

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM TURASÓIREACHT, CULTÚR, EALAÍONA, SPÓRT AGUS NA MEÁIN

## JOINT COMMITTEE ON TOURISM, CULTURE, ARTS, SPORT AND MEDIA

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*Dé Céadaoin, 13 Deireadh Fómhair 2021*

*Wednesday, 13 October 2021*

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Tháinig an Comhchoiste le chéile ag 1.30 p.m.

The Joint Committee met at 1.30 p.m.

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Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Alan Dillon,	Micheál Carrigy,
Brendan Griffin,	Shane Cassells.
Imelda Munster,	
Johnny Mythen,	
Christopher O'Sullivan.	

I láthair / In attendance: Deputy Aengus Ó Snodaigh.

Teachta / Deputy Niamh Smyth sa Chathaoir / in the Chair.

## **Engagement with Chairperson Designate of the Board of the National Library of Ireland**

**Chairman:** I welcome Mr. Eoin McVey and Dr. Sandra Collins, director of the National Library, to today's meeting. Thankfully, we are back conducting meetings in person and not virtually. It is lovely to have our guests here with us today.

The format of the meeting is such that I will invite our witnesses to make their opening statements, which will be followed by questions from members of the committee. As the witnesses are probably aware, the committee may publish the opening statements on its website following the meeting. Before I invite them to deliver their opening statements, which are limited to five minutes, I would like to advise them of the following in relation to parliamentary privilege.

Witnesses are reminded of the long-standing parliamentary practice that they should not criticise or make charges against any person or entity by name or in such a way as to make him, her or it identifiable or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity. Therefore, if their statements are potentially defamatory in relation to an identifiable person or entity, they will be directed to discontinue their remarks.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against any person outside the House, or an individual official, either by name or in such a way as to make him or her identifiable. For anyone watching today's meeting, in most instances members and witnesses may now be physically present in the committee room, or they may join remotely, whichever they are most comfortable with.

I again remind members of the constitutional requirement that members may be physically present within the confines of Leinster House in to participate. I will not permit members who are outside of that to attend due to the constitutional requirement. All members in attendance in the committee room are asked to exercise personal responsibility in protecting themselves and others from the risk of contracting Covid-19. They are strongly advised to practise good hand hygiene and leave at least one vacant seat between them and others attending. They should also maintain an appropriate level of social distancing during and after meetings. Masks must be worn at all times during the meeting except when speaking.

I also ask members to please identify themselves when contributing for the benefit of Debates Office staff preparing the Official Report. Members should mute their microphones when not contributing to reduce background noise and feedback. I ask that they use the raise hand button when they wish to contribute. I remind all those joining today's meeting to ensure mobile phones are on silent or are switched off.

With all that, perhaps boring, housekeeping out of the way, we can get to the more interesting part of the meeting. I call on Mr. McVey to make his statement.

**Mr. Eoin McVey:** I thank the Cathaoirleach and the members for the invitation to appear before the committee today. I will quickly go through my background and how I came to be here today.

I spent most of my working life in *The Irish Times*. After completing my articles in Coopers and Lybrand, I joined the newspaper as a financial journalist. My primary responsibility concerned reporting on the activities of companies throughout Ireland, both publicly owned and in the private sector. This involved analysis of financial performance and drawing comparisons

with the performance of similar companies in Ireland and abroad. I had a fairly good background in financial analysis, which was my strength. I got moved out or was brought out of the business department after five or six years there and moved into the editor's office.

My longest lasting and final position in *The Irish Times* was that of managing editor. That was a bit of a dogsbody kind of a job. I was responsible for the budgets, which was difficult, for all editorial human resource issues, which were even more difficult, and for legal matters, which were impossible. For my sins, I was appointed as a director to the board of *The Irish Times* for ten years.

I went onto the board of the RDS, which as the members know is a big events centre and organisation but is essentially a registered charity. I served as chair of its audit and risk committee.

Separately, I went before the joint Oireachtas committee, JOC, and was interviewed, and I was appointed a director of RTÉ, at the recommendation of the JOC, by the Minister and served one term from 2016 to 2020. I did not go forward for reappointment.

Last year, at the invitation of the Policing Authority, I joined the audit and risk committee of An Garda Síochána.

Most recently, I joined the board of St. Michael's House, which is an organisation which helps the intellectually disabled.

Most important of all, I was appointed to the board of the National Library in 2015 and served a full term. I chaired the library's audit and risk committee throughout this period. I was reappointed to the board by the Minister, Deputy Catherine Martin, in February of this year and was appointed chairperson by the Minister on 29 July last. I am very familiar with the code of practice for the governance of State bodies and have a deep understanding of all matters relating to corporate governance and its importance. I have a firm grasp of the activities and ambitions of the National Library and its ethos. In terms of the day-to-day operational matters of the library, I would of course be deferring to Dr. Collins. I have been chairperson for two months and she has been director for six years. She has a much better grasp of the day-to-day operations of the library.

My role as chairperson, as I see it, is to assist the library and its staff through the many challenges that lie ahead. The library is very fortunate in having a very effective executive and motivated staff, all led by Dr. Collins. A major priority of the library is to ensure the ongoing capital development programme is completed to the satisfaction of the library, its staff and its users. The programme is the biggest development of the library in the past 100 years, consisting, as it does, of a fundamental reordering of the Kildare Street premises to make them more responsive to the needs of the library's users, particularly as regards exhibitions, seminars and accessibility for all. The work on the building is being carried out by the Office of Public Works. The library, however, is tasked with ensuring the development will deliver a safe infrastructure to house the most important and valuable collection of Irish documentary material in the world. The library must also ensure it will function throughout the development programme and that its completion will assist in maximising the impact of the library for users and potential users.

Among the other priorities is the need for the library to build on its diversity and inclusion policy, which goes to the core of what libraries are all about. At the moment, the library's photographic archive in Temple Bar is running an exhibition entitled "Living with Pride". It pro-

vides an insight into the evolution of the LGBTQ rights movement in Ireland. This exhibition will be built on; others will happen. The National Library of Ireland has a responsibility, which it takes seriously, to reflect in an inclusive manner the diversity that is Ireland today.

Another priority is to increase the presence of the library throughout Ireland. The library reaches out from Dublin through events and exhibitions, and we will want to do more with those programmes. The library can also reach out of Ireland to the world through digitisation. Digitisation is a major priority for the library. The library has more than 100 resources, relative to comparable national libraries, which places severe limits on what can be done.

