an emergency or when it is immediately necessary, even if you are not registered with them. GP practices will also have a telephone number for out-of-hours emergencies and you should get the number from your practice.

In the case of a serious accident or need for emergency medical treatment, you should go to a hospital Accident and Emergency Department (A&E). All accident and emergency services are free to everybody. If you need an ambulance, telephone 999 or 112 (in English).

### **What other health care services are there?**

There are a number of other services that can be accessed directly.

For advice on contraception you can contact your GP or a Family Planning Clinic. Details of clinics in your area can be obtained from the Family Planning Association Contraceptive Education Service helpline (in English), telephone (028) 9032 5488. Family Planning Services are free and strictly confidential.

If you have a Sexually Transmitted Infection (STI) you can see your GP or you can go to one of four free public health clinics (known as GUM [Genito Urinary Medicine] clinics), which you can attend free of charge and in complete confidentiality. These clinics are situated in four main hospitals:

- Royal Victoria Hospital, Belfast  
Telephone (028) 9089 4777
- Altnagelvin Hospital, Derry/Londonderry  
Telephone (028) 7161 1269
- Coleraine Hospital, Coleraine  
Telephone (028) 7035 0080
- Daisy Hill Hospital, Newry  
Telephone (028) 3083 5050

The telephone numbers can be contacted in English only.

### **Can interpreter services be provided for health care?**

All Health and Social Services organisations have access to interpreters who are trained professionals. Interpreters are provided free of cost and will maintain strict confidentiality. For scheduled appointments an interpreter should be provided in person. For information on the Health and Social Services central interpreting service, see the website [www.interpreting.n-i.nhs.uk](http://www.interpreting.n-i.nhs.uk). If you call without having made an appointment or in an emergency, many health and social services organisations use a telephone interpreting service. You have a right to an interpreter when using the health service. If you are not offered an interpreter, ask for one. If you are refused an interpreter, seek advice.

If you are not entitled to free treatment in the categories described earlier in this section and are unable to pay, there may be other specific exemptions from payment that can be argued. You should seek advice.

#### **Useful contacts:**

##### **Central Services Agency (CSA)**

2 Franklin Street, Belfast BT2 8DQ

Telephone (028) 9053 5521 (Primary Care Manager)

Website [http:// www.centralservicesagency.n-i.nhs.uk](http://www.centralservicesagency.n-i.nhs.uk)

##### **Equality Commission for Northern Ireland**

Equality House, 7-9 Shaftesbury Square

Belfast BT2 7DP

Telephone (028) 9050 0600

##### **Citizens Advice Regional Office**

Telephone (028) 9023 1120 and you will be referred to a Citizens Advice Bureau in your area or see the website [www.citizensadvice.co.uk](http://www.citizensadvice.co.uk).

## **Your Rights in Northern Ireland**

### **Advice NI**

*Telephone (028) 9064 5919 and you will be referred to an Advice Centre in your area or see the website at [www.adviceni.net](http://www.adviceni.net).*

### **STEP**

*Migrant Worker Support Project  
Unit T7, Dungannon Business Park  
2 Coalisland Road, Dungannon BT71 6JT  
Telephone (028) 8772 9002*

*Bi-lingual staff are available to take appointments (Polish, Portuguese, and Lithuanian) and interpreters for other languages can be arranged as required. Appointments can be made by telephoning (028) 8772 9002.*

## Human rights and equality

### What is the Human Rights Act?

The Human Rights Act 1998 brought into domestic UK law many of the rights protected by the European Convention on Human Rights. The Human Rights Act 1998 applies to all individuals in the UK regardless of whether or not they are UK nationals. This is because Article 1 of the Convention states:

*'The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.'*

The presence of the Human Rights Act 1998 in the UK means that if you feel your rights under the Act have been violated, you can seek a remedy through the UK courts.

