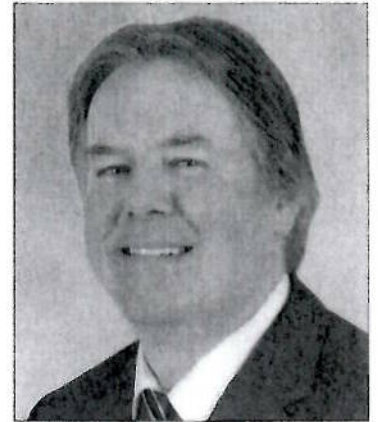




## THOMAS P. BROUGHAN T.D.

Tel: **618 3557** or **618 3798**, Fax: **618 4545**  
Email: [thomas\\_p\\_broughan@oireachtas.ie](mailto:thomas_p_broughan@oireachtas.ie)  
[www.tommybroughan.com](http://www.tommybroughan.com)

DÁIL ÉIREANN  
BAILE ÁTHA CLIATH 2



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

4 December 2015

### Re: Zero Hour Contracts

Dear David,

Please find enclosed a brief submission on behalf of my constituents of Dublin Bay North on the University of Limerick Study on the Prevalence of Zero Hour Contracts and Low Hour Contracts in the Irish Economy as commissioned by the Department of Jobs, Enterprise and Innovation.

I welcome the publication of the study by the University of Limerick and agree broadly with the 14 recommendations laid out in its report. Indeed, this is a topic that I have raised continuously in Dáil Éireann, throughout my political career and of course, in recent years when the use of precarious and low hour contracts became much more prevalent. While I understand that businesses needed to put in place some measures to deal with the financial crash and its disastrous effects on the economy. Of course, it has been the most vulnerable workers (in particular women) who have suffered the most detrimental impact of these measures. This year alone I have supported the Dunnes Workers in their 'Decency for Dunnes' campaign and the Clery's workers after the shocking closure of this iconic Dublin retailer.

I note that the findings of the study indicate that Ireland does not have extensive evidence of use of Zero Hour Contracts but that 'If and When' contracts are prevalent, which is something I highlighted recently to the Minister for Jobs, Enterprise and Innovation.

As requested I will outline my brief comments on each of the recommendations put forward by the study:

**Recommendation 1 – Amend the Terms of Employment Information Acts 1994 to 2012 to include written statement on terms and conditions**

I agree that all employees should be entitled to written statement on the terms of conditions of their employment and that they should receive a copy of these before commencing employment. The Terms of Employment Information Acts 1994 to 2012 must be amended to reflect this.

**Recommendation 2 – Amend the Terms of Employment Information Acts 1994 to 2012 to provide statement of working hours**

I agree that all employees should be entitled to a statement of their working hours that indicates a true picture of the hours to be worked. The Terms of Employment Information Acts 1994 to 2012 must be amended to reflect this.

**Recommendation 3 – Repeal Section 18 of the Organisation of Working Time Act 1997**

I agree with the Recommendations 4 to 8 which means that Section 18 of the Organisation of Working Time Act 1997 must be repealed and replaced with more comprehensive legislation relating to the recommendations laid out on hours of work, notice and sectoral agreements.



#### **Recommendation 4 – minimum number of hours**

Legislation must be enacted to address the issue of the minimum number of hours stipulated in employment contracts. We currently have situations where, for example, persons are working far more than their contracted 15 hours weekly but are then ineligible to apply for Family Income Supplement or Rent Supplement payments as their mean number of hours worked is not taken into consideration and just the number of hours as stated on the contract may be used in applications such as the above. I agree that the mean number of hours worked in the preceding 6 months is a good benchmark for the minimum number of hours in a contract of employment.

#### **Recommendations 5 & 6 – 72hrs notice for work and cancellation**

While I feel that persons should have a weeks' notice regarding the hours of work to enable them plan the coming week for childcare and financial management, I do accept that an improvement is needed urgently and that 72 hours as a very minimum notice period could be introduced first. As above, we currently have a situation where families are unable to budget for their monthly outgoings as they never know week to week what their income will be. I agree that if employers give less notice for working hours that the employee should be paid at a higher rate. Equally, in recommendation 6, if an employer cancels employees scheduled working hours in less than the minimum of 72 hours that the employee would still be paid for this working time.