What could be done, but is not being done to an acceptable degree, is the capture and storage of the important digital content produced every day in Ireland. The library is prevented from archiving the content of many websites of general, social and political interest, to name a few, because the legislation that would allow the library to do this is not in place. Significant volumes of historically important digital content is not being captured and will never be available for students and researchers in the future. It behoves the library to be the leader in digital collection and delivery because nobody else is better placed to do it.

The overall priorities of the library remain to collect, protect, connect, innovate and collaborate. The library has achieved much in recent years, with co-operation with UCD, the establishment of the Museum of Literature Ireland in St. Stephen's Green and the Seamus Heaney exhibition in College Green being examples. I genuinely believe that the library, mainly thanks to the provision of funds for the redevelopment of Kildare Street, is entering into a phase that offers its greatest opportunity ever to increase its impact and contribution to Ireland's cultural collection. I thank the committee for its time.

**Chairman:** That was an interesting and good overview of where the library is at. Does Dr. Collins want to say anything or will we move on to questions? Committee members have heard the opening statements from our witnesses. I will open discussion to the floor. As I said at the beginning, we are not working from speaking slots for this but rather indications. Can members indicate if they are interested in coming in?

**Deputy Johnny Mythen:** I thank the witnesses. What are the legal obstacles in the way of archiving material through digital content? Does this need to be changed as soon as possible? What adequate supports does the library need that are not in place now? The library is seen not only as a learning base but a cultural space. Has collaboration with the arts sector been a priority for the library? How does Mr. McVey think engagement with schools, colleges and the likes of Age Action Ireland can be improved? Does he think after hours non-staffed services are working in rural areas? I would like to hear the opinions of witnesses on that.

**Mr. Eoin McVey:** Could the Deputy come back in on his last question on rural services?

**Deputy Johnny Mythen:** Do the witnesses think that the after-hours, non-staffed service is working well in rural areas? Libraries open until 10.30 p.m. or so and people have a digital card to operate the system. I do not have any information on it. Do the witnesses have any information on how it works? Is it working successfully?

**Mr. Eoin McVey:** I thank the Deputy. With regard to the legislation, I will pass over to Dr. Collins because she has been fighting this fight for quite some time. It is a shortcoming in our legislation. The Copyright and Related Rights Act is in place. We want it to recognise our legal entitlement to take a copy of a website off the Internet before it disappears to have a proper

full record of the political and cultural debate in the country. I will pass this over to Dr. Collins because she has been intimately involved with this, along with the Government.

**Dr. Sandra Collins:** This is a critical issue for us. We collect one copy of every book published in the State, through copyright legislation legal deposit. We need to acknowledge the importance of content published on websites. Websites are a record of Irish life and we need to be able to make a copy of them and store and preserve them for future use and access. Section 108 of the Copyright and Other Intellectual Property Law Provisions Act 2019 is important. It allows for a report to be brought to Cabinet on the feasibility of a digital web archive. We are working with our parent Department, the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, to bring that report to Cabinet. It is critical to us.

In 2019, we did a full domain .ie crawl. Approximately 230,000 Irish websites end with .ie. With our technology partner, we captured a snapshot in time of every one of those websites. It is a resource that researchers and historians in the future will take as a record of what the country was saying during 2019. The act of collecting those websites put us in breach of copyright legislation. We have that resource securely locked away, but we cannot provide access to it for researchers, historians and people in Ireland who are interested in it.

Each year that we do not do that, 50% of Irish websites vanish forever or are changed so that they are unrecognisable from what they are now. The records of referendums and general elections are all gone. In 2022, it will have been three years since we collected .ie domain data. In consultation with our board, we will not be able to take the risk of collecting it because of the risk and responsibility that puts on the library in terms of having breached copyright legislation. It would be useful for the report to go to the Cabinet for consideration and that the report recommend a legislative amendment to copyright legislation, which is the responsibility of the Department of Enterprise, Trade and Employment. That, in time, would allow us to capture those websites and our contemporary history before it is gone forever.

Looking across Europe at our peer national libraries, 60% of European national libraries have this legislation in place and are collecting their countries' websites. We do not want to fall behind and lose the data to a black hole forever.

**Chairman:** Is Deputy Mythen finished? Can we move on?

**Deputy Johnny Mythen:** As I said, we are losing a lot of our history. Every day is history, including the likes of the repeal of the eighth amendment and the same-sex marriage referendum. All of that information will be lost. It is important part of our history and it is a shame that can happen.

**Chairman:** It is to be hoped we will be able to do something to address that following today's meeting.

**Deputy Imelda Munster:** Dr. Collins said that the report highlighting the obstructions and what needs to be done will go to Cabinet. Has the library been in direct contact with the Minister, Deputy Martin, in that regard? Has she given any indication that there is a willingness to correct this, for obvious reasons?

**Mr. Eoin McVey:** I thank the Deputy. I will again defer to Dr. Collins because we have not had direct contact with the Minister. The committee has a lot of work to do and I do not think there has been contact. We have managed to get a specific engagement on this. There has been dialogue.

**Dr. Sandra Collins:** The board wrote to our Minister and the Minister for Enterprise, Trade and Employment about the matter. We are currently working with the Minister's officials in the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. That work is ongoing. The support of the committee and wider support at Government level would be welcome.

**Deputy Imelda Munster:** I thank Dr. Collins for that. I am sure the delegates would find it helpful if the committee were to agree to write to the Minister to outline its support and the importance of passing this matter to the Cabinet and updating the legislation. We should very much consider doing that. It seems to me – correct me if I am wrong – that anything past 1986 is not included. The Good Friday Agreement and various organisations such as the HSE and Tusla, and other important bodies, are not included. It is important to have all of them captured and archived.

It was mentioned that the ongoing capital development programme is a major priority. Could I have some detail on the progress of that programme?

**Mr. Eoin McVey:** It has started. To date we have decanted or taken out all the books that were in storage in what we know as the west wing, which comprises the buildings that line Kildare Street. Some of the storage conditions there were very poor. It is a very old building. All the books have been decanted. Now we have to get down to the detailed specification of the work that is going to be done with the OPW, which is in charge of this. That is the stage we are at now. It is very exciting. We have the floor plans for everything we want to do, and approval has been obtained. We now have to start moving on the specific planning.

**Dr. Sandra Collins:** The project specifies different phases. We have completed phases 1 and 2A. The most comprehensive part, the construction and repair works, is in the next phase. We are waiting for the detailed drawings and detailed breakdown of costs. We are really excited about getting started on that one next year.

**Deputy Imelda Munster:** I thank Dr. Collins for that.

Could I comment on the matter of staff? I read somewhere last February that the library has 96 staff. The National Library of Scotland has 300. Norway had 470 and Finland had 220. How does the number of staff affect the ability to operate?