### What rights do I have under the Act?

Under the Human Rights Act 1998, while in the UK you have the following rights:

- everyone's right to life shall be protected by law
- no one shall be subjected to torture or to inhuman or degrading treatment or punishment
- no one shall be held in slavery or servitude or be required to perform forced or compulsory labour
- everyone has the right to liberty and security of person
- everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
- no one shall be subject to retroactive penalties or law
- everyone has the right to respect for his private and family life, home and correspondence
- everyone has the right to freedom of thought, conscience and religion
- everyone has the right to freedom of expression
- everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of their interests
- men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right
- the enjoyment of the rights and freedoms set forth in the European Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status

## Your Rights in Northern Ireland

- nothing in the European Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention
- the restrictions permitted under the European Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed
- everybody is entitled to the peaceful enjoyment of his or her possessions
- no person shall be denied the right to education
- there shall be free elections at reasonable intervals by secret ballot, under conditions which ensure the free expression of the opinion of the people in the choice of the legislature, and
- the death penalty shall be abolished.

### **Are there any restrictions on these rights?**

Some of the rights listed above can be restricted for the purposes of immigration control, but broadly speaking they all apply to you in some form regardless of your immigration status.

### **What can I do if I feel my rights have been abused?**

If any of the rights covered by the European Convention are breached by any public body, you can apply to the courts for a remedy, which may include compensation. You can also rely on your Convention rights in the course of any other legal action; for example, in deciding family law cases the courts must respect the human rights of everyone involved.

As already mentioned, you have the right not to be discriminated against on a wide range of grounds, including race, gender and sexual orientation, in relation to employment and seeking work. The same sorts of protections apply in relation to what are called 'goods, facilities and services'. This covers private companies, such as bars and estate agents, as well as public services.

The law in relation to human rights and discrimination is quite complex, and if you believe that you have suffered discrimination, it is best to seek advice from a solicitor, an advice agency or one of the bodies mentioned opposite.

**Useful contacts:**

***Northern Ireland Human Rights Commission***

*Temple Court, 39 North Street*

*Belfast BT1 1NA*

*Telephone (028) 9024 3987*

*Email [information@nihrc.org](mailto:information@nihrc.org)*

*Website [www.nihrc.org](http://www.nihrc.org)*

***Equality Commission for Northern Ireland***

*Equality House, 7-9 Shaftesbury Square*

*Belfast BT2 7DP*

*Telephone (028) 9050 0600*

*Email [information@equalityni.org](mailto:information@equalityni.org)*

*Website [www.equalityni.org](http://www.equalityni.org)*

## Civil liberties

### What is the police service in Northern Ireland?

The organisation responsible for policing in Northern Ireland is called the Police Service of Northern Ireland (PSNI).

### How can I contact the police?

- In an emergency, telephone 999 or 112.
- In non-emergency cases, telephone 0845 600 8000.
- General information about the Police Service, including a list of all stations, can be found on the Service website at [www.psni.police.uk](http://www.psni.police.uk).

### Being stopped by a police officer

If you are stopped by a police officer you can expect him/her to be respectful and polite. If you are a non-English speaker the Police Service will provide an interpreter.

Police officers normally wear name badges so you should be able to identify the officer with whom you have spoken, but it may be useful, if you think you may need to speak to the same officer again, to note his/her name and ask his/her station. Officers also have unique shoulder numbers which can also identify them.

If you have been stopped and searched by police they must give you a copy of the written search record.

The police may only use force which is proportionate and reasonable in carrying out their lawful duties.

### What are the legal requirements for driving in Northern Ireland?

If you are driving a motor vehicle, a police officer can stop you and ask to see:

- **Your driving licence** – you must have a valid driving licence for the type of vehicle that you are driving. You can use any EU or EEA licence in the UK until your licence expires, until you reach the age of 70, or until you have been resident in the UK for three years – whichever of these events happens latest. After that period, you must apply for a Northern Ireland licence. Forms are available at most Post Offices. Alternatively, you have the option of exchanging your EU or EEA licence for a Northern Ireland one at any time: this currently costs £38. (If you have an EU or EEA vocational licence, special rules apply including age limits and a requirement to join a special register: you should telephone the Driver and Vehicle Licensing Agency for advice, on 0845 402 4000.)
- **Your insurance** – insurance is a legal requirement in the UK and each driver, not the vehicle, must be insured separately for a named car.

