



7 December 2015

Mr. David Lockhart  
Employment Rights Policy Unit  
Department of Jobs, Enterprise and Innovation  
Davitt House  
Adelaide Road  
Dublin 2

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

Dear Mr. Lockhart

I refer to the above study and the consultation paper issued by the Department of Jobs, Enterprise and Innovation on the 9 November 2015.

Congress has carefully studied the report and believes that it broadly reflects the actual position of workers in the Republic of Ireland who are employed on zero hour or low hour contracts. The publication of the report is also timely as it coincides with a campaign by Congress to build a consensus in our society as to what represents fair conditions of employment.

Since April 2015 Congress has been campaigning to grow support for the Congress Charter for Fair Conditions of Employment. I have included a copy of the Charter with this correspondence. You will note that one of our objectives is to achieve a system of fair hours of work for every worker. In the first stage of the campaign we asked members of the Oireachtas to pledge their support for this campaign by signing the pledge card that is attached to the Charter. To date we have secured the support of over 130 members of the Oireachtas and a motion in support of the Charter was passed in the Seanad. In the second stage of the campaign, which commenced in October, we are seeking support for the Charter from elected members of Local Authorities. At time of writing close to 200 Local Authority Councillors have pledged their support for the Charter and at least 6 Local Authorities have passed motions in support of the Charter. Our experience during this campaign strongly suggests to us that there is strong support for a change in the regulation of working time to better protect the position of workers.

Turning then to the recommendations contained in the study.

**Recommendation One**

We support the recommendation to amend The Terms of Employment Information Act 1994 to 2012 as suggested in the study.

**Recommendation Two**

We support the recommendation to amend The Terms of Employment Information Act 1994 to 2012 as suggested in the study.

### **Recommendations Three – Nine**

It is recommended that Section 18 of the Organisation of Working Time Act be repealed and replaced with an amended section or a new piece of legislation. In recommendations 4 to 7 the authors set out how the law might be changed. Congress agrees that Section 18 of the Organisation of Working Time Act should be replaced and the starting point should be to provide a legal right to a minimum number of weekly working hours. We would also suggest that there should be scope to provide for stronger minimum standards than those suggested in the study. For instance where an employee can demonstrate that they are regularly required to work hours beyond their contracted hours, they should have the right to seek to have these increased hours reflected in a revised contract.

In relation to recommendations eight and nine we agree that there should be scope for the making of arrangements that differ from those in any new law providing they are contained in a collective agreement made between a trade union(s) and employer(s). We agree, as suggested in recommendation nine that discussions between trade union(s) and employer(s) should be informed by best practice. We would suggest that the Workplace Relations Commission might be asked to develop best practice guidelines that would be of assistance in such negotiations.

### **Recommendation Ten**

The authors suggest that further consideration be given to the employment status of those of "if and when" contracts. It is our considered view that the law should be amended to provide every person with a guaranteed minimum number of working hours thus resolving the problem referred to in the recommendation.

### **Recommendation Eleven**

Congress agrees with the establishment of the consultation structure referred to in the recommendation.

### **Recommendation Twelve**

Congress agrees with the recommendation that the Government should develop a policy for an accessible, regulated and high quality childcare system. It is crucial that trade unions are involved in the design of this policy.

### **Recommendation Thirteen**

Congress agrees with the recommendation that the Government set up a working group, however we believe that the work of the group would benefit from the involvement of trade unions.

### **Recommendation Fourteen**

Congress agrees that policy making in this area would benefit from the availability of a more comprehensive data set and we agree that the CSO should be asked to consider how best this can be addressed.

Congress believes that the study has highlighted the need for further regulation to provide for fair hours of work. We would encourage speedy consideration of submissions received and an urgent action to address the issues raised in the study and in this submission.

Yours sincerely

*Natalie Fox*

Liam Berney  
Industrial Officer

PP

# Congress Charter for Fair Conditions at Work

Printed by Trade Union Labour

## Congress Charter for Fair Conditions at Work

### About the Charter

By pledging your support for the Congress Charter you are helping to establish decent standards of pay and employment for all, thereby ensuring we can build a strong economy and a fair society for every citizen.

[www.ictu.ie/congresscharter](http://www.ictu.ie/congresscharter)

Irish Congress of Trade Unions  
32 Parnell Square  
Dublin 1

# Congress Charter for Fair Conditions at Work



**Decent working conditions and a fair income – at work and in retirement - are essential components of any civilised society, along with the provision of high quality public services that meet all the citizen's needs. The Congress Charter sets out the key elements required to make Ireland the best place in which to work, live and raise a family. A strong economy cannot exist without a fair society.**

## A Living Wage

A living wage affords an individual sufficient income to achieve an agreed, acceptable minimum standard of living, taking account of the need for food, clothing, heating, accommodation, transport and other essential costs. Currently, it is estimated that in order to earn a living income from full-time work - taking account of taxes and welfare - it would be necessary for a single adult to earn at least €11.50 per hour. See <http://bit.ly/livingwageireland>

## Fair Hours of Work

Every worker has the right to a regular contract of employment which provides security of hours and certainty of income. There must be an end to low and zero hour contracts and precarious work practices. See <http://bit.ly/fairhours>

## Right to Representation & Collective Bargaining

Every worker has the right to be represented without fear of victimisation and to have a union represent them in collective bargaining negotiations with their employer. This right is recognised by the United Nations as a fundamental human right. The European Convention on Human Rights also recognises the right of workers to be represented and to engage in collective bargaining. Ireland has no legal framework which supports workers seeking to assert these rights. See <http://bit.ly/unionrights>

## Respect, Equality & Ethics at Work

Every worker is entitled to be treated with respect and dignity, as they go about their work. No one at work should be subjected to bullying or any other form of abusive behaviour. To ensure this right is vindicated, a national Charter of Workplace Ethics must be developed and put in place. <http://bit.ly/ethicalworkplace>

## Fair Public Procurement

Every worker employed under a publicly-tendered contract is entitled to enjoy all the rights and protections outlined in this Charter. <http://bit.ly/publicprocure>



Decency at Work Pledge

I formally pledge to support the Congress campaign to achieve:

- A Living Wage of €11.50 per hour
- Fair Employment Conditions as set out in the Congress Charter

Signed \_\_\_\_\_

I Support Decency at Work.

A Living Wage.

Fair Employment Conditions.

