

Sinn Féin Submission

to

The Department of Jobs, Enterprise and Innovation on

**The University of Limerick Study on the Prevalence of Zero
Hour Contracts and Low Hour Contracts in the Irish
Economy**

18 December 2015

Workers Rights: The Importance of Decent Work

The concept of 'Decent Work' means that workers are treated with respect and have good working conditions. Decent Work is about having regular and consistent working hours; it means having a job and future prospects, it is about being paid a living wage, and working in an environment where you are valued and where your rights and welfare is protected. Decent work is the opposite of exploitative work where the human dignity of workers is consciously and deliberately ignored in the interest of the accumulation of profit.

With the advent of the neoliberal political project and shifts in the political economy of capitalism the labour market has undergone profound and dramatic restructuring. As a consequence, the trade union movement's ability to protect workers and act as a bulwark against the erosion of hard fought-for workers rights has declined.

The decline in trade union density, the restructuring of the labour market, the growth of the service sector, and the political shift to the right has altered the nature of work. It has turned the 'workplace' into a hostile and exploitative environment for thousands of workers as they struggle to make a living in low paying jobs.

The most potent symbol of this state of affairs is the zero-hour /short hour contract. Zero/short-hour contracts are the 21st century version of the hiring fairs where workers waited to be selected by an employer for a day's work in the hope that they would be able to put food on the table. Today's zero/short-hour worker can have their shift cancelled, their hours cut or be sent home at the whim of their employer. They lack certainty in hours, pay, conditions and employment and are vulnerable to extreme forms of exploitation.

The proliferation and prevalence of zero/short-hour contracts should be an issue of deep concern for us all. Zero/short-hour contracts and the on-going dumbing down of workers rights is bad for society, bad for workers and bad for the economy. Zero/short-hour practices are not compatible with human dignity and are alien to the concept of decent work.

The Impacts of Zero-Hours/Short Hours Contracts

- The absence of regular earnings makes it difficult for workers to pay bills, secure loans, and plan for the future.
- Variability of earnings can impact a worker's eligibility for state benefits such as Family Income Supplement.
- Competition between vulnerable workers for hours can result in employees being afraid to speak out and an acquiescent workforce.

The Importance of Hours and Rights

Banded hours

Trade unions such as Mandate and Siptu have responded to the issue of zero/short hour contracts by negotiating collective agreements that guarantee minimum hours in the form of 'banded hours' that reflect the employees' actual working hours and also provide a mechanism for an increase in these hours.

Employment Contracts

However not all employers recognise trade unions and/or their employees right to collectively bargain through a trade union. Indeed in many situations workers who become active in their union are often penalised by having their hours cut. Such workers have limited protections and are dependent on the terms in their employment contract, should they wish to vindicate their rights.

Unfortunately , for the majority of employees there is a huge imbalance in power between them and their employer, with the result that employment contracts are written by employers, on terms primarily to their advantage and offered on a "take it or leave it" basis.

Sinn Féin Proposals

1. Introduce Collective Bargaining legislation providing for mandatory trade union recognition.
2. Introduce robust anti-victimization legislation to protect workers from victimization when they defend their rights including organising in a trade union.
3. Require employers to provide the employee with a written statement of 'normal working hours' on the first day of employment.
4. Introduce Fair Employment legislation making banded hours contracts mandatory and increasing the notice period for rosters to at least a week.
5. Increase the period of 'compensated time' so that employees are compensated for half of unworked time and not a quarter or 15 hours (whichever is the lesser) as is currently the case.
6. Provide a right for employees to an overtime premium (e.g. time and a half) for hours worked in excess of the 'normal hours' in the employment contract.
7. Provide a right to request full-time work and a corresponding obligation on employers to seriously consider the request.
8. Politically and in tandem with efforts to reduce the percentage of worker on low pay, give consideration to the introduction of legislation to limit the proportion of the workforce that can be employed on zero/low hour contracts.
9. Introduce legislation limiting the length of time a post can be filled with workers on zero/low hours type arrangements.
10. Ensure the state becomes a fair hours employer and that fair hours employment be stipulated as mandatory in government procurement contracts.

11. Recommends the Oireachtas ensure that all workers are covered by collective agreements.
12. Recommends that the Joint Labour Committee structure be strengthened to give workers an opportunity to influence their working conditions and ensure they get proper, decent and regular hours of work.
13. Recommends the state adopts a broader framework on competitiveness that prioritises infrastructure, public services, and economic and social inequality.
14. Recommends that the government set as a goal the elimination of under-employment and in-work poverty.
15. Recommends that additional investment be made in up-skilling and retraining for low paid workers.
16. Recommends the Oireachtas recognise and support the important role of trade unions in achieving decent working conditions for all workers.