

Submission of the Irish Congress of Trade Unions to the Department for Employment's Consultation on Apprenticeships.

About the Irish Congress of Trade Unions (ICTU)

The ICTU represents approximately 250,000 trade union members through 36 affiliated trade unions and Councils of Trades Unions in Northern Ireland in both public and private sector workplaces.

Background

ICTU welcomes this opportunity to comment on the Department for Employment's consultation on Apprenticeships in Northern Ireland.

ICTU made a submission at the pre consultation stage and we are pleased that many of the issues we raised have been addressed. However there remain some areas of serious concern, most notably around Equality matters. We will details these concerns later in our response.

Apprenticeships – must be a valued route

ICTU believes that the system of Apprenticeships has been devalued and has been seen as a 'Plan B' route for young people who have failed academically.

We have therefore welcomed the review of Apprenticeships and the Minister's intention to develop a world class apprenticeship system for Northern Ireland.

We are encouraged that the Minister has drawn on the apprenticeship systems of the Germanic, Nordic and Low European countries as well as best practice from around the UK and Ireland.

In considering how to develop and evolve towards a valued education and employment route, held in high esteem by participants, considered as valued 'currency' by employers and recognised by society at large we support a range of measures and strands that would provide buttressing for the value and currency of Apprenticeship.

We agree that a new apprenticeship programme must link with existing strategies such as the Northern Ireland Skills Strategy, or to the Priority Sectors defined within the strategy.

However the labour market 'pull factors' need more consideration. The ICTU does not believe that skills (however welcome) drive economic development. A new system of Apprenticeships must be clearly linked into an industrial strategy for Northern Ireland focussed on productive employment, manufacturing and export.

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A UK industrial strategy, of sorts, exists – but only to favour and buttress the excesses of the financial services sector and the sectional interests of the City of London.

Whilst the Apprenticeship strategy should be led by DEL, it should have buy-in from all government Departments, most notably DETI and agencies such as Invest NI. It must also be championed at the highest level of Government.

It should also be noted that the Northern Ireland (and wider UK) consensus for over 30 years has been in favour of a lightly regulated, *laissez-faire*, free market approach to the economy.

Concepts such as 'licence to practice, common in Europe, are unusual in Northern Ireland. Fewer regulatory levers exist and no statutory training levy (such as in France) outside of small scale residual in Construction. Tri-partite partnership arrangements, such as the 'Mitbestimmung' (Co-Determination) system of Germany exist in no sector of our economy.

Employer Capability – the Expansive versus Restrictive framework

The nature of the Northern Ireland economy will, to a large extent, shape the nature of the Apprenticeship programme.

Apprenticeships at Level 3 or above will represent a step change for Northern Ireland's employers and their capacity to properly host apprenticeships as an integral part of their sector's operation.

Leading academics on apprenticeships Alison Fuller and Lorna Unwin have developed an '*expansive*' versus '*restrictive*' spectrum to apprenticeship against which employers can and should be considered.¹

An expansive company, they argue, is one in which the employer takes full responsibility with apprentices being valued as employees and learners with commitment to the apprentices from all areas of the organisation. There is clarity of roles and expectations and the apprentice is given the opportunity to experience all aspects of the company/organisation.

The ICTU would agree with this approach from employers. However we are also aware that there are few employers in Northern Ireland with the capacity to support a well organised and effective apprenticeship system.

¹ <http://www.tlrp.org/pub/documents/apprenticeshipcommentaryFINAL.pdf>

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Partnership

Whilst we broadly support the establishment of a central service for Apprenticeships, we would wish to see more detail on this proposal before commenting more fully. We understand from the Consultation Document that this service would largely perform an administrative function.

In terms of developing a strategic framework for Apprenticeships, we welcome the emphasis on partnership working (theme 3) but would stress that trade unions must play a key role at all levels.

So whilst we agree that an advisory group is important, the key to the development of the new Apprenticeship model will be the establishment and resourcing of the Partnership Groups (proposal 25). We are disappointed not to see trade unions explicitly referenced as a key strategic partner in this proposal.

We would remind the Department that the success of the German Apprenticeship model largely rests on the partnership model that exists between employers associations and trade unions together with federal and local government, a partnership which defines the length, content and examination requirements of training provision².

