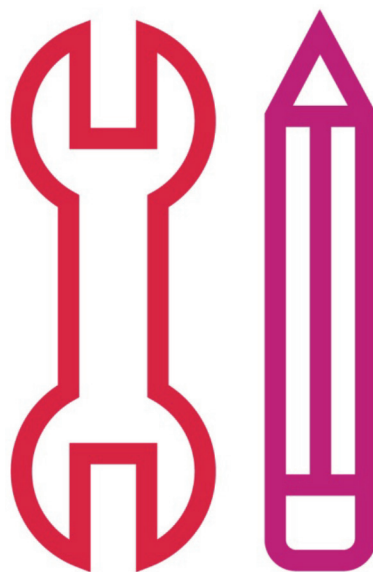


# LABOUR

**DECENT WORK FOR ALL:**

**LABOUR'S PROPOSALS FOR A LIVING WAGE  
FOR ALL WORKERS, COLLECTIVE BARGAINING  
RIGHTS AND DECENT JOBS FOR ALL**





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## INTRODUCTION

Work and pay is not fairly shared.

While workers in some sectors of the economy enjoy good incomes and favourable conditions, other workers do not.

Women, young people, migrants and those with the lowest educational attainments are most vulnerable to exploitation and are often those in the lowest paid jobs.

### **A GOOD JOB PROVIDES A PERSON WITH DIGNITY AS WELL AS MATERIAL SECURITY.**

Every worker should know their rights, and have easy ways to vindicate their rights.

The right to collective bargaining must be enshrined and enforced.

### **EVERY WORKER SHOULD HAVE A LIVING WAGE, SO THAT THEY CAN AFFORD A BASIC DECENT STANDARD OF LIVING.**

The Labour Party has always stood up for workers' rights and has implemented laws to regulate the market economy in favour of workers and customers.

The economic recovery is not complete.

Too many people are still looking for decent, full-time work.

Too many areas of the country do not have a strong local economy.

Too many jobs are still low paid and insecure. Labour pledges to fight for decent work for everyone.

## **OUR COMMITMENT**

**The Labour Party pledges,  
whether in Government or in opposition,  
to work towards achieving  
decent working conditions  
and standards of living for all.**

## SUMMARY OF PROPOSALS

1. Increase workers' share of national income
2. Enshrine the right to collective bargaining for all workers
3. Ensure all workers receive a Living Wage
4. Close the gender pay gap
5. Widen access to work for people with disabilities
6. End the exploitation of migrant workers
7. Lower wage inequality and curbing excessive executive pay
8. Ensure certainty of hours
9. Support people who are self-employed
10. End bogus self-employment
11. Eliminate workplace bullying
12. Add social clauses to public procurement
13. Address informal insolvency
14. Prepare now for the future of work

# OUR GOALS: WORKERS' RIGHTS IN A WORKERS' REPUBLIC

## Decent Wages

- Increase the share of national income going to workers
- Increase the Minimum Wage to become a Living Wage (based on the real cost of living)
- Review the cost of living regularly and regularly examine the Minimum Wage/ Living Wage
- Reduce the wage gap between high executive pay and average workers' pay
- Reduce and ultimately remove the gender pay gap

## Decent Social Protections

- Establish an agreed Minimum Income Guarantee for all
- Campaign for social protection to provide adequate security and reduced inequalities among workers
- Value care work and place greater economic value on the varying forms of care work
- Review the social protection system to ensure it protects all types of workers (including self-employed) in all forms of work
- Assert the rights of workers in retirement homes to an adequate pension commensurate to their contributions

## Decent Work

- Assert EU legislation as the foundation on which to build higher levels of employment protections
- Implement the European Pillar of Social Rights (in Ireland and at EU level)
- Strengthen the powers of the Low Pay Commission so it can investigate conditions of employment
- Establish regular review mechanisms for employment legislation
- Ensure Government contracts and tenders comply with all employment legislation, setting public sector working conditions as the benchmark

## Decent Social Dialogue

- Legislate and/or change the Constitution to enshrine workers' right to collective bargaining and representation in accordance with international law
- Legislate for a worker's right to be better informed and consulted, and able to participate in good time on relevant matters
- Consult social partners on the design and implementation of economic, employment and social policies
- Enhance worker democracy and participation, particularly for those in new forms of working
- Establish a National Forum on the Workplace comprising Government, trade unions, employers and the community sector to discuss and debate current economic, social and political issues with a clear framework for action

## BACKGROUND NOTE TO THIS DOCUMENT

A discussion paper on the future of work was adopted by Conference in 2017, which was further developed into a policy paper entitled 'Ensuring Decency and Justice in the Workplace'.

Senator Ged Nash, as spokesperson for Employment and Social Protection, has advanced a number of policy positions to further protect workers. Some of these have been advanced as Private Members Bills in the Oireachtas.