Your motor vehicle must also have:

- A vehicle licence or road tax – this can be obtained from local Driver and Vehicle Licensing (DVLNI) offices and some post offices.
- A vehicle Test certificate – some vehicles over a certain age may require a vehicle test certificate. Lorries and vans have different requirements. Specific details can be obtained from the Driver and Vehicle Testing Agency. The website address is [www.dvtani.gov.uk](http://www.dvtani.gov.uk)

For further details on the legal requirements for driving in Northern Ireland and a list of local Vehicle Licensing Offices visit the Driver and Vehicle Licensing of Northern Ireland website at [www.dvlni.gov.uk](http://www.dvlni.gov.uk).

It is important that drivers and vehicles have the necessary documentation as ignorance of these requirements will not be accepted as an excuse.

Every person in a motor vehicle must wear a seat belt when travelling unless a doctor has certified that a medical condition prevents him or her from doing so.

If the police officer has reason to believe that you are driving under the influence of alcohol or illegal drugs he/she is entitled to ask for a sample of breath, blood or urine. The police officer must keep a written record of the sampling.

### **What involvement does the Police Service have in immigration control?**

In Northern Ireland the Police Service is not formally involved in enforcing immigration control.

A police officer should not normally ask to see your passport or any other documentation proving your right to be in the UK. However, occasionally you may be required to show the police your identification and you may wish to show your passport. If you are asked for identification it is advisable that you present identification to the police officer.

If you have been suspected to have committed an offence and you do not have any form of identification with you at all, the police officer, in certain circumstances, is entitled to arrest you until he/she is satisfied that you are who you say you are.

Police officers must not treat you differently from any other individual on the grounds of your race, nationality or colour and you do have a right to ask the police officer why he/she has chosen to stop and question you.

### **What are my rights if I am detained by the police?**

If you have been detained by the police or are being questioned regarding your suspected involvement in an offence, you have certain rights.

A police officer must caution you in the following terms:

*‘You do not have to say anything, but I must caution you that if you do not mention when questioned something which you later rely on in court, it may harm your defence. If you do say anything it may be given in evidence.’*

Once cautioned, the police officer may interview you formally or ask you questions. An accurate record must be made of the interview between you and the police and this may be written down or in some cases tape recorded. If you are charged with an offence you should again be cautioned and given a written notice showing particulars of the offence and stating the terms of caution.

You are entitled to consult a solicitor and to have someone informed that you have been arrested or detained. If you do not have contact details for a solicitor, each police station will have details for a solicitor who is on duty, otherwise known as a ‘duty solicitor’. You will not have to pay for assistance you receive from a solicitor while you are being held in custody at the police station; this will be paid for by Legal Aid. Legal Aid is funding provided by the government to offer some legal services to individuals free of charge.

The right to consult a solicitor or have someone informed may be delayed under certain very serious circumstances. These circumstances are if the exercise of either or both these rights would be likely to:

- lead to interference with evidence or witnesses,
- lead to serious loss of property
- lead to the alerting of other suspects, or
- hinder the recovery of property or the proceeds of crime.

If your detention lasts up to 24 hours you must be allowed a continuous period of rest of at least eight hours.

A police officer cannot subject you to torture, inhuman or degrading treatment. At no time during your detention is a police officer entitled to threaten to use or actually use violence against you. In certain circumstances a police officer may use force to ensure the compliance with a lawful request but this must always be proportionate and reasonable in the circumstances.

### **How can I make a complaint against the police?**

If you have come into contact with the police and feel that you have been treated unfairly you can contact the Police Ombudsman’s Office. The Police Ombudsman’s Office is independent from the Police Service of Northern Ireland and the government as a whole. It has the specific task of investigating complaints against the police. The office’s address can be found at the end of this section in the list of “Useful contacts”.

## **What is the role of the police service in my safety?**

The police service has a legal responsibility to protect life and property; preserve order; prevent the commission of offences; and where an offence has been committed, take measures to bring the offender to justice.

In some areas the police service arranges especially to meet with migrant workers through local businesses and forums.

Every police district in Northern Ireland also has a Minority Liaison Officer (MLO). MLOs have been specially trained to advise and support people who have been victims of crime because of their race, religion, sexual orientation or disability. These are known as hate crimes. If you do become a victim of a hate crime there are a number of organisations that can help you in different ways. These are listed in the “Useful contacts” at the end of this section.

