



Centre for Cross Border Cooperation

30th September 2024

To whom it may concern

Re. Department for the Economy “Good Jobs” Employment Rights Bill.

The [Centre for Cross Border Cooperation](#)¹, established in 1999, is an independent think tank with charitable status, based in Armagh, Northern Ireland. The Centre’s work is framed by the commitment to cross-border cooperation that is integral to the Belfast/Good Friday Agreement, and as a result the Centre has a specific and unique role in contributing to the increased social, economic and territorial cohesion.

CROSS-BORDER LABOUR MARKET

The Centre’s flagship [Border People project](#) provides support to citizens and workers who cross the border regularly. Through the provision of information, the project aims to remove obstacles to cross-border mobility by empowering citizens so they can fully embrace opportunities on either side of the border. In close collaboration with the mainstream advice services, the project also supports advisors as they assist workers with a variety of complex cross-border challenges.

Many of the challenges encountered are a result of cross-border workers falling between gaps in legislation, policy and practice. Largely due to being overlooked at design stage and/or incorrectly grouped with migrant workers (who live and work in one jurisdiction).

As a result, the Centre welcomes the Department’s consultation on the “Good Jobs” Employment Rights Bill and wishes to make the following general points.

¹ Formerly the Centre for Cross Border *Studies*

RECOGNITION

It is well documented that thousands of people cross the border for work², and this reliance on cross-border employment is especially prevalent in border counties. As a result, the Centre recommends that specific (legislative and policy-related) recognition is given to the existence of cross-border workers within the Northern Ireland labour market, as part of the interconnected all-island labour market.

WORKERS' RIGHTS

Given that the economies of both jurisdictions are currently experiencing almost full employment, the necessity to attract and retain skilled labour from other places lies heavily on employers. Ensuring that workers' rights in Northern Ireland keeps pace with Britain and Ireland is essential for its competitiveness and its ability to attract much needed skills.

The risk of divergence of workers' rights on this island, and between the UK regions is of significant concern³. As a result, the Centre recommends that any legislative and policy change reflect global trends, and those closer to home. This consultation provides an opportunity to create local solutions that address specific labour market challenges on and between these islands (North-South & East-West).

INFORMATION NEED

Exploitation thrives when rights, entitlements and obligations are unclear or bound in unwieldy administrative processes. Ensuring that cross-border workers and their employers are woven throughout policies and implementing guidelines will help to create an environment conducive to compliance and fairness.

Example 1 - An employer based in Armagh, with an employee resident in Monaghan will encounter significant additional taxation, social insurance and employment law challenges should the employee and the employer agree a flexible work from home arrangement. The employer may or may not be aware of the obstacles and will most likely require tailored information to ensure compliance with differing rules and regulations, north and south.

² Department for the Economy, *Background Evidence on the Movement of People across the Northern Ireland – Ireland Border*, 2018 <https://www.economy-ni.gov.uk/sites/default/files/publications/economy/movement-people-northern-ireland-ireland-border.pdf>

³ NIHRC, ECNI, IHREC, *Equality and Human Rights on the Island of Ireland after Brexit: Annual joint report on the implementation of Article 2 of the Windsor Framework Annual report*, December 2023, <https://nihrc.org/publication/detail/equality-and-human-rights-on-the-island-of-ireland-after-brexit-annual-joint-report-on-the-implementation-of-article-2-of-the-windsor-framework>

Example 2 – A Newry resident, with two part-time jobs, north and south, will require additional information to understand parental leave or carer’s leave entitlements, and jurisdictional responsibility.

REPRESENTATION

The Department’s proposals with regard to voice and representation are welcome. The Centre would recommend that the Trade Union movement needs to continue to seek out the voice of frontier workers to ensure that their issues are clearly identified and addressed with employers.

REMOTE AND FLEXIBLE WORKING

The Centre welcomes the proposals to enhance workers’ right to request flexible, remote and/or hybrid working arrangements. The proposals align with research undertaken by CCBC on behalf of Rural Community Network which highlights the divergence in policy in relation to flexible and remote working on either side of the Border.

The Centre believes that further development of remote and hybrid working strategies is an important enabling factor for a regionally balanced economy, i.e. through the redistribution of higher quality jobs to the border region. The Department should also consider the wider implications of remote or hybrid working specific to cross-border employers and their employees, i.e. tax and payroll, social insurance, access to healthcare, and pension entitlements. Further detail on the issues concerning cross-border remote working is available on the Border People website⁴.

BORDER PROOFING

It is important to emphasise that the (intended and unintended) impact of any new legislation, government strategy or implementing policies will not stop at the border and will most likely impact cross-border workers and cross-border employers. Therefore, they need ‘border proofed’ in the first instance, not as an afterthought.

Thank you for the opportunity to contribute to the consultation. For more information or for clarification on any point please do not hesitate to contact the Centre.

The Centre consents to being listed in the Annex and for extracts being included in the published Departmental response.

⁴ Border People project, *Frontier Workers Working from Home*, <https://borderpeople.info/a-z/tax-frontier-workers-working-from-home.html>

Yours faithfully,

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