**Mr. Eoin McVey:** The staff number is very low by comparison with that in comparable libraries, particularly Scotland, which has the same kind of operation and population. The National Library of Scotland has more than 300 staff, as the Deputy said. We have had some increases. We are up to 103 or 104 from a low of 85 or 86. We are very appreciative of the 9% increase that we got at the budget, announced yesterday.

To answer the Deputy's question, we are short of staff. We are short of staff in critical areas, such as IT. IT is much more important than it used to be. It is a very vulnerable side of any operation. We are very low on resources for digitisation. If we do not digitise our content, we are not getting it out to the rest of the country. Doing so is terribly important. We are the national library for Ireland, not the national library for Dublin.

We have more employees than we had very recently but there are areas where we really have to do more, including the reading room, IT and digitisation, and areas where we would like to do more. Unfortunately, we do not have the number of employees necessary to move forward satisfactorily on those. Everyone has this pressure. We just have to try to keep asking and hope we get something.

**Dr. Sandra Collins:** I would like to elaborate on that. We were very grateful to hear the wonderful news that we are to have a 9% increase to our budget. That will bring us some new roles. It feels like we are making progress. I can say, hand on heart, that everybody works very hard. It is a question of just keeping going.

**Deputy Imelda Munster:** I have a suggestion. It would do no harm for us to write to the Minister about staff, making comparisons with other countries, particularly because our guests have flagged the critical areas of IT and digitisation, in addition to others. We should ask the Minister whether the Government has any plan to increase staff numbers.

**Chairman:** We can do that. There are no problems whatsoever with doing so.

**Senator Shane Cassells:** I welcome Mr. McVey. I wish him well in his role. I thank Dr. Collins for her immense work over the past six years. On the points made on digitisation and archival material, we all know how important these aspects are. Looking at items that have been posted today, it was fantastic to see an illustrated work on the universe and material on the arrest of Charles Stewart Parnell and others for Land League activities. This material is such an asset for the country.

Staffing is an issue we need to drill down into. The national libraries in Scotland and Wales each have nearly 200 more members of staff than the national library here. Scotland and Wales are comparable to Ireland in size. Mr. McVey touched on IT and digitisation. In the libraries in Scotland and Wales, what are the additional staff delegated to tackle that is simply not being tackled here?

Regarding the cutbacks suffered and the rebuilding process, what areas fell down owing to the letting go of staff when Mr. McVey was on the audit committee from 2015 on? If we are to contact the Minister, we need to be very specific about what we are trying to assist with. Two hundred additional members of staff in the libraries in Scotland and Wales is a huge number. If there were a significant increase for the National Library of Ireland, could its scope be expanded? What additional work, such as outreach work, is being done in Scotland and Wales with their large numbers of staff?

**Mr. Eoin McVey:** I have to defer again to Dr. Collins. As far as the reductions we suffered over the past five years are concerned, they were not at the senior executive level, but we did suffer from the non-replacement of staff. You always have to get permission to replace somebody, no matter what his or her function is, or how important it is. Sometimes that can take some time, and sometimes permission is not obtained at all. We suffered most from the loss of operational staff, such as those in the reading room and ancillary services. Thankfully, we are building back up slowly from that.

With regard to the comparable libraries in Scotland, Wales and elsewhere, the increase was huge. I am not conscious of what those libraries are doing that we are not. I will defer to Dr. Collins, who may have more knowledge of what they are up to with their huge number of staff.

**Dr. Sandra Collins:** Early on, after I started, I was invited by the director of the National Library of Scotland to visit and do an information exchange. That was really illuminating. Since its foundation, the National Library of Ireland has been understaffed. It is a chronic, long-term issue. In the recession, the staff number decreased. The loss could have been up to 30%. We are on an upward trajectory now, which is heartening. We can feel the difference and the heart coming back in the staff on the ground. Staff-intensive areas include outreach and cata-

loguing. I have not seen the materials referred to, but I guess that we tweeted information about them or promoted them on social media. People love that, and to engage and see those original materials digitised and available to all. To get to that position, though, requires an expert and resource-intensive programme of work to catalogue the materials and then to digitise them to the standard that allows us to display them and preserve them in the long term. Some of our materials require conservation because the poor condition of some of our buildings makes them particularly vulnerable. This is an area where we could easily double our staff and see the attendant benefits produced quickly on the ground. The result would be more collection materials being available to researchers in the Reading Room, but we would also be able to share them nationally and globally. Teachers would be able to bring those materials into the classroom for children, have conversations about them and enjoy them.

We have high ambitions for outreach. The diversity and inclusion programme is an active one for us, and at the heart of it is welcoming people into the library, especially new people who have not visited us previously. It could also include people who see our beautiful but intimidating building. If somebody can meet people, bring them into the Reading Room and through the exhibition and give them that joy, pleasure and learning experience, then we find that we have regulars. People who have had that experience will come back and they will also tell their friends and family and bring people in with them. I would love to have more staff to undertake more of that type of personal introduction and engender a sense of welcome and inclusion.

We have seen great outcomes. Last year, 12,000 schoolchildren engaged with our exhibitions on Seamus Heaney and W. B. Yeats. The feedback from those activities has been unbelievable. If I am ever having a low day, I ask the team to send me the feedback we get from that programme because it is fabulous. If we could bring that experience to every school in the country, then I would be happy that we had done our job and that we could close our doors and have a day off for once.

**Senator Shane Cassells:** I am delighted to see that the library was allocated a 9% increase in funding in the budget. Will that allow the library extra scope next year in operational activities, or will the extra funding simply allow the meeting of ongoing revenue expenditure?

**Mr. Eoin McVey:** It will certainly meet our ongoing revenue expenditure, but it will also allow us to increase what we are doing in a modest way. Am I right Dr. Collins?

**Dr. Sandra Collins:** Yes, that is it exactly. It will be a bump on top of our operational commitments. It is very exciting. I think we will be able to bring in a small number of new posts and run new projects as well. The extra funding allocation, therefore, is welcome and appreciated.

**Senator Shane Cassells:** I wish Dr. Collins and Mr. McVey the best of luck in their endeavours.

**Deputy Alan Dillon:** I welcome our witnesses. It is great to have them in the committee room. This is my first time back here post-pandemic as we discuss the important topic of the National Library of Ireland. I would like to get an understanding of the library's strategic priorities in the short to medium term. I refer to promotions and marketing, the collections and capital projects. This information might give the committee a better understanding of the library's work and allow us to support it in whatever way possible.

