

PROTECTING THE RIGHTS OF WORKERS



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Sinn Féin



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INTRODUCTION



Sinn Féin recognises that trade unions add to social cohesion. A society where workers are protected through legislation and collective organisation is one where decent levels of care and community thrive and survive. Trade unions have an important role to play in ensuring that ‘workers get not only a fair share of the proceeds from growth but enjoy decent working conditions’ and that this is achieved through ‘social dialogue that can peacefully resolve individual and collective disputes.’¹

The establishment parties of Fianna Fáil, Fine Gael and Labour all used austerity to dismantle and weaken the rights of workers and trade unions. The funding for key public services was slashed and the State's industrial relations architecture was weakened to favour unscrupulous employers. The end result was a dramatic deterioration in pay and conditions. The establishment parties not only failed to protect workers but consciously and deliberately introduced policies which increased

levels of deprivation, inequality and in-work poverty. These policies were bad for workers and bad for society in general.

We saw workers denied their rights and forced to engage in strikes and sit-in protests to achieve justice for themselves. The Ireland of 2017 is a place where people go to work while living in emergency accommodation. Workers cannot afford to go to the doctor and their children languish on waiting lists for services which are available on demand in other European countries. This is the legacy that successive Fianna Fail, Fine Gael and Labour government have passed on to working people who have nothing more to give.

In 2016 and 2017 Sinn Féin brought three separate pieces of workers’ rights legislation to the Dáil. In government we would legislative to provide trade unions access to their members in the workplace. We would effectively ban zero-hour and if-and-when contracts. We would tackle the disgrace of tactical insolvencies and it would appoint a super junior minister for labour affairs to oversee the re-strengthening of workers rights. After years of attack we need to legislate to protect workers rights and social cohesion.

¹ OECD, *Perspectives on Global Development 2012: Social Cohesion in a Shifting World* (Paris: OECD Publishing, 2011) 164.

LEGISLATION

Banded Hours Contract Bill 2016

The exploitation of people on low hour contracts, especially in the retail sector but across many other sectors, is an important issue. Sinn Féin has brought forward legislation to allow workers to apply for a contract that is reflective of their actual working week. Unfortunately, we have far too many instances of workers who were on 15-hour contracts for perhaps ten years working 30 hours and 40 hours week in, week out. This is a way for companies to exploit their workers.

The legislation was passed to the Jobs Committee in July 2016 for pre-legislative scrutiny. It has completed this process and will now enter amendment stage. The next few months will see the Bill progress through the Committee once again and once that is completed it can be brought to the Dáil and finally made law.

An unregulated labour market is in no-one's interests. It dehumanises workers, puts huge pressure on the State in social transfers, reduces people's disposable income and impoverishes households and children. There is an onus on the State to regulate the labour market and ensure that workers' rights, in terms of pay and conditions, are protected in law. Sinn Féin will strengthen workers' rights by giving them access to a contract with which they can plan their lives.

Protection of Employees (Collective Redundancies) Bill 2017

On 12 June 2015 the 130-strong workforce of Clerys was sacked without notice, with another 330 workers employed by the store's concession outlets locked out of their jobs and facing an equally uncertain future. The workers did not receive the statutory



redundancy lump sum from the new owners, nor were they paid monies owed in lieu of notice of redundancy and holiday pay. The State was therefore obliged to pay those debts under the Insolvency Payments Scheme.

While none of this was illegal, it was obviously patently wrong. Time and again, workers in this State have been left high and dry by unscrupulous employers. Much more robust legislation is needed to deal with these situations. In April 2016 a report was published which addressed the issues raised by the Clerys action. I drafted a bill to give effect to the core recommendations of this report.. It would provide protection for employees in collective redundancy situations where the employer is insolvent. It would give power to the High Court to return assets which have been improperly transferred and give preferential creditor status to employees. It would also ensure that a 30-day consultation period is undertaken in cases where it is known that a company's liabilities are such as to trigger redundancies.

