

**People Before Profit**



# **Decent Jobs: Employment and Labour Rights**



# DECENT JOBS:

## People Before Profit's Employment and Labour Rights Manifesto

The government is boasting about a recovery. But they deliberately ignore how the post Celtic Tiger crash has been used to worsen the wages and conditions of workers.

Increasing numbers are finding themselves in precarious, low paid employment. More people are kept on roll over contracts where there are deliberate breaks to prevent them getting rights to a Contract of Indefinite Duration. A new teacher, for example, now spends an average of seven years on insecure contracts before gaining permanency.

The previous FF-Green government and the FG-Labour government have helped to create this situation. They instituted a system of age discrimination where new entrants to the public sector are paid less than those who started before 2011. They have also mounted a major attack on pension provision which has, unfortunately, gone largely unchallenged by the unions.

Alongside a growth in precarious employment, there is also an expansion of a low wage economy. Ireland, according to a report published in 2014 (OECD Employment Outlook 2015), has the second highest percentage of low-paying jobs, second only to the United States. Prior to the Celtic Tiger crash, 19 percent of workers were on low pay. Today it has risen to 23 percent.



To reverse these trends, People Before Profit advocates the creation of strong unions. Power within the unions should return to the grassroots and the unions should be based on regular workplace meetings where members decide on strategies and actions. Full time officials should be elected and subject to change, should the members so wish. There should be an end to political control by the Labour Party over unions like SIPTU. The restrictive conditions that have been imposed on union activity by social partnership agreements must end.

In order to facilitate a move to stronger unions and to uphold workers' rights, People Before Profit

advocate the following steps.

- 1. Outlaw zero hours and low hour contracts which deliberately under-state working hours.** Workers are sometimes given no set hours or are hired with very few hours and are then subject to an 'on call' regime which disrupts family and social life. The Terms of Employment Information Acts 1994 to 2012 should be amended to require employers to provide a statement of working hours which are a true reflection of the hours required of an employee. There should be a system of banded hours based on length of work and pattern of working hours.



2. **Give part time workers a right to extra hours, should they become available.** Employers should not be able to hire extra workers on spurious grounds of 'flexibility' when their real intention is to keep hours of part time staff below that required for legal protection. They should show good cause why existing part time workers are not entitled to extra hours.

3. **Remove the employers' veto on Joint Labour Committees which are designed to lay down minimum rates and conditions.** Employers such as those in the hotel industry are holding up the creation of statutory conditions by refusing to engage with JLCs. There should be clear time limits on JLC deliberations.

4. **Give workers a right to overtime payments and a Sunday premium.** Sunday was traditionally a day of rest but the retail industry has effectively turned it into another day for consumption. People Before Profit is not proposing a trading ban – but we do insist that workers should be paid premium rates for working anti-social hours.

5. **Give unions who gain 20 percent membership in any workplace an automatic right to bargain collectively with employers.**

Once unions persuade a proportion of the workforce to join, they should get an automatic legal right to bargain on behalf of their members. Workers should have every right to appoint representatives who can bargain collectively on their behalf. The figure of a 20% threshold is a starting position. Should workers seek a lower threshold, People Before Profit can amend that figure.

6. **Outlaw the practice of employers splitting companies into a property asset company and an operating company to deprive workers of redundancy settlement.** The treatment of Clery's workers was a disgrace. We don't need more commissions or reports. We need legal changes to stop corporations behaving in this disgraceful fashion.

7. **Change company law to give workers of insolvent companies the first call on redundancy settlements.** The entitlement of workers to legal redundancy cover is sometimes shifted onto the state. Such workers may have to wait for a considerable time before payment. Workers' rights must come top of the list for creditor payments – rather than at the bottom.

8. **Give workers back their full rights to take industrial action. Abolish the Industrial Relations Act which bans strikes for victimised shop stewards and political strikes.** Companies can move around the world or threaten to move in order to cut pay or worsen conditions. Workers must be given the legal right to fight back. No company should be allowed to sue or threaten to sue workers for the cost of industrial action. Immunities that existed previously must be restored. Workers should have a legal right to strike over victimisation and there should be no ban on political strikes.

9. **Abolish the Financial Emergency Measures in the Public Interest (FEMPI) legislation.** The government should not be allowed to change the wages and conditions of its own staff by a unilateral change of law. The FEMPI legislation has been used as a threat to pressurise unions into signing agreements that worsen the conditions of their members.

10. **Restore the retirement age to 65.** Workers should regain the rights they had before the Celtic Tiger



crash. They should have a right to retire at 65 and those who wish to stay longer should do so on a purely voluntary basis. The transition year pension should be restored.



**11. Ban bogus self-employment in all sectors including construction.** The Department of Education used a contractor, Rhatigan's who pressurised workers to become self-employed. All such pressure on workers should be banned.

**12. Provide self-employed people with equal social welfare and pension rights as PAYE workers.**

A new special social security regime should be introduced for the self-employed. On payment of an additional 'employer cost' stamp, they should be given the same rights to social welfare as others.

**13. Move towards a Living Wage.** A Living Wage is €11.50 an hour or €449 a week. Yet

300,000 workers are earning less than this. The state could help reduce the cost of living that requires such a wage by introducing rent controls and abolishing water charges. But in the meantime, it should enforce such a wage on all public contracts and move towards making it the minimum wage.

**14. Make employers pay a full wage as maternity benefit and ensure there are proper sickness schemes.** The state pays for maternity leave but some employers refuse to contribute their proper share. They should be legally obliged to top up the state payment.

**15. Create Jobs – The State should foster a right to work.** Mass unemployment will always erode workers' rights. People Before Profit rejects the mantra of the mainstream parties that it is not the role of state to create jobs. The private sector in Ireland has historically failed to provide full employment for long periods and many have had to resort to emigration. The state can create jobs in a number of ways as the following examples indicate:

- A) It can restore many of the 40,000 public workers jobs that it have been slashed since the Celtic Tiger crash.
- B) It can establish a state construction corps from the large pool of unemployed building workers to build social housing.
- C) It can launch a national house insulation programme built on direct labour.
- D) It can re-value - and pay properly - community employment schemes including those to promote arts.
- E) It can take our natural resources into public ownership and adopt a strategy of creating downstream industries based on public ownership.