**Mr. Eoin McVey:** I will defer to Dr. Collins for the nitty-gritty in addressing this question,

but, frankly, the major priority now is the capital development project. It is enormous. The OPW is responsible for the building, but we are responsible for the contents and the library's users. It is a major development. I am sure there were some difficult experiences during the renovation of Leinster House, and the NLI building is the same age and poses an awful lot of problems. We are determined, however, that we want to have all this huge reworking of the internal space done and to stay open while that is going on. We also want to ensure that the integrity of the contents is not in any way impaired.

If the project is done on time and in the way it is planned, then it will be a much better building for visitors. We will have exhibitions based on three floors. There will be a shop and a proper restaurant. We will have much better ways of getting people in to taste the library and there will be more footfall as a result. Hopefully, then, people will find that the library has much more to offer and that it will be a little bit like the experience of the school kids who visited and then wanted to come back again.

The Deputy asked about our priorities and strategy. We are mindful of the importance of the capital development programme. The need to embrace diversity and inclusion is important and ongoing, as we said previously, and we are concentrating our energy and time on coming up with more ways in which we can develop that programme. I will pass over to Dr. Collins to develop this point.

**Dr. Sandra Collins:** We had a focus this year on the LGBTI+ community, for example. People who visit and engage with the library will see that we have an exhibition in the National Photographic Archive. It is a co-curated collection of photographs by Christopher Robson showing the evolution of Pride in Dublin, Ireland and the world, with the focus on Dublin Pride over the years and how that has changed. Mr. Robson died prior to the donation of the photographs and the exhibition was co-curated with his partner. We worked around that with Tonie Walsh to co-curate a year-long programme of events examining many aspects of activism, identity and representation. In addition, we worked with the Department of Children, Equality, Disability, Integration and Youth and the LGBTI+ Youth Forum. We had a series of engagements with them, and that was fabulous in informing us regarding how we can better engage young people. When we do something in the area of diversity and inclusion, therefore, we want it to be authentic and co-curated. We want to work with the community concerned and then to build on that to engage and to provide new services and new ways of looking at our collections. That is important for us. Year-on-year, I would like us to add a new area of diversity into the communities that we work with every day.

The capital development project is our number one project for the next five years. One of the things about which I am most excited is the accessibility that it will bring to our beautiful building. We are neighbours and committee members will be familiar with our pillars. Not all the floors and spaces in our building are accessible to people with mobility challenges or those using wheelchairs, for example, and this situation is fundamentally contrary to our ethos and how we want to work. One of the core principles of the capital development project, therefore, is accessibility and equality for all in our services and in our buildings. It is an exciting initiative for us. Mr. McVey spoke about the digital dimension, and about digital engagement, digital collecting and digitisation. It is resource-intensive and skilled and expert work, but it pays great dividends. I flag that as our third area of importance to work on in the years ahead.

**Deputy Alan Dillon:** Turning to the impact that Covid-19 had on the capital restoration project, has an estimate been made of the time lost or the associated costs?

**Mr. Eoin McVey:** Not too much time was lost, funnily enough. Dr. Collins will know more about this subject, but much of the work that had to be done at that stage was able to be done during the Covid-19 pandemic, although there was a short time delay. Like many infrastructure projects, our concern once the detailed plans are agreed by the OPW and the work gets under way is that we and the OPW will find that the total cost will be more than was originally envisaged. That seems to be the way with all sorts of building projects at the moment. It will overrun the original cost and I hope the OPW will be able to provide the money to complete the building on time and as originally envisaged.

**Deputy Alan Dillon:** When was it originally expected to be completed?

**Dr. Sandra Collins:** We are working to a timeline of 2024. There was a slight slowdown during the pandemic, but, as Mr. McVey said, we did as much as we could behind the scenes. Sometimes our buildings were empty of our users and our staff, which meant that certain pieces could speed up because builders could come on-site and we did not need to work around them. We have done the best we can and the big concern would be any effect from Brexit or Covid on building inflation costs.

**Deputy Aengus Ó Snodaigh:** I thank Dr. Collins and Mr. McVey, whom I congratulate on being the chair-designate. I also congratulate the NLI for continuing to exist and continuing to enthral us all. I love going through the photographic collection and other things online. There is an online presence, which it is thankfully expanding all the time. Even though I am only based next door, I cannot visit as often as I should.

My question relates to the international standard book number, ISBN, system. It is used by the national libraries in every other country in Europe and elsewhere. We are stuck using a British system and I do not know if Brexit has any implications for that. Our system should be based on the ISBN. For people who are not aware, that is the barcode on books and used in shops. It designates whether a book is German, English, French or whatever. Irish books when they get their designation, are designated as British by virtue of the ISBN coming from the British National Library. Is administering our own system being contemplated? If so, what type of cost would be involved? Would it require additional funding directly from Government or could it be accommodated within the existing budget?

**Mr. Eoin McVey:** I thank the Deputy. I will be honest; this has not come on the radar for the board in the short time that I have been chair. We all know what the ISBN is and how important and useful it is. I do not know whether any changes that may need to take place because of Brexit would come into the library's remit. I will ask Dr. Collins to answer that.

**Dr. Sandra Collins:** I may take the opportunity to come back to the Deputy with a more detailed answer. We have an International Standard Serial Number, ISSN, and ISBN centre in the library. It is not running to the capacity that we would like it to. The best way would be to come back to him with a more detailed answer, if that is acceptable.

**Deputy Aengus Ó Snodaigh:** That is fine. It only a small change in the numbering system. Different countries are allocated different codes, but Ireland does not have its own. We have a small publishing industry and in the past there has been a demand by Books Ireland and others, including my father, who is a book publisher. He will not use the English system, as he calls it. It limits where he can sell because his books do not have the barcode on them. He is not the only publisher I know. It can become a source of small income to the national libraries that administer it. It probably needs to be looked at given Brexit. It may have implications for

booksellers scanning books, in terms of taxes within Europe. I am not 100% sure; I have not discussed it with my father in a while.

**Mr. Eoin McVey:** I will be honest; we did not see that one coming. We will need to go and do our homework to give the Deputy a comprehensive answer.

**Chairman:** As none of my colleagues are offering, it comes to me. I have a very simple question because the witnesses have covered everything so comprehensively. Dr. Collins already spoke about the accessibility considerations for the capital project the NLI is doing. Obviously, we are now more aware of people with sensory disabilities, hearing impairment, etc. How does the library intend to adapt and be more inclusive with its new building?

**Dr. Sandra Collins:** I am determined that this will be at the heart of what we do. We are putting in a space for wheelchair users. We have an enclosed courtyard behind the main building, which our architect has planned to be a central spine for the entire building. That will mean all spaces are fully accessible and it should also be a welcoming feature of the space.