## **What should I know before travelling from Northern Ireland to the Republic of Ireland?**

If you intend to travel to the Republic of Ireland and you required *\*entry clearance\** to come to the UK, it is likely that you will require separate entry clearance to travel to the Republic of Ireland. Therefore, you must obtain a visa from the Irish embassy. Your UK entry clearance does not entitle you to travel to the Republic of Ireland. There is a chance that you will be asked for your passport as you enter the Republic of Ireland by air, train or road from Northern Ireland, and if you do not have valid entry clearance you may be detained for some time by Irish immigration control. There have been a number of reported instances of this occurring.

Further information on acquiring a visa for the Republic of Ireland can be obtained from the Department of Foreign Affairs website: [foreignaffairs.gov.ie](http://foreignaffairs.gov.ie).

### **Useful contacts:**

#### ***Police Service of Northern Ireland***

*Telephone 0845 600 8000*

#### ***Northern Ireland Council for Ethnic Minorities***

*Ascot House, Third floor  
24-31 Shaftesbury Square, Belfast  
Telephone (028) 9023 8645*

#### ***Equality Commission for Northern Ireland***

*Equality House, 7-9 Shaftesbury Square  
Belfast BT2 7DP  
Telephone (028) 9050 0600*

## **Your Rights in Northern Ireland**

### ***Northern Ireland Human Rights Commission***

*Temple Court, 39 North Street  
Belfast BT1 1NA  
Telephone (028) 9024 3987*

### ***Police Ombudsman for Northern Ireland***

*New Cathedral Buildings, St Anne's Square  
11 Church Street, Belfast BT1 1PG  
Telephone 0845 601 2931 or (028) 9082 8600*

*You can obtain a leaflet about how the police complaints system works from the Police Ombudsman's office. Currently these leaflets are available in English, Ulster-Scots, Irish or Chinese.*

## **In the Republic of Ireland**

### ***Immigrant Council of Ireland***

*Telephone (00) 353 1 6740200, from 14.00hrs to 16.00hrs (2.00pm – 4.00pm)*

### ***Migrant Rights Centre***

*Telephone (00) 353 1 8881355*

## Education information

### Who is responsible for education in Northern Ireland?

The government department responsible for the state education system is the Department of Education, which in turn governs local departments called Education and Library Boards. Education and library boards are responsible for the running of schools and colleges in a particular geographical area. The boards can give you information on schools and colleges in your area and on how to enrol. A list of addresses is given at the end of this section in “Useful contacts”.

### Can my child receive additional support regarding the English language?

If your child is not fluent in English, he or she should be given extra support from the school or the education and library board. Your school should provide details of this. If adequate support is not made available, you should talk to the school or education and library board.

### What should I do if my child is bullied at school?

Racist and other forms of intimidation and bullying are not allowed in schools. If bullying occurs, it should be reported to your child’s school teacher. If you do not feel the bullying has been adequately dealt with, you should contact the school principal and then the local education and library board or get independent advice from a support organisation – see “Useful contacts” at the end of this section.

### What types of school education are there in Northern Ireland?

It is obligatory to receive an education from the ages of five to 16 years. Most people stay on in school until aged 16 to 18. Almost all schools are state funded through taxes and are free to use. All children have a right to education. Parents are expected to cover costs for school uniforms, trips, etc. A child may be eligible for free school meals.

There are a few private fee-paying schools used by a very small number of people.

The age range of schools is as follows:

**Nursery schools for ages three to five years** – with limited places, it is important to reserve a place as soon as you can.

**Primary schools** – attended between the ages of five and 11 years.

**Grammar and secondary schools** – attended from age 11 to 16 years. Many students continue to age 18, or transfer to further education colleges.

**The Transfer Procedure Test** – currently at the age of eleven years, children sit a transfer test (also commonly known as the 11+ exam). The result of the test will play a major factor in deciding whether your child attends a grammar school or a secondary school from age 11 to 16 years. The transfer test will continue up to and including 2008 when it is likely to be replaced with a new system.