A sub-group of the Policy Research Unit engaged in work to document policies to further advance workers' rights, as did the Trade Union members section, which produced principles entitled 'A Worker's Republic', which are reflected in the above Goals section.

This policy document draws on all of the above sources and builds on the important contributions that each of them made.

# LABOUR'S PROPOSALS: DECENT WORK FOR ALL

## 1. Increase workers' share of national income

Over the years, the share of the national economy going to labour (i.e. the total earnings of employees and the self-employed) as opposed to capital has declined. This trend is confirmed by the ILO, the OECD and the IMF. The higher share of national income going to those with capital exacerbates wealth inequality and polarises society.

Labour will:

- Instruct the CSO and other agencies to publish and analyse how economic output is distributed
- Instruct the CSO and other agencies to publish and analyse how income and wealth are distributed across society
- Instate a replacement for the Combat Poverty Agency (abolished by Fianna Fáil in 2009) with a new Economic Equality Agency tasked with designing a social democratic market economy model for Ireland that will eliminate poverty and ensure everyone can achieve a decent standard of living
- Create a Standing Commission on Taxation to analyse the tax and social insurance systems, to recommend changes so that there is a fairer distribution of income and wealth across society

## 2. Enshrine the right to collective bargaining for all workers

International law recognises the right of workers to form a collective when entering into dialogue and negotiation with their employer around wages and working conditions. Irish law recognises the right of workers to organise, but it does not require employers to deal with trade unions or other workers' collectives.

This is a major gap in workers' rights in Ireland that Labour is determined to fill.

As a small step in the right direction, Labour's Competition (Amendment) Bill 2016 became law in 2017, when Labour was in Opposition. It was the first law passed under the new Government, seven months after its formation. The Act allows certain categories of self-employed worker, such as freelance journalists or musicians, to bargain collectively with their employers.

Labour will:

- Take a 'belt and braces' approach to enshrining workers' right to collective bargaining through legislation and constitutional change
- We will advance legislation to recognise the right to collective bargaining in law
- We will campaign for the right to collective bargaining to be placed in the Constitution so that future governments will find it harder to dilute or take away this right

## 3. Ensure all workers receive a Living Wage

On 1 June 2016, the Government suffered its first defeat in the Dáil, with majority support for Labour's motion from opposition to support workers' rights and pay. (The whole motion is listed at the end of this document).

In 2011-2016, Labour reversed the Fianna Fáil cut to the Minimum Wage and raised it twice, from €7.65 to €9.15 per hour, putting €3000 a year into the hands of full-time workers on the minimum wage.

Labour also reinstated the Joint Labour Committees, registered employment agreements and created the new Sectoral Employment Orders, all of which improved pay and conditions for over 200,000 workers across a wide range of sectors, including agricultural workers, catering, contract



cleaning, hairdressing, hotels, retail, grocery and allied trades, and the security industry.

Now we have to continue to advance the argument that all workers should receive a Living Wage. That means a level of pay that would guarantee a basic minimum standard of living, based on an accurate calculation of all of the cost of living.

Labour will:

- Advocate for all civil and public servants to be paid at least a Living Wage
- Advocate for all public tenders to have as a requirement that all workers involved are paid at least a Living Wage
- Work towards aligning the national Minimum Wage with the evidence-based Living Wage (In doing this, we will avoid the false use of the term 'living wage' as we have seen in the UK, where their national minimum wage was re-branded without aligning the wage level to evidence of the cost of living)

#### 4. Close the gender pay gap

Women in Ireland still earn on average 13.9% less than men in hourly wages (European Commission data). Put another way, women in full-time roles are working for free for over one month every year.

At current rates of improvement, it will be another 15 years before the gender pay gap is closed in Ireland. We want to achieve it sooner.

Senator Ivana Bacik has led legislation through all stages in the Seanad to require reporting of the gender pay gap in all companies with more than 50 employees. A similar law helped Belgium to become one of the most gender equal countries for pay.

Frustratingly, the Government is not permitting our Irish Human Rights and Equality Commission (Gender Pay Gap Information) Bill 2017 to advance in the Dáil. Although they say they will advance their own law, we have

seen little to date.

Gender discrimination is already forbidden under the Employment Equality Acts and complaints can be brought to the Workplace Relations Commission, but more needs to be done to address the wage gap between women and men.

Labour will:

- Seek to pass a law to require reporting of gender wage differences
- Conduct research to identify other factors that are causing the gender pay gap including factors outside of the workplace
- Conduct research to identify any barriers to women using existing institutions, like the Workplace Relations Commission, to achieve equal pay for equal work
- Develop other legislation and/or campaigns based on what necessary actions are identified by the research

#### 5. Widen access to work for people with disabilities

People with disabilities are only half as likely to be in employment as others of working age, according to the National Disability Authority. In some cases, people cannot access work because employers are unwilling or unable to accommodate their disabilities.