Sensory is really important. We have carried out a number of research trips to look at places. Most recently our team visited UCC, which has a learning space for neurodivergence. It has a number of features that I am confident we can also work into our learning spaces. These are principles we have in place. For example, we partner with the National Adult Literacy Agency, NALA, on our presentation of exhibitions, and all our public-facing captions in exhibitions, documentation and so on.

Our online programming will remain a key feature in the years to come. The one silver lining of the Covid-19 pandemic was learning that we could reach everybody online. We do captioning or Irish Sign Language, ISL. We work with NALA on simple English and being as welcoming and inclusive as we can on that front.

**Chairman:** For those with hearing impairments, will the library have a loop system within the building?

**Ms Sandra Collins:** Yes. We have a loop system in place at the moment, but we are between seminar rooms at the moment. We have decommissioned our old seminar room and a new seminar room will come online next year with the building project. That will be fully fitted. We are very good on loops and we need to keep that going.

**Chairman:** I thank both witnesses for appearing before the committee today. I wish Mr. McVey success in the time ahead. I also wish Dr. Collins continued success in the wonderful work she is doing.

**Mr. Eoin McVey:** I thank the Chair and members of the committee. The National Library of Ireland is a wonderful institution. Wonderful things will happen to it in the time ahead. I know that this committee has an enormous portfolio. It is very helpful for us to have some face-to-face time with legislators and we really appreciate the time they gave us today.

**Chairman:** The committee will try to champion the issues the witnesses raised today.

*Sitting suspended at 2.20 p.m. and resumed at 2.35 p.m.*

## **Working Conditions and Skills Shortages in Tourism and Hospitality Sector: Discussion**

**Chairman:** I am delighted to have our very important guests with us today. We are meeting with representatives from the Irish Congress of Trade Unions, ICTU, Unite the Union, SIPTU and Dr. Deirdre Curran of the National University of Ireland Galway, NUIG, to discuss working conditions and skills shortages in the tourism and hospitality sector. This could not come at a better time, as things begin to reopen slowly but surely.

I would like to welcome from ICTU, Mr. Liam Berney, industrial officer; from Unite the Union, Ms Julia Marciniak, hospitality and tourism co-ordinator, and Ms Rhona McCord, research, communications and community officer; from the Services Industry Professional and Technical Union, SIPTU, Mr. Denis Hynes, hospitality organiser; and Dr. Deirdre Curran, lecturer in NUIG.

The format of the meeting is such that I invite witnesses to make their opening statements which will be followed by questions from members of the committee. The committee may publish the opening statements on the website following today's meeting. Before I invite witnesses to deliver their opening statements, which are limited to three minutes, I must advise you of the parliamentary privilege rules. Witnesses are reminded of the long-standing parliamentary practice that they should not criticise or make charges against any person or entity by name or in such a way as to make him, her or it identifiable, or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity. Therefore, if their statements are potentially defamatory in relation to an identifiable person or entity, they will be directed to discontinue their remarks. As some of our witnesses today are attending remotely from outside the Leinster House campus, please note there are some limitations to parliamentary privilege and, as such, they may not benefit from the same level of immunity from legal proceedings as a witness physically present here does.

I will call on our guests to make their opening statements. I call Mr. Berney, representing the ICTU.

**Mr. Liam Berney:** Congress welcomes the opportunity to appear before the committee this afternoon. The Irish Congress of Trade Unions is the largest civil society organisation on the island of Ireland, representing more than 800,000 members in every sector of the economy. We have been invited to comment on the issue of working conditions and skills shortages in the tourism and hospitality sector. The committee has in our view correctly made a link between the shortage of workers in the sector and the prevailing conditions of employment. The Central Statistics Office, CSO, labour force survey for the second quarter of 2021 estimates that just over 180,000 people are employed in accommodation and food services activities. We have provided a link to that data is provided in our statement. The CSO also collects data on workers in the economy who earn the minimum wage. In the fourth quarter of 2019, which is the latest available data, the CSO estimates that just over 182,000 workers were earning on or below the minimum wage. The CSO identified that the majority of these workers were young and female and more than 30% of them were working in the accommodation and food services activities. By this analysis it is fair to characterise the sector as low paid.

My colleagues will outline the experience of workers in various parts of the sector but it would seem obvious to congress that the skills and labour shortages in the sector are as result of poor pay and conditions of employment experienced by so many workers employed in bars, restaurants and hotels. It is important to recall that the sector was not always low paid. For many years, the hospitality sector was seen as providing decent work and decent conditions of employment. The main reason for this was that legally binding minimum pay and conditions for workers in the sector were determined by the operation of joint labour committees, JLCs.

A trade union campaign led to the enactment of the Employment (Miscellaneous Provisions) Act 2018 and this legislation has provided a degree of certainty for workers around their hours of work. The legislation also banned zero-hour contracts in most circumstances. It might be worthwhile for the committee to explore the impact of this legislation and to ensure that the intent of the Oireachtas has been implemented in the sector. However, there needs to be a revised and renewed effort to improve the pay and other conditions of employment in the tourism and hospitality sector. The most effective means of doing this is through the operation of collective bargaining and a renewed use of the JLC system.

The committee will be aware that the while JLCs for catering and hotels are in place, they have been unable to operate as the employers will not co-operate with the normal functioning of these important structures. A significant flaw in the legislation underpinning the operation of the JLC system allows employers to effectively veto their functioning. It is imperative that this flaw is remedied as soon as practicable.

**Chairman:** I am going to stop Mr. Berney there because he is out of time. We all have his statement in front of us. He will get a further opportunity to contribute in answer to the questions of committee members. He will have another opportunity to come in and finish his contribution. I call on Mr. Hynes to make his opening statement. He has three minutes.

**Mr. Denis Hynes:** I am already eating into that time, trying to set up my computer. We in SIPTU thank the committee for the opportunity to appear before it today to discuss concerns in the hospitality sector. During the pandemic, we began to appreciate the role of workers in these key essential areas. We are only too aware of the working poor, their poor working conditions, and the precarious contracts and lack of safety that currently exist in the hospitality sector.

I will turn to consider profit and the growth of wages. The financial recession hit the hospitality sector hard, as we all know. However, starting in 2011 and 2012, the sector began to recover. The Government took stimulus measures, including reducing VAT. While foreign tourism has now increased, we see no support returning for workers

The impact of the pandemic has meant that many hospitality businesses are claiming staff shortages from kitchen porters, floor staff, chefs, housekeepers and receptionists. Bord Fáilte has estimated that over 80% of tourism and hospitality businesses are having trouble recruiting staff. According to the State agency, the main barriers to recruitment and retention are low wages, a loss of international staff and the quality of the job. The number one barrier reported to Bord Fáilte was the perception that the pandemic unemployment payment, PUP, was a disincentive to taking up a job. However, there is little evidence to support this. The peak of the PUP was February 2021, when 112,000 people were availing of it. The number of people availing of the payment dropped to 28,000 in September 2021, a reduction of 84,000 since February. There is, therefore, little evidence, other than anecdotal evidence, to support the allegation that the PUP was acting as a disincentive.