You can choose whether or not you wish your child to sit this test. In addition to a pupil's transfer test result, when offering places, some schools will take into account 'special circumstances' of an individual pupil or make special provisions for children who have received more than half their primary education outside Northern Ireland. You should speak to your child's teacher about this test and what it means for your child when he/she is in year six of primary school.

**Language** – most schools teach through the medium of English and there is a growing number of Irish medium schools.

**Sex/gender** – some schools operate on a single-sex basis, and others are gender mixed.

**Special schools** – there are special schools for children with disabilities and children with disabilities are also accommodated within mainstream schools.

**Religious ethos** – all schools have to have a Christian ethos but also have a duty to take into account the cultural and religious background of your child. Pupils may opt out of school-based religious activities.

There are different types of state funded schools:

- 'Controlled' schools are under the management of education and library boards. These can be attended by all pupils, and are mainly attended by Protestant pupils.
- 'Maintained' schools are under the management of the Council for Catholic Maintained Schools, and are mainly attended by Catholic pupils.
- 'Integrated' schools, of which there is a small number, are attended by Protestants, Catholics and others. Integrated in the context of Northern Ireland has tended to mean Protestant and Catholic integration.

### **What opportunities are there for adult education?**

Along with two universities (Queen's University Belfast and the University of Ulster, there are a number of 'further' and 'higher' education institutes in Northern Ireland run by the government. There is also a broad range of community and other non-governmental organisations that offer training. These will have a wide variety of courses including English language courses.

Some courses require the payment of fees, although some will be low cost or free. Any subsidy to people on *\*social security benefits\** that is provided to 'local' students should also be available to other European Union workers, including people from the *\*Accession States\**.

For guidance on what is available, contact the organisations directly. A list of organisations can be obtained from your local education and library board. The Educational Guidance Service for Adults (EGSA) is a non-governmental organisation that offers free, confidential advice on training options. See “Useful contacts” at the end of this section.

### **Do my existing qualifications count in Northern Ireland?**

Employers have to treat equivalent qualifications from other countries in the same way as local qualifications. Employers cannot discriminate on the basis of equivalent qualifications. You can get an assessment on how the standard of your qualifications compare to local qualifications by contacting the exam board for Northern Ireland called the Council for the Curriculum, Examinations and Assessments (CCEA). In the case of professions, many professional bodies will set their own criteria and systems. In the case of teaching qualifications, contact the Teachers Branch of the Department of Education.

#### **Useful contacts:**

##### ***Education and Library Boards***

##### ***Belfast Education and Library Board*** (covers Belfast area)

Telephone (028) 9056 4000

Website [www.belb.org.uk](http://www.belb.org.uk)

##### ***North Eastern Education and Library Board*** (covers Antrim, Ballymena, Ballymoney, Carrickfergus, Coleraine, Larne, Magherafelt, Moyle, Newtownabbey Council areas)

Telephone (028) 2566 2273

Website [www.neelb.org.uk](http://www.neelb.org.uk)

##### ***South Eastern Education and Library Board*** (covers Ards, Castlereagh, Down, Lisburn and North Down Council areas)

Telephone (028) 9056 6200

Website [www.seelb.org.uk](http://www.seelb.org.uk)

##### ***Southern Education and Library Board*** (covers Armagh, Banbridge, Cookstown, Craigavon, Dungannon & South Tyrone, Newry & Mourne Council areas)

Telephone (028) 90 3751 2200

Website [www.selb.org](http://www.selb.org)

##### ***Western Education and Library Board*** (covers Omagh, Fermanagh, Derry, Strabane and Limavady Council areas)

Telephone (028) 8241 1411

Website [www.welbni.org](http://www.welbni.org)

## **Your Rights in Northern Ireland**

### **Council for Catholic Maintained Schools**

Telephone (028) 9042 6972  
Website [www.onlineccms.com](http://www.onlineccms.com)

### **Comhairle na Gaelscolaíochta (Irish Language Schools)**

Telephone (028) 9032 1475  
Website [www.comhairle.org](http://www.comhairle.org)

### **NI Council for Integrated Education**

Telephone (028) 9023 6200  
Website [www.nicie.org](http://www.nicie.org)

### **Council for the Curriculum Examinations and Assessment (CCEA)**

Telephone (028) 9026 1200  
Website [www.ccea.org.uk](http://www.ccea.org.uk)