Summary

1. An Apprenticeship Strategy must be led by DEL and have buy-in from all Government Departments and Agencies such as Invest NI.
2. Trade Unions must be involved as a key strategic partner in the development and delivery of Apprenticeships as in European models such as Germany.

Theme One

Legislation

In our earlier submission, we welcomed consideration being given to legislating for apprenticeships. We believe that the Apprenticeship framework should be clearly defined and all partners must be clear about their roles, responsibilities and obligations. We understand that NI is one of the few places in Europe where there is no legislative underpinning for Apprenticeships and have supported the defining of apprenticeships in legislation.

² <http://www.ukces.org.uk/assets/ukces/docs/publications/evidence-report-42-international-approaches-synthesis-report.pdf>

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We note the reference to legislation in the consultation document (page 26) but are disappointed that this is not a specific proposal.

We would urge the Department to move to legislating on this area to ensure that all parties, namely apprentices, employers, trade unions, providers and the Government are clear about their respective roles and responsibilities. In the German system, which is referenced throughout the Consultation Document, the legal framework is determined by the Federal Law for Vocational Education and Training and the Crafts and Trades Regulation Code.

The Components of an Apprenticeship

We agree with the core aspects of a future system of apprenticeships set out in the Consultation Document at page 26.

A system of Apprenticeship training which both provides the apprentice with a highly valued gateway to skilled employment and career progression and also provides the economy with skilled and well-rounded employees must have certain characteristics.

Apprenticeship should be 'special'. Acceptance on an Apprenticeship, to have value, should represent an achievement in itself. Widespread use of the nomenclature 'apprenticeship' at Level 2 or below devalues the concept of entry within and towards a skilled trade.

We therefore agree that Apprenticeships should be level 3 or higher and that they should be for a minimum of two years.

We further agree that Apprenticeships should involve a breadth of training beyond that required for a specific job. We are encouraged by the references to the dual system in Germany and the acknowledgement that a 'continual general education should form a core part of the programme to provide apprentices with access to higher-level knowledge' (page 29 of the CD).

We would encourage the Department to follow the four key elements as laid out on page 28 of the CD namely:

- Competence
- Knowledge base
- Employment rights and responsibilities and
- Transferable skills.

We agree that Apprenticeships should be defined by the system of learning. We would reiterate that setting this system out through legislation would make this unambiguous.

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We agree that apprenticeships should be designed to enable individuals to progress into higher professional or technical training.

Access irrespective of age

We agree that Apprenticeships should be available to all age groups and welcome this commitment in the CD document (page 32). However it is not clear whether adults wishing to avail of apprenticeships will be able to enjoy the same financial support at younger apprentices.

Whilst we recognise the limited resources available for this programme, we would point out that people are working longer and are also having to retrain as a result of redundancy at many stages of their career. We would ask that the Department clarify the statement on page 33 of the document 'however for the reasons set out above, there will be a particular focus on those aged 16-24'.

ICTU believes that adults who wish to return to education through an apprenticeship or those who wish to change their career should be encouraged to do so and not financially penalised.

Summary

1. We would urge the Department to move to legislating on this area to ensure that all parties, namely apprentices, employers, trade unions, providers and the Government are clear about their respective roles and responsibilities.
2. We agree with the core aspects of a future system of apprenticeships set out in the Consultation Document at page 26.
3. We agree that Apprenticeships should be level 3 or higher and that they should be for a minimum of two years.
4. We agree that Apprenticeships should involve a breadth of training beyond that required for a specific job.
5. We would encourage the Department to follow the four key elements as laid out on page 28 of the CD namely:
 - Competence
 - Knowledge base
 - Employment rights and responsibilities and
 - Transferable skills.
6. We agree that Apprenticeships should be defined by the system of learning.
7. We agree that apprenticeships should be designed to enable individuals to progress into higher professional or technical training.

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8. We agree that Apprenticeships should be available to all age groups. However it is not clear whether adults wishing to avail of apprenticeships will be able to enjoy the same financial support as younger apprentices. We would need clarification on this point.

Theme 2 – Increasing Participation

We agree that the current system is confusing for all including prospective apprentices, employers, providers and trade unions.

We support a new Apprenticeship system which aims at a long-term institutional framework.