In June 2017 the Bill was passed unanimously by the Dáil at second stage and is now with the Jobs Committee for amendments.

Industrial Relations (Right to Access) (Amendment) Bill 2016

It is incredible that, in the 21st century, trade union officials can be physically blocked from meeting their members in the workplace, especially given the crucial role trade unions play in workers' rights, pay and conditions.

I drafted legislation that would have allowed trade unions to work out a reasonable time with an employer for access to trade union members in terms of collective agreements as well as wider workplace issues. We have seen in recent years some unscrupulous employers using the law to stymie trade unions in their work. It is time to bring some necessary balance to the situation.

I brought the Bill to the floor of the Dáil but Fianna Fail and Fine Gael opposed the bill and it was voted down at second stage.

In government Sinn Féin will make right to access a core objective.





UPCOMING LEGISLATION

Trade Union (Garda Síochána and the Defence Forces) Bill 2017

The intention of the Bill is to remove the bar on a Garda Síochána or Defence Forces association from associating with, or affiliating to, any trade union or any other association and to remove the bar on those members becoming members of proper Defence Forces associations, such as the GRA, PDFORRA, AGSI, RACO or even the Reserve Defence Forces Representative Association. It is about allowing those associations to become trade unions in their own right and to apply for the negotiating licence that has been denied to them by the State.

The impetus in respect of this Bill has been quite clear in recent times. However, most people are not aware that in October 2014, the European Court of Human Rights ruled that the absolute ban on trade unions within the French armed forces was a violation of Article 11 of the European Convention on Human Rights. Article 11 states that everyone has the right to the freedom of peaceful assembly and the freedom of association with

others, including the right to form and join a trade union for the protection of one's interests. The European Court of Human Rights found that while it is perfectly legitimate of the State to put restrictions on freedom of association, a blanket ban on forming or joining a trade union encroached on the very essence of this freedom and is, as such, prohibited under the convention. Obviously, Ireland is also bound by that decision.

This Bill intends to address that anomaly as well as to give voice to the representative associations that have not been allowed to properly represent their workers, the members of the Defence Forces and An Garda Síochána, many of whom have suffered greatly in recessionary times. I have received numerous letters from members of the Defence Forces and their partners and families explaining the tragic circumstances of some cases and the horrific financial circumstances in which they find themselves. The associations that are supposed to represent them do not have the right to represent them in talks on pay and conditions. That needs to end, which means that Ireland must come into line with other European countries.





OTHER MEASURES

Raise the minimum wage to a living wage

Low pay in Ireland is highly gendered. Women represent almost two-thirds of all those on the minimum wage. Furthermore, almost half of all female minimum wage workers are the main earners in the household. Ireland also has the second-highest level of wage inequality in the EU-15. Irish living standards are 15 percent below the EU-15 average and are closer to Greek and Portuguese levels than to most other countries in the EU-15.

In order to enhance social cohesion we need to tackle the gender and low pay issues at the heart of our society. In government Sinn Féin would raise the minimum wage to a living wage, in conjunction with protecting the rights of workers.

Provide additional resources to the Workplace Relations Commission

A successful economy is one that values those who contribute to it. A successful employment rights infrastructure is one that operates on the basis of equality and

a level playing field between worker and employer. There is no level playing field if workers cannot be fairly and properly represented by their trade union. In far too many sectors, the odds are stacked in favour of the employer. This has resulted in instances of abuse and exploitation. The best way to avoid industrial disputes is to have genuine engagement and respect for all sides. Sinn Féin recognises the Workplace Relations Commission as a vital piece of our industrial relations architecture and would allocate additional resources to it in order to secure and maintain its role in arbitration and dispute resolution.

Appoint a Super Junior Minister for Labour Affairs

In order to guarantee that workers' rights are heard at cabinet Sinn Féin would appoint a super junior minister for labour affairs. The role of the office would be to oversee the introduction of our legislative agenda in terms of trade union and worker protection.







A discussion paper on Protecting the Rights of Workers

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