The issue of staff shortages and the impact they are having on the sector dates back to before the pandemic. The Restaurants Association of Ireland, RAI, referred to this before the Oireachtas committee in 2019. In 2017, the Irish Hotels Federation, IHF, was warning of the challenge of retaining staff. Back in late 2015, a report of the Department with responsibility for jobs highlighted that Ireland was already facing staff shortages in the sector.

JLCs are the future. They are the mechanism for fixing statutory minimum rate of pay and conditions of employment for particular employees in particular sectors. We in the hospitality

sector need them now more than ever before. The rationale for JLCs is to protect both workers and good employers to ensure that businesses and living standards benefit from a condition of progress rather than progressive degeneration.

To address the issues of low pay, poor working conditions and low productivity in the hospitality sector, and the significant turnover of workers, SIPTU has written to the chair of the Labour Court requesting that the JLCs in the restaurant and hotel sectors are convened. SIPTU has further written to the two main employers organisations, the IHF and the RAI, informing them of this and requesting that they respond positively to our request.

Hospitality requires better training for all staff, wages and progression and work-life balance initiatives. Those things can only be achieved if all stakeholders work together with vision and commitment to find a good and safe future for hospitality.

**Ms Julia Marciniak:** We thank the committee for inviting our members to give evidence today. We at Unite firmly believe that workers' experiences need to be listened to, respected and acted on appropriately in order to move towards fair and decent employment practices in this industry, as in all others.

Unite's hospitality and tourism branch had ongoing concerns about the sector prior to the pandemic. Those concerns are based on the experiences of our members and other workers in the sector. The issues include low wages, precarious working hours, a lack of decency and respect, minimal enforcement of workplace rights and inequality. On the basis of those concerns, we embarked on two pieces of research. The first examined the extent of employment in the sector and the demographics within it, focusing on gender, age and nationality. The second is a survey entitled Hidden Truths - the Reality of Work in Ireland's Hospitality and Tourism Sector, published in July 2021, the findings of which are revealing of a sector where many of the employment practices are, in general, not good for workers. For example, 55.6% reported being paid below the living wage and 29.6 % of employees in supervisor or managerial roles reported being paid below the living wage. Some 65% said they had no work-life balance and experienced unsocial working hours as a constant. Some 70% reported witnessing or being bullied at work and only 31% of the survey respondents believed that migrant workers were treated equally in the workplace.

We believe that those issues, among others, have a vital and often negative impact on the recruitment and retention of staff in the sector. Employers and their representative bodies need to reflect on their own behaviour and words. It is unhelpful and insulting to see comments recently calling for the PUP to be cut off in order to force people back to the workplace weeks before the reopening of businesses. Let us all remember that workers did not cause the Covid-19 pandemic or the lockdown. Workers in this sector have the same needs as everyone else. They have to eat and pay their bills. Cutting their source of income puts them at risk of poverty and eviction, among many other negative outcomes.

Unite believes, from our discussions and surveys with workers, that there is an appalling level of disrespect towards workers in this sector and it is widespread. One young worker recently described online receiving a bucket of coins as his wages. That is only one example of the type of humiliation many workers face on a regular basis. The view that staff are unskilled, cheap, temporary and easily replaceable is a major factor in how they are treated.

Unite believes that there needs to be a vast improvement in the way workers are treated by employers and management across the hospitality and tourism sector. This begins with decent

pay and contracts and an end to precarious employment, followed by a robust and enforceable anti-bullying legislation.

**Chairman:** I thank Ms Marciniak. I am going to stop her there because she has exceeded the time available. We will allow her to finish her statement later in the meeting. I call Dr. Curran from the National University of Ireland Galway, NUIG, to deliver her opening statement.

**Dr. Deirdre Curran:** I wish the committee good afternoon. I am utterly delighted to be here not on my own behalf but on the behalf of hospitality workers whose voices I am representing this afternoon. I conducted substantial research into the lived experience of hospitality workers towards the end of 2019 and my research had three methods. The first was a comprehensive online survey. The second method was in-depth interviews with five workers who had 30, 40 or 50 years' experience in the sector. As a third method, I invited workers to submit audio files outlining what they liked about working in the hospitality industry and what they disliked about it. I also asked them to tell me about an incident when they felt unfairly or badly treated.

Some of the headline statistics are: 63% witnessed or experienced bullying; 55% witnessed or experienced harassment; 77% experienced verbal abuse sometimes or often; 64% experienced psychological abuse sometimes or often; and 16% experienced physical abuse sometimes or often. In terms of their legal rights: 70% did not get a Sunday premium; 43% did not have a proper contract; 52% did not get their minimum rest breaks; 12% were paid below the minimum wage; and 20% did not get holiday pay - I remind members that the law is a minimum standard; the perpetrators of ill treatment were usually people in positions of power; the mature recipients had particularly insightful insights into what could be better in the sector; 40% of hospitality workers said that they had no voice; 47% never received supportive feedback from their managers; and tips were often withheld in whole or part.

I would make a number of recommendations that I would make on the basis of this research. We need better governance from ministerial level downwards. We need a basic set of standards that are regulated, monitored and enforced. The Workplace Relations Commission offers an excellent inspection service but it is limited in terms of what it can do and in the context of the number of inspectors. I recommend a targeted campaign. We need good behaviour and practice to be incentivised. We need funding to be linked to good behaviour and practice. We need ethical leadership from employer bodies. We absolutely need a stronger voice for workers. There are a number of prominent task forces but the voice of workers is shockingly silent.

We need apprenticeships, but not as a source of cheap labour. We need apprenticeship programmes to have content and outcomes that are linked to employment rights, how to use your voice and how to deal with bullying and harassment.

We need people who are managing in hospitality to be trained in people management as a given. We need people to be paid properly. If they start on the minimum wage, which I object to in principle, then they have to see a path above the minimum wage and cannot be retained on it. We need legal protection in respect of tips. This is an easy win because Senator Gavan's Bill is sitting on the shelf. The UK authorities introduced legislation in the past couple of months to prevent tip theft.

There is loads of scope for improvement. I ask the members of the committee to seriously consider what they can do with their influence and power in order to contribute to the reform of the hospitality sector. Producing a report on today's proceedings would be a great ideal. A joint committee hearing with representatives from the Department of Enterprise, Trade and Employ-

ment would be lovely. We absolutely need to hear the voice of workers. I hope at some point today to share some direct quotes from workers with the committee.