Labour will:

- Engage with relevant community and voluntary organisations to ensure the Party is aware of all of the relevant issues and what supports and/or legislation may be required to widen access to work for people with disabilities.
- Enforce the existing legal obligation on public service organisations to promote and support the employment of people with disabilities and (in most cases) to achieve 3% of staff with disabilities.

## 6. End the exploitation of migrant workers

Migrant workers, especially those with low skills and/or poor English, are more vulnerable to exploitation by unscrupulous employers. Migrants may not be aware of workers' rights already in Irish law, or they may be afraid to speak up for fear of losing their jobs. A particular vulnerability for non- EU migrant workers is that their right to reside in Ireland may be tied to their employment, so speaking out about exploitation could threaten their own ability to remain in Ireland.

Migrants are often working in some of the lowest paid and vulnerable areas of employment, including seasonal agricultural work, food processing, cleaning, retail and hospitality.

Labour will:

- Engage with relevant community and voluntary organisations, and migrant community groups, to raise awareness of the exploitation of workers and to close loopholes in the law that allow the exploitation of migrants to continue.

## 7. Lower wage inequality and curbing excessive executive pay

Recent decades have seen the steep rise of executive remuneration (salaries, bonuses, pensions and share options) far in excess of increases to the pay of ordinary workers. The resistance among bankers to a pay cap of €500,000 (!) is just one example of how executive pay has grown to excess. During the boom period, top bankers were paid in one year what a person working for the Minimum Wage might be paid in a lifetime.

Labour will:

- Introduce provisions to cap the remuneration of top public officials at no more than a fixed multiple of the amount paid at the lowest grades
- Strengthen transparency around high executive remuneration

- Advocate retaining the cap on banker's remuneration

## 8. Ensure certainty of hours

There is a serious problem of growing casualisation of employment, which can entail exploitation of the least protected workers.

Someone working under an 'if and when' contract is not guaranteed any working hours at all and is paid only for work carried out. Some contracts fix a very low number of set hours, with the rest unspecified.

When hours – and income – fluctuate on a daily and weekly basis this created a high level of insecurity for workers, who routinely have problems paying bills, applying for bank loans or organising childcare.

These contracts also can be used to keep wages down. While a minority of workers might be attracted to flexibility of this sort, there is no evidence that the wider body of workers benefit from these arrangements.

Labour will:

- Advance legislation to protect workers against abuse and exploitation:
  - o Require employers to issue workers with a written contract guaranteeing regular hours worked over a period, except where workers request flexible hours
  - o Require employers to provide workers with express notice, within a reasonable time, of their rosters and shifts

## 9. Support people who are self-employed

Over 300,000 people in Ireland are self-employed, including many freelance workers who struggle to attain a decent income.

Self-employed workers do not pay the same level of social insurance as employees (who benefit from the employer's payment of 8.6-10.85% on top of their own contribution of

4%). As such, they do not receive the same level of social protection. Additionally, many in self-employment do not have an occupational pension.

Labour would like to see stronger social protection extended to workers who are self-employed, which implies increasing their contributions to the Social Insurance Fund. In the first instance, this requires a national conversation about the risks currently being taken by people who are self-employed in terms of their finances, especially for retirement.

Labour will:

- Engage in dialogue with representatives of workers who are self-employed, to develop a realistic approach to extending the coverage of the Pay-Related Social Insurance (PRSI) system.

## 10. End bogus self-employment

The EU Court of Justice has ruled that a worker is not genuinely independent of his or her employer if the workers acts under the direction of the employer as regards freedom to choose the time, place and content of work, does not share in the employer's commercial risks and in reality forms an integral economic unit within the employer's undertaking.

'Bogus self-employment' disguises contractual relationships that should be registered as employment. Some employers are pushing their workers to register as self-employed (or 'independent contractors') as this reduces the responsibilities of the employer and eliminates employer contributions to social insurance on behalf of those workers.

Workers in bogus self-employment miss out on: paid sick leave, holiday pay, overtime rates, travel allowances, pension contributions and employment protections.

This practice also undercuts reputable employers who comply with basic standards. Labour will seek to outlaw bogus self-employment, without any change to genuinely

independent undertakings (people carrying on business on their own account).

Labour's Competition (Amendment) Act 2017 created legal definitions of 'false self-employment' and 'dependent self-employment', which establishes a framework around which future laws and regulations can be shaped in response to a changing world of work.

Labour will:

- Advance legislation to outlaw bogus self-employment, through changing the legal definitions of employment status and including a test of status (in line with Revenue guidelines and in full conformity with the judgements of the Court of Justice of the EU)

## 11. Eliminate workplace bullying

Everyone agrees that workplace bullying is unacceptable, but shockingly there is a lack of legislation in this area. For the victim there is stress, ill health, low productivity and negative career development. For the employer there can be a dysfunctional workplace, poor morale and costly litigation.