We agree that a central service would be useful but we would like to see a more detailed proposal before commenting further on this matter.

The Public Sector

In our submission to the pre-consultation stage, we argued that Apprenticeships must be offered within the Public Sector. We therefore welcome the proposal that apprenticeships will be offered within the Public Sector.

However the proposed approach is somewhat lacking in detail. Proposal 19 says, 'apprenticeships will be expanded to include professional and technical occupations within the public sector'. This seems to us to be rather restrictive and we would like to see more detail on this proposal before commenting further.

The Health and Social Care sector is a huge employer within Northern Ireland and has the capacity to support an apprenticeship programme. Likewise, in local government, Belfast City Council has run a successful Parks, Horticulture and Grounds Maintenance apprenticeship for some years whilst the Ni Housing Executive provides maintenance for some 90,000 of their homes with no commitment to apprentices.

Whilst encouraging some Public Sector apprenticeships in selected areas, Congress is clear that such a programme must not displace jobs.

Careers

The role of both the Careers Service of DEL and Careers teachers in schools and Colleges of Further Education is particularly important. Advice to young people considering embarking on a career must include well informed, independent advice on all the routes, including apprenticeships.

To achieve this there must also be a strong partnership with the Department of Education. The ICTU would also remark that the continued existence of

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academic/social 'selection at 11 continues to undermine the notion of good technical or vocational educational routes. It also skews Careers advice in Grammar Schools in particular towards University education regardless of appropriateness to the individual or society.

Equality Matters

ICTU is pleased to note that the CD references gender inequality in the Apprenticeship programme throughout the Consultation Document and welcomes the section entitled 'gender' on pages 44 and 45.

According to NISRA statistics, the percentage of women entering into Apprenticeships has averaged at 50% over the period 2007 – October 2013.

What the latest NISRA bulletin³ fails to do, however, is provide a gender breakdown against each of the Apprenticeship programmes. We suspect that if this breakdown were provided it would paint a stark picture of almost total gender segregation where most of the women starting on apprenticeships are entering into programmes such as beauty therapy and childcare which lead to low paid and often precarious work.

This observation is supported by a recent piece of research undertaken for the TUC. Findings within the *Under-representation by gender and race in apprenticeships* research indicate that women apprentices are far more likely to end up in low paid jobs as a result of training in female dominated sectors.⁴

Whilst the research did not extend to NI, we would suggest that the issues are largely the same. It warns that gender stereotyping is putting young women off from pursuing careers in traditionally male dominated, and better remunerated industries.

We would draw the Department's attention to the recommendations contained within the report which we would suggest could form the basis of a serious action plan to address gender inequality.

The report is included as Appendix A.

Given the scale of the issue, we are extremely disappointed at the lack of specific detail and measurable actions within the consultation document. Given this, it is difficult for Congress to assess whether the proposed actions are sufficient.

We commented on this issue in our pre submission to the Department and had hoped to see a much more detailed action plan within the consultation document. In order to

³ <http://www.delni.gov.uk/appsni-bulletin-nov-13.pdf>

⁴ <http://www.tuc.org.uk/sites/default/files/UnderRepresentationInApprenticeships.pdf>

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address gender inequality within the apprenticeship system, Congress believes that the barriers and blocks which prevent women entering into the system must be understood. Undoubtedly many of these will be about gender segregation in employment, adequate careers advice and gender stereotyping but issues such as affordable childcare must also be considered.

We welcome the commitment to work with the Equality Commission but would also strongly recommend that the Department liaises with pioneering NGOs such as Women's Tec which has led the way in breaking down gender stereotypes in relation to what have been traditionally thought of as male dominated industries and trades.

Strategic Operating Context

The Consultation Document references a number of strategies including the Programme for Government, the Economic Strategy and the Skills Strategy (page 10) but fails to mention other key Executive strategies such as the Gender Equality Strategy and the Disability Strategy. We assume that this is an oversight and would recommend that the Apprenticeship Strategy is fully linked to these key Government priorities.

In drawing on the international context, the Consultation Document correctly references Apprenticeship systems from other countries but fails to mention key Human Rights Conventions such as the Convention for the Elimination of Discrimination against Women (CEDAW) and the United Nations Convention for the Rights of Person with Disabilities (UNCRPD).