**Chairman:** I thank our four guests for making their cases so eloquently. I advise members that they have the rota in front of them. Some apologies have been received. According to the rota and those who are in attendance, I call on Deputy Mythen to begin. The Deputy he has five minutes for his questions and for the answers.

**Deputy Johnny Mythen:** I thank the witnesses for attending. I must declare a vested interest in that I have been a very proud member of Unite for more than 35 years.

Mr. Berney said that it might be worthwhile for the committee to explore the impact of the Employment (Miscellaneous Provisions) Act 2018 and “to ensure that the intent of the Oireachtas has been implemented in the sector.” In what way does he envisage this could be done? Does he think that a hospitality commission is needed and should be set up? How would such a commission benefit employees?

Dr. Curran states in her submission that “Many establishments are small and owner-managed by people with a passion for craft and service but not necessarily trained in people management.” Does she think that training in people management should be made compulsory? Do the statistics on the incidence of psychological and verbal abuse refer to the public or to management and business owners? Has she conducted a gender-based study on the sector?

The results of the survey conducted by Unite are damning. We can see the reasons people are choosing not to return to work. I have dealt with people who have worked in the sector so I know that Covid has forced them to consider other jobs. Those people have decided not to return because of the simple reasons that Ms Marciniak explored. For example, 70% reported witnessing or being bullied at work and 31% of respondents believed that migrant workers were treated equally in the work place. Can Ms Marciniak expand on what type of discrimination and inequality is happening? Does she favour the legal recognition of collective bargaining? Is the union conducting a campaign in that regard?

As I have experienced before, although it has stopped lately, there are people on zero contract hours. I encountered a case of a young Polish woman who has two children attending school and she was on zero contract hours. She used to get a phone call at 2.55 p.m. when she was about to leave home to collect her children from school but she had to turn up to work. It is disgraceful that such work practices happen.

**Mr. Liam Berney:** I made a point about the legislation because I think that the committee might want to use either the services of the research facility within the Oireachtas or ask the WRC to analyse the effectiveness of the legislation and whether it is being applied. It is good legislation but, as the Deputy stated, there may be slippage in the context of implementation. It might be worthwhile for the Oireachtas or the WRC to conduct research. A commission on the hospitality sector would be welcome but it is important that it would include all of the stakeholders in the sector, including the voice of workers.

**Dr. Deirdre Curran:** Training should be compulsory and should adhere to industry standards. The perpetrators were usually people within an organisation who held a position of power - so they were supervisors, managers or owners. Often, there is only an owner in a small establishment. If the owner is the problem, then there is nowhere to go. There is also evidence that customers can dish out abuse. Post pandemic, there is lots of anecdotal evidence that that

is the case. I hope to do further research on the matter.

On the gender issue, let us remember that 55% of people witnessed or experienced harassment. The most common grounds for harassment were gender, race and age. There is certainly evidence of gender harassment. I recall one particular voice submission in which a sexual assault on the basis of gender was referenced. There is evidence of gender-based harassment, but there is also evidence of other types of harassment. Dr. Mary Farrell from the Technological University Dublin has just published research on gender in kitchens. This is really useful research which shows that there is a gender discrimination dimension to working in kitchens as a chef.

**Ms Julia Marciniak:** I will briefly speak about inequality. Obviously, migrants are treated worse in the hospitality sector despite the fact that they are a huge percentage of the workforce. There is also gender discrimination. Twice as many males workers are in power positions in the sector despite the fact that it is dominated by females. The same happens in kitchens, especially for the higher-powered positions. The same applies for bartenders. I know from personal experience of working in a place that only Irish males were allowed to work behind the bar. Bartenders make twice as much as any person who works on the floor, so it is not only access to positions but access to better wages.

**Deputy Johnny Mythen:** Do our guests' organisations favour the legal recognition of collective bargaining? Are campaigns in respect of the latter being conducted?

**Mr. Denis Hynes:** SIPTU is in favour of collective bargaining. All of the unions have an ongoing campaign on collective bargaining and within congress for the past number of decades. Collective bargaining is paramount. As outlined by Mr. Berney, there is a provision to put a JLC or an employment regulation order in place to recognise and deal with collective bargaining right across the hospitality sector.

Workers are treated badly. Post pandemic, as full-time officials in all of the trade unions that are involved in hospitality, we are witnessing it even more. We in SIPTU experience it every day. In housekeeping, for example, if someone was cleaning five or six rooms within a set time-frame, that person is now being asked to clean seven or eight rooms. A lot of pressure is being put on working people in the hospitality sector because there is an issue with recruitment that has to be addressed. We cannot leave people exposed the way they are any longer. That is why there is universal acceptance that, from the outset, collective bargaining has to be part of a new employer regulation order-joint labour committee which is badly needed now in the system.

**Chairman:** Deputy O'Sullivan has five minutes for questions and answers.

**Deputy Christopher O'Sullivan:** Many of the figures that almost everyone highlighted in their statements are incredibly concerning. The work and pay conditions that were highlighted are also very concerning. We need to take action on that, especially in any workplace where there is any kind of bullying or no implementation of workers' rights. That needs to be stamped out. We need to state that clearly from the start.

We have the second-highest minimum wage in Europe. Where does that play in this? Is it the case that it is relative in Ireland because of the cost of living? The minimum wage was introduced to make sure there was a buffer or cushion for lower-paid workers. Are we saying that is not working and we need to go higher on the minimum wage? I ask for a comment on that.

Is there a geographical trend in terms of urban versus rural? I say that because I know of

many fantastic hotels in particular - I am from west Cork - that are not having the same issues with staff retention. They are finding it quite easy to hold onto staff, presumably because of the pay, work conditions and the way staff are treated. It is not all hunky-dory and there are issues and problems with retaining staff, but is there a geographical, or urban versus rural, spread?

On the comments in respect of the PUP, I appreciate one of the witnesses said there is no evidence for that link. While I mentioned that much of the hospitality sector was not having an issue with staff retention, we have all noticed the signs seeking staff outside cafés, restaurants, pubs and hotels. It coincided with the end of restrictions and the reopening of society. It also coincided with that PUP payment of €350, so it was not a massive conclusion to jump to. Are the witnesses absolutely ruling out that that was the case?

Have the witnesses anything to offer on how work-life balance can be improved? For example, there are still issues around retaining chefs, especially in restaurants that may have a very good reputation for cooking excellent food. It may not necessarily all be down to pay but to that work-life balance and the unsocial hours. Those chefs end up working in canteens, for example, for the same pay but better hours. Is there a solution that will address that? We need those restaurants and cafés to remain open.