#### **Recommendation 7 – minimum period of continuous working hours**

I agree with this recommendation that there should be a minimum of 3 continuous working hours where an employee must report for work or be compensated for 3 hours at a minimum if sent home before working these 3 hours consecutively. Employers must be cognisant of employees travel times to and from the workplace.

## **Recommendations 8 & 9 – sectoral collective agreements and negotiations**

I do not agree that where sectoral collective agreements are in place between trade unions and employers that some employers could opt out of such agreements by developing regulations customised to their own sectors. We have seen that Zero Hour Contracts and If and When Contracts are mostly used in wholesale, retail, hotel, food and the caring sectors. The hotel service industry is notorious for use of these kinds of exploitative contracts and non-negotiation with trade unions. We have seen recently worrying trends in the Fishing Industry in Ireland with allegations of maltreatment and trafficking of migrant workers and evidence of this means that closer scrutiny must be made on this sector, along with others. I do agree with recommendation 9 stating that annualised and banded hours could be used in sector negotiations.

## **Recommendations 10 & 11 – If and When contracts**

I absolutely agree that further investigation is immediately needed in to the prevalence of 'If and When' contracts and clarification of their status under legislation, as well as urgent consultation with the Department of Social Protection. The necessary new legislation should be a priority for the 32<sup>nd</sup> Dáil.

## **Recommendation 12 – Childcare**

The need for an accessible, affordable childcare system is urgently needed for all families whether they are on full-time contracts, if and when contracts, or studying. The cost of childcare in this country is forcing people out of work as in many cases both parents need to be on very high, above average industrial wages to be able to afford the monthly costs. I welcome that this recommendation was included in the group's study and agree that it is hugely important to in supporting working (and studying) parents and families.



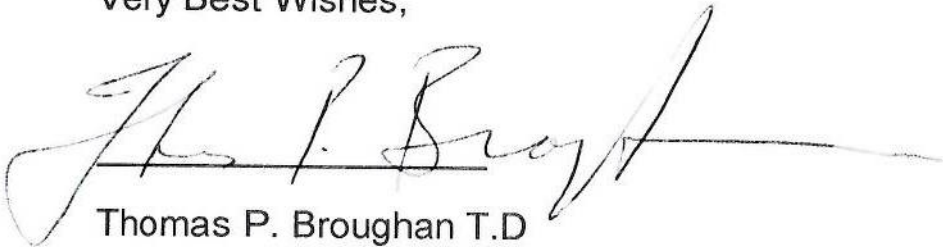
## **Recommendations 13 & 14 – Interdepartmental working group & CSO survey questions on non-guaranteed hours**

Recommendations 13 & 14 calling for the establishment of an interdepartmental working group to deal with policies on working hours and the inclusion of a CSO survey module with questions on 'non-guaranteed hours' are worthwhile and I agree that they should be explored. When I put forward my High Pay and Wealth Commission Private Member's Bill earlier this year, I recommended that the Commission be set-up under the remit of the Central Statistics Office. The CSO's Survey on Income and Living Conditions (SILC) already provides a good basis from which to start and would merely require inclusion of further questions on Zero Hour and If and When contracts.

### **Conclusion**

Finally, we can no longer delay the introduction of legislation to end zero hour and so-called 'if and when' contracts. The Government likes to roll out their #allaboutjobs publicity campaign when announcing new (welcome) jobs and expansions around the country but it is also vital that we legislate to protect current jobs and workers. There must be discussion with those businesses that are in danger of closing their doors and the situation that we saw with Clerys must not be allowed occur again. If the Government intend to sell a #allaboutjobs message then this should be about all jobs, and especially including existing jobs.

Very Best Wishes,

A handwritten signature in black ink, appearing to read 'Thomas P. Broughan', with a long horizontal flourish extending to the right.

Thomas P. Broughan T.D

Independent T.D – Dublin Bay North