We draw the Department's attention to concluding observations from the CEDAW committee⁵ and suggest that these need to be expressly addressed with the strategy.

The Committee is further concerned at the persistence of traditional attitudes and stereotypes, including the choice of studies, which affect educational paths and careers followed by girls and women. The Committee is particularly concerned at reports of under-representation of women and girls in science, technology, engineering and mathematics (STEM), and in apprenticeships especially in Scotland, which ultimately affects the gender pay gap in the labour market.

45. The Committee recommends that the State party should:

(c) Intensify career guidance activities to encourage girls to pursue non-traditional paths and improve the gender awareness of teaching personnel at all levels of the education system;

⁵

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGBR%2fCO%2f7&Lang=en

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(d) Take coordinated measures to encourage girls' increased participation in STEM and apprenticeships; and

In welcoming the references to addressing gender inequality within the Apprenticeships programme, we are seriously concerned by the failure to even mention other equality concerns within the Apprenticeship programme.

The Consultation Document says that

Under the terms of Section 75 of the Northern Ireland Act 1998, an Equality Impact screening has been undertaken. This has determined that the proposals outlined above will not lead to discriminatory or negative differential impact.

However, it is not enough that Departmental policies should not lead to negative or discriminatory impact; the Department is committed, through its own Equality Scheme to assessing:

- What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?
(minor/major/none)

And having assessed this, to consider

- Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

As at October 2013 only 3.2% of participants on an Apprenticeship programme were disabled and just 2.6% were defined as 'non-white' (NISRA's term).

No data was available on sexual orientation or political opinion despite the obligation to collect data on each of the nine equality grounds.

The limited data available indicates extreme disadvantage for sections of the NI population and this must be addressed. We would therefore suggest to the Department that positive actions to promote equality of opportunity for all people within the Section 75 Categories need to be undertaken.

We would remind the Department that the UK Government has ratified the UNCRPD which states:

Article 24 - Education

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal

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opportunity, States Parties shall ensure an inclusive education system at all levels and life-long learning directed to:

- a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- c. Enabling persons with disabilities to participate effectively in a free society.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.⁶

Summary:

1. We agree that the current system is confusing for all including prospective apprentices, employers, providers and trade unions.
2. We support a new Apprenticeship system which aims at a long-term institutional framework.
3. We agree that a central service would be useful but we would like to see a more detailed proposal before commenting further on this matter.
4. We welcome the proposal that apprenticeships will be offered within the Public Sector. However the proposed approach is somewhat lacking in detail and we would like to see more detail on this proposal before commenting further.
5. We agree that there must be quality, independent careers advice.
6. A detailed action plan addressing gender inequality within the Apprenticeship model must be produced and resourced. This should link with the Gender Equality Strategy and be set within the framework of international human rights treaties such as CEDAW.
7. As well as working closely with the Equality Commission, in addressing issues of gender inequality, the Department should consult with NGOs such as Women's Tec.

⁶ <http://www.un.org/disabilities/convention/conventionfull.shtml>

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8. Statistics provided for the Apprenticeship programme must be disaggregated by gender to allow a full assessment of the extent of gender segregation. These must be presented within the NISRA bulletins.

9. The Department must capture data on all of the nine equality grounds including sexual orientation and political opinion.

10. The Department should instigate research into other areas of inequality within the Apprenticeship system, most notably on issues of disability and race. Taking this information, a detailed action plan should be formed which is informed by expert NGOs such as Disability Action and NICEM.

Theme 3 - Partnership – the roles of key players

We have commented on the issues within this theme elsewhere in the submission. As a summary we make the following observations:

1. We are not averse to an advisory group being established to provide strategic guidance on apprenticeships. This should include employers, trade unions and academics and should also include the Equality Commission and the Human Rights Commission.

2. We agree that sectoral partnerships would be useful. However we have argued elsewhere in the submission that the key partnership governing the apprenticeship programme should be that of employer and the trade union as in European models.

Theme 4 - Ensuring Quality

We agree that there must be a rigorous quality system to monitor all aspects of the apprenticeship programme. Figures on completion rates show an extremely low completion rate in many areas of apprenticeship programmes. This is very concerning.

