

**SIPTU Submission to the  
Department of Jobs, Enterprise  
Innovation** on the Report and  
Recommendations Arising from the  
University of Limerick Study of the  
Prevalence of Zero Hour Contracts and  
Low Hour Contracts in the Irish Economy

*December 2015*



This is the Services Industrial Professional Technical Union's written submission to the Department of Jobs, Enterprise and Innovation consultation on the University of Limerick Study on the Prevalence of Zero Hour Contracts and Low Hour Contracts in the Irish Economy.

The Services Industrial Professional Technical Union, hereafter referred to as 'SIPTU,' is Ireland's largest trade union. SIPTU represents the interest of workers, their families and their communities across a broad range of industrial sectors in both the public and private sectors.

SIPTU welcomes the publication of the University of Limerick research on the Prevalence of Zero Hour Contracts and Low Hour Contracts in the Irish Economy. The data contained therein reflects our experience of creeping casualisation in the labour market through the use of these types of contractual arrangement. The availability of hard data on low hour contracts that are now prevalent in certain sectors of the Irish labour market is most useful in filling an official statistical gap that has existed heretofore. The data is also of use to stakeholders in facilitating an evidence-based policy and legislative response to address the detrimental effects of such contracts on workers and the labour market.

In line with the Department's consultation document, SIPTU will clearly state hereunder whether or not we support the recommendations contained in the report and outline any amendments which we believe would be beneficial.

#### **Recommendations 1 - 2**

SIPTU supports the recommendation that the Terms of Employment Information Act 1994 - 2012 be amended as outlined in the report.

#### **Recommendations 3 – 6**

SIPTU supports the recommendation that Section 18 of the Organisation of Working Time Act be replaced and that workers would be provided with a legal right to a minimum number of working hours per week.

SIPTU concurs with the proposals submitted by the Irish Congress of Trades Unions in respect of the recommendations relating to the Organisation of Working Time Act insofar as there should be scope within a new section of the existing Act or in a new piece of legislation to provide for stronger minimum standards than those proposed in the report. For instance, where a worker can demonstrate that they are regularly required to work hours in excess of their contracted hours, they should have the right to have these additional hours reflected in a revised contract.

In respect of amendments to legislation that are aimed at protecting workers rights, workers on the ground only see tangible benefits to their working lives when employers comply with legislation. To this end, the State should mount an information and awareness campaign to advise employers and employees of any legislative changes. In addition, a robust system of enforcement should be put in place to encourage compliance and to sanction non-compliant employers.

In relation to recommendation 4 (iii) SIPTU wishes to point out that despite the enactment of legislation to deal with worker protection, there is an inherent inequality of bargaining power in the employer-employee relationship. Absent the countervailing influence of trade unions and collective bargaining, the inequality of bargaining power is more accentuated. This dynamic may well feature in the periodic reviews by employers and employees proposed in the report.

### **Recommendation 7**

Given the cost to workers associated with travel to and from work (regularly requiring long journey times) as well as the costs associated with the provision of familial care including childcare, SIPTU recommends that a review be undertaken of the impact of the minimum period of 3 continuous working hours recommended in the report with a view to increasing the minimum continuous hour provision.

### **Recommendations 8 – 9**

SIPTU acknowledges that economic sectors will have different and particular requirements in respect of working time and therefore supports the view that there should be scope within the collective bargaining arrangements in place in certain sectors for trade unions and employers to agree provisions, with reference to established best practice, that would address the particular requirements of the sector or industry.

### **Recommendation 10**

SIPTU supports the recommendation that Government would further examine the position of workers on 'If and When' contracts. Given the vulnerability of many workers on this type of contractual arrangement, SIPTU submits that the Workplace Relations Commission should put in place a fast-track mechanism to address the needs of workers who currently have disputes of right. SIPTU would argue that if the employment legislation were amended to give every worker a guaranteed minimum number of working hours, and if the law were robustly enforced, that the issue referred to in the recommendation would be addressed.

### **Recommendation 11**

SIPTU welcomes the report's acknowledgement of the poverty trap in which some low paid workers find themselves whereby there is an effective financial disincentive to taking up work or to working additional hours. SIPTU supports the recommendation in respect of the Department of Social Protection and stakeholders addressing these issues.

### **Recommendation 12**

SIPTU supports the recommendations in relation to a high-quality childcare system and wishes to restate that the punitive cost of childcare in this country is a massive burden on working families. In the development of such a policy, Government should consult with childcare workers and their trade unions.

### **Recommendation 13**

SIPTU supports the recommendation that an interdepartmental working group should be established to examine policies which affect patterns of working hours. SIPTU submits that the working group would benefit from the experiential knowledge and on-the-ground experience that trade union involvement would bring.

### **Recommendation 14**

SIPTU supports the recommendation in relation to the Central Statistics Office and the introduction of a new special module on working hours as outlined. This should go some way towards addressing the

gap in official statistics that currently exists and enabling stakeholders and policy makers to address the impact of zero hours and 'if and when' contracts on workers.

In conclusion, we wish to acknowledge the work of the Department of Jobs, Enterprise and Innovation and the University of Limerick in providing stakeholders with data and recommending policy and legislative approaches to address the negative impact of these types of contracts on workers. We also wish to thank the Department for affording us the opportunity to make the observations contained in this submission. We would encourage that urgent action be taken to address the issues raised.