### **Department of Education**

Telephone (028) 9127 9279  
Website [www.deni.gov.uk](http://www.deni.gov.uk)

### **Educational Guidance Service for Adults (EGSA)**

4th Floor, 40 Linenhall Street  
Belfast BT2 8BA  
Telephone (028) 9024 4474  
Website [www.egsa.org.uk](http://www.egsa.org.uk)

### **For information about teaching qualifications**

#### **Department of Education, Teachers Branch**

Waterside House, 75 Duke Street  
Derry/Londonderry BT47 6FP  
Telephone (028) 7131 9000

### **Universities**

#### **Queen's University Belfast**

Website [www.qub.ac.uk](http://www.qub.ac.uk)

#### **University of Ulster**

Website [www.ulster.ac.uk](http://www.ulster.ac.uk)

# Voting

## What elections take place in Northern Ireland?

A European Parliamentary election is held every five years to choose Members of the European Parliament (MEP). Three MEPs are chosen to represent Northern Ireland.

Local government elections are held every four years to decide who will represent the community in your local Council. The representatives are known as 'Councillors'.

The Northern Ireland Assembly was suspended in October 2002 by the government in London. Although the Assembly is not currently in operation an election can still be called, as happened in 2003 and 2005, for example.

## Who can vote?

### UK Parliamentary elections

If you are not a citizen of the UK or the Irish Republic or the Commonwealth you are not entitled to vote in a UK General Election. This is regardless of whether you are working or paying taxes.

### Local and European Parliamentary elections

Citizens of the European Union are entitled to vote in Northern Ireland local government elections, elections for the Northern Ireland Assembly and European Parliamentary elections.

The countries of the European Union are: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland (Republic of), Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom.

In order to vote you must also be 18 years of age. You must also be on the electoral register and bring the correct identification documents with you. This is explained further, below.

You must have been resident in Northern Ireland during the whole of the three-month period prior to 15 October of the year in which you apply to be placed on the electoral register.

### **How do I apply to be placed on the electoral register?**

You must register to vote by completing an Electoral Registration Form (RPF02).

The Electoral Office for Northern Ireland will usually deliver a registration form to your home sometime between August and November of every year.

If a registration form is not delivered to your home or you simply wish to register at any other time of year you can obtain the form, in English, Portuguese, Cantonese, Braille or Audio Form from the website of the Electoral Office for Northern Ireland. Registering to vote at any other time of the year is known as Rolling Registration.

The Electoral Office has a website at [www.electorlofficeni.gov.uk](http://www.electorlofficeni.gov.uk) and you can also obtain the registration form by telephoning (028) 9044 6688.

Once you have completed and submitted the registration form and provided you meet the requirements specified above, you will be on the Electoral Register and therefore eligible to vote.

### **What should I do on voting day?**

Once an election date has been set you will receive a polling card by post. The polling card will tell you exactly where to go in order to place your vote – this might be a local school, community centre or church hall in the area you live. The polling card will also explain what documentation you must take with you as proof of your identity when you go to vote. It is important that you take the correct documentation when you go to vote otherwise you may not be allowed to vote.

#### **Useful contacts:**

##### ***The Electoral Office for Northern Ireland***

*St Anne's House, 15 Church Street*

*Belfast BT1 1ER*

*Telephone (028) 9044 6688*





NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION



## Your Rights in Northern Ireland – a guide for migrant workers

This guide explains the rights and entitlements for people who are intending to work in Northern Ireland or who have been working in Northern Ireland for less than one year, and who are nationals of the following countries: **Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovak Republic or Slovenia** (known in the UK as 'Accession States' or 'A8' countries).

Copies of this guide are available in the following languages:  
**English, Latvian, Lithuanian, Slovak and Polish.**

If this guide does not apply to you, there are two other guides available. There is a guide for nationals from the A8 countries who have worked in Northern Ireland for more than one year, which also applies to nationals from the countries of: **Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Italy, Liechtenstein Luxembourg, Malta, Netherlands, Norway, Portugal, Republic of Ireland, Spain, Sweden and Switzerland.** There is a separate guide for people who are work permit employees.