One of the areas which could be covered under the legislative framework would be the insistence of collection of more robust and comprehensive data on the quality of provision both in the workplace and off-site. It may also be helpful if this data was collected at a sector level also.

We agree that employers and industry specialists must inform the content and duration of apprenticeships and would ask that trade unions are explicitly referenced in this proposal as a key stakeholder.

We agree that teaching staff should have on-going professional development. This should be laid out in a clear framework which is adequately resourced.

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We agree that providers of apprenticeships must meet minimum standards before they are awarded. Colleges of Further and Higher Education are well placed to meet standards required. FHE Colleges are subject to rigorous quality control and inspection with teaching staff having to have attained minimum entry and teaching standards.

However we **also** have confidence in those training bodies which wholly support apprentices having employment status from day one from their employer and also do not embark on Programme Led Apprenticeship schemes which we regard as a means of disregarding apprentices after 2 years, many leaving with no qualification and no prospect of completing their Apprenticeship.

We support training bodies such as the CITB, Engineering Training Council, Electrical Training Trust, Plumbing Mechanical Services Training, all of which are committed to full trade union involvement, providing trade union seats of their Boards as of right. These bodies must have a clear voice in all aspects of the Apprenticeships process.

FE and HE – in partnership with trade unions, employers and training bodies - need to be permitted a pivotal role in the design and development of an 'overhauled' apprenticeship system for Northern Ireland.

Summary

1. Quality must be at the heart of the apprenticeship framework
2. This must be underpinned by the collection and analysis of comprehensive data both in the workplace and off site
3. Content and duration should be informed by employers, trade unions, professional public sector and industry specialists
4. Teaching staff should have clear professional development pathways
5. Providers must meet minimum standards in order to be able to deliver apprenticeship programmes.
6. FE and HE – in partnership with trade unions, training bodies and employers - need to be permitted a pivotal role in the design and development of an 'overhauled' apprenticeship system for Northern Ireland.

However, it must be explicit that the trade unions must be an equal partner . We have recently heard worrying reports where one FHE College has terminated contracts with training providers without any consultation with trade unions or employers. This breaks all the co-operation which has always been in place with employers and unions which over the years have provided the most successful completion rates of

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apprentices in the electrical industry. Training bodies, which are made up of unions and employer representatives must continue to have a voice in the training and contractual arrangements for apprenticeships.

Other issues

Low Pay

Congress is appalled at the continuing scandal of low pay for Apprentices. A recent TUC report revealed that nearly a third of Apprentices were paid less than the minimum wage in 2012. The Apprenticeship Pay Survey shows that the number of apprentices paid below the correct minimum wage rate increased by 45 per cent in 2012. Shockingly in industries which would be female dominated such as children's care, underpayment shot up by two thirds (65 per cent), whilst seven in ten (69 per cent) hairdressing apprentices were paid less than the legal minimum wage in 2012.

In the face of such shocking statistics, we believe that there must be systematic failure in the way apprenticeship pay is being monitored. **If a new approach to Apprentices is to succeed, the Minister must put in place measures to make companies aware of their legal responsibilities as well as naming, shaming and prosecuting rogue employers.**

Procurement

The development of higher level apprenticeships should be encouraged through 'social clauses' within public procurement. Government must use its size and weight in procurement to drive quality and skills.

Furthermore ICTU believes that social clauses in public procurement should be central to the awarding of public contracts and not used as tokenistic add-ons. Northern Ireland should adopt the community benefits system currently implemented in Wales, which allows contracts to be awarded on the basis of fulfilling specified social and community outcomes.

In the case of apprenticeships, an invitation to tender would specify the scale and scope of apprenticeship to be provided in a project and bidders would be judged on how they propose to fulfil that requirement. This differs from the current situation where social clauses are agreed outside of the awarding of the contract itself. It is the experience of our affiliated Unions that the clause on training and apprenticeships is subject to abuse throughout the construction industry. Evidence indicates that there is widespread abuse of the apprenticeship system where apprentices are being disregarded after two years. **We would therefore support the inclusion of a clause which ensures the employment status of an apprentice from day one and which further insists on the completion of qualification.**

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ICTU believes that community benefits like apprenticeships should be embedded into all public procurement, not just major capital projects

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