Reasonable management action does not constitute workplace bullying, and bullying complaints should first be aired at local enterprise level, allowing for resolution through prescribed formal and informal channels.

Labour will:

- Legislate to define workplace bullying, outline the internal procedures required to deal with bullying complaints, and outline the formal route for cost-effective and legally sound adjudication of those complaints.
- Legislate to clearly outlaw efforts to compile or supply 'black lists' of workers who are trade union members or who have taken part in trade union activities or industrial action.

## 12. Add social clauses to public procurement

The State has power to promote wider economic, environmental and social gains through public procurement, although Ireland uses this option less often than most other EU countries.

Labour will:

- Ensure the Labour Rights social clause in the EU Procurement Directives is transposed into Irish law to require contractors to show:
  - o Compliance with health and safety, equality and employment law
  - o Respect for the industrial relations machinery of the State
  - o That pay and conditions are in line with collective agreements in the relevant sector
  - o Prompt payment of awards where there have been infringements of employment rights
- Ensure that public procurement is leveraged to make the Living Wage a reality in onsite employment, such as the contract catering, cleaning and security sectors

## 13. Address informal insolvency

When companies enter into formal insolvency procedures, such as receivership, liquidation or bankruptcy, employees are able to apply to the State's insolvency payments fund for arrears of wages, holiday money, minimum notice and certain other sums.

However, workers in companies that do not go through a formal procedure and that simply 'walk away' and cease trading, cannot apply for payment from State funds. This is unfair and can leave workers at a severe disadvantage.

Labour will:

- Amend the legislation to cover informal or 'deemed' insolvencies where the

employer has ceased trading or where payments to employees have ceased for six weeks or more (based on the Duffy-Cahill report)

- Change the Companies Act (section 559) to allow the debts of a company in liquidation, including owed wages, to be recovered from associated companies in a group. (Our amendments make it clear that a liquidator can take action where a related company caused the liquidation or where a group structure enabled a company with insufficient assets to continue trading while using assets belonging to a related company to unfairly defeat the claims of creditors).

## 14. Prepare now for the future of work

The world of work is changing at a rapid pace. We are engaging with trade unions, employees, civil society groups and citizens across the country to map out a future where the transition to new ways of working is managed in a just way and for the benefit of all.

We are grappling with big ideas like the impact of a new wave of automation based on Artificial Intelligence (AI) to displace jobs.

Labour will:

- Develop proposals for the realistic taxation of new forms of robots and AI that are displacing jobs
- Develop proposals for how workers can be supported to transition to new sectors of employment in cases where technology reduces or eliminates certain jobs
- Engage with third level institutions and trade unions to ensure that younger generations of workers are equipped with the skills they need to deal with a jobs market that is in permanent flux, and where whole sectors of employment may appear or disappear in their working lifetimes

## APPENDIX: LABOUR'S MOTION ON WORKERS RIGHTS

The following motion was moved by Deputy Brendan Howlin on Tuesday, 31 May 2015:

That Dáil Éireann:

- affirms that, as economic conditions continue to improve, it will stand up for working people and ensure that employees secure a fair share of growing national prosperity;
- accordingly calls for a programme of incremental increases to the national minimum wage until it is pegged at 60% of median earnings, and for a living wage of €11.50 per hour to be adopted throughout the public sector;
- believes that, alongside tackling low pay, we must address root causes of insecurity at work, commit to further protections for vulnerable workers in precarious employment and bring an end to exploitative employment contracts that foster increased casualisation of workers; calls therefore on the Government to prepare and introduce a legislative package that will protect and enhance workers' rights by:
  - ending the abuse of "if and when" contracts; - combating bogus self-employment;
  - ensuring freelance workers have the right to collectively bargain;
  - extending the transfer of undertakings regulations (TUPE) to workers in services such as catering and security;
  - protecting workers in "informal" insolvencies and collective redundancies;
  - providing statutory redress for the victims of workplace bullying;

- promoting employment standards and the living wage in public procurement; and
- preventing unilateral reductions in pay;
- notes in particular the University of Limerick report to the Government, Study on the Prevalence of Zero Hours Contracts among Irish Employers and their Impact on Employees, and, commissioned following the outrageous treatment of Clerys workers in June 2015, the Cahill-Duffy Expert Examination and Review of Laws on the Protection of Employee Interests When Assets are Separated from the Operating Entity; and
- commends the recommendations set out in both these reports and calls on the Government as an urgent priority to prepare legislation for their implementation.

***The motion was passed by Dáil Éireann on 1st June 2018 but the Government has not taken real action since.***

## NOTES



