

February 2018

Congress Seeks Significant Changes to Ensure Employment Rights Legislation will be Effective

The Employment (Miscellaneous Provisions) Bill 2017 began its passage through the Oireachtas on February 14, 2018.

It is currently at Committee Stage – which is when amendments to the proposed legislation can be discussed and accepted, or otherwise.

This is a critical piece of legislation that presents a real opportunity to deliver improved employment rights for some of the most vulnerable and exploited workers in Ireland.

The government says that the legislation when enacted into law will – in most circumstances – prohibit the use of zero hour contracts and give workers greater certainty about their hours of work.

However, in our view the proposed legislation contains significant flaws that must be addressed if it is to really deliver for workers.

Over recent weeks, Congress has conducted an intensive campaign of lobbying to argue for these changes and improvements.

As part of our lobbying campaign we have so far met with:

- Minister for Social Protection, Regina Doherty, TD
- Senator Ged Nash (Labour Party);
- Deputy Willie O’Dea (Fianna Fail);
- Deputies John Brady, David Cullinane and Senator Paul Gavan (Sinn Fein);
- Deputy Roisin Shorthall (Social Democrats);
- Deputy Joan Collins (Independents 4Change)

Our analysis of the proposed legislation has highlighted a series of significant changes that need to be made if the proposed legislation is to deliver enhanced security and certainty for workers. These include:

- To outlaw Zero Hour contracts in all circumstances workers must be provided with a guaranteed minimum number of hours work per week;
- Establish a minimum three hour payment for workers, at their normal rate of pay (for example SEO, ERO), when they are called into work, even if they are sent home immediately because work is not provided;
- The bands in the Bill should be narrowed to ensure workers are not disadvantaged;
- The proposed ‘look back’ period of 18 months should be reduced significantly;
- Ensure that workers can get effective redress where employers fail to meet their obligations, with the burden of proof resting with the employer in the event of a dispute;
- Provide strong and effective remedies that prevent the penalisation of workers who seek their entitlements under the legislation.

While Minister Regina Doherty has undertaken to give consideration to the changes sought by Congress, all of the other political parties we have met to date have agreed that our suggestions for improvements to the Bill should be supported.

Congress will meet with other political groupings on this issue, over the coming weeks.

We will provide updates for affiliates as the Bill progresses through the various stages of the legislative process in the Oireachtas.