Are there any more solutions on offer? We heard about the JLC and the role it has to play, but we need to find a solution that protects workers' rights and conditions but also ensures the hospitality industry stays viable. It is not all about margins and cutting corners but we need the hospitality sector to remain. Is there a solution that fits both? There is only about a minute and 20 seconds left for the witnesses to respond, but if I could have a written contribution for anything they do not get to that would be great.

**Ms Julia Marciniak:** I will start on the issue of the minimum wage being one of the highest in Europe. The cost of living is definitely very high at the moment in Ireland, especially in Dublin. It is one of the most expensive cities in the world at the moment. We are looking at people receiving the minimum wage, which puts them on less than €400 a week. To rent a room, they have to pay approximately €800. It is not relevant because the high cost of living means the minimum wage is just way too low.

When it comes to the PUP and the impact on employment, the blame is definitely not on people who are getting minimum supports to survive. We have to make sure that the wages for work are compensatory to a minimum that will allow people to make it through the month and pay their bills. If the employers cannot offer anything, such as an hours' contract or any stability-----

**Chairman:** I will have to stop Ms Marciniak. I invite Dr. Curran in for one minute.

**Dr. Deirdre Curran:** We need more evidence, but staff retention is less likely to be about an urban-rural divide than it is about hospitality employers who are good employers finding it easier to get their staff back than those who are not so good.

On hospitality remaining viable, this research suggests that if these recommendations are taken on board, it will benefit workers and businesses because treating workers with dignity and respect and giving them a voice is good for business.

On work-life balance, if there is sufficient staff, people do not mind working unsocial hours; they just do not want to work them the entire time. Having sufficient staff means they can be put on a rota and have some time off to balance their lives in and out of the workplace.

**Deputy Brendan Griffin:** I thank our witnesses for joining us. I welcome the discussion, which is very important. I also welcome the research that is being done and the feedback that has been received from the front lines. It is very important in informing our work and future policy in this area.

In any discussion we have in this regard, it is very important to acknowledge the many fine employers throughout the country, many of whom are multigenerational and have been doing great work. I worked on the front line of the hospitality sector for many years and my experience was very positive. I was also an employer in hospitality for a number of years. I am confident that people who worked with me had a positive experience as well when I was an employer. My family also worked in the industry for many years and it was an overwhelmingly positive experience. That said, it is critically important we address the areas where there are problems.

I will address what Deputy O'Sullivan said about geographical spread, whether there is an urban-rural divide and if there are particular types of business models where we are seeing difficulties. It is important we identify those. In addition, as we are in solution mode, is there a particularly important role, for example, for Fáilte Ireland in how we tackle this issue in the future? Are there other State agencies the witnesses would identify that can do more, right now?

On making the industry more attractive to work in, and there are many things that can be done, the four-day working week is one issue at the moment. Do the witnesses see that as compatible with the tourism and hospitality sector? There are certain things that cannot work. We see a lot of switching to remote working, but this is a people industry, a different kind of industry and certain modern trends cannot be transferred to the tourism and hospitality sector. Do the witnesses see any scope for the four-day working week, in particular? I thank the witnesses again for all the work they have been doing.

**Chairman:** We have two minutes left. I will invite Mr. Berney, Dr. Curran and Ms Marciniak to speak in that order. I ask them to be as brief as possible.

**Mr. Liam Berney:** I will respond to the point about the role of State agencies. There is a role for them in ensuring that employers are aware of their employment responsibilities and the basic conditions of employment workers should have in the sector. Fáilte Ireland can ensure employers are aware of the responsibilities and what they are required to do to ensure workers will get the employment rights they are entitled to.

**Dr. Deirdre Curran:** I am delighted the Deputy had a positive experience as a hospitality worker and a hospitality employer. That tells me it can be done. I presume he continued to make a profit. Treating people with dignity and respect can be done while still doing well in business or even better. When other employers lower the standard, however, it makes it much more difficult for good employers to survive and thrive.

As for types of business models, I would love to conduct research on it because we have no evidence. I would love to have disaggregated my research in respect of hotels and restaurants by size. That has not been done but I would love to do it.

On the State agency question, the imbalance of powers is exaggerated in hospitality. The voice of workers is silent, it seems from my research, so this cannot be left to employer bodies alone. Some State agency needs to have an overarching role in all this.

As for the four-day week, many hospitality workers took a deep breath when the sector

closed, probably for the first time in decades, and rethought their careers. I think that is why many of them did not return to work, although that research has not yet been done. My next project will concern the return to work, or not, of hospitality workers. The four-day week is a brilliant idea-----

**Chairman:** I apologise but I must give Ms Marciniak and Mr. Hynes an opportunity to respond.

**Ms Julia Marciniak:** The four-day week is a brilliant idea but not if there are the same low wages we have now. People will not be able to survive on a four-day week with the current rates of pay in the sector. As a union, we fully support all good employers and think it is unfair on those who pay all the entitlements for workers to have to compete with businesses that are robbing workers regularly and depriving them of their rights to breaks, paid holidays, premium rates of pay on Sundays and so on. It is simply unfair competition.

**Mr. Denis Hynes:** There is an issue, in both rural and urban Ireland, as we are experiencing at first hand. Many core staff in hospitality have returned to work in the industry, whereas workers on precarious or fixed-term contracts, or even zero-hour contracts as we have seen in the past, are the ones who are most exposed.

**Deputy Imelda Munster:** I welcome our guests. I commend Ms Marciniak from Unite and Dr. Curran on their excellent work. It is great that they are attending the meeting. It brings the voices of those working in the sector to the fore. When we hear from the tourism and hospitality services, we usually hear from business owners or their representatives, so it is good to have workers' representatives here today. Dr. Curran suggested we produce a report on the issues. This is so serious that we need to consider doing precisely that, that is, holding a few more meetings on the matter and producing that report. Our guests from ICTU mentioned the 2018 legislation on certainty of work for workers and we need to seek a review of that. It has been three years.

Over the summer, we heard from representatives about the labour shortage. When we hear about the poor pay and conditions in the hospitality sector, the reasons for the shortage seem clear. I will not get into everything that was relayed in the reports about workers' rights violations and so on. We all witnessed that disgusting and demeaning incident a few weeks ago where a worker's pay was left out in the form of a bucket of coins. If that is an example of the contempt shown to workers, it is just too serious to ignore. We might return to that matter towards the end of the meeting.

Unite carried out a survey that found a large number of workers are not interested in joining a union. Why is that? Is it that, faced with what we have read about in the reports, they feel their employer will never agree or is it because the trade union legislation in this State is so watery? For example, workers have the right to be a member of a trade union but their employer does not have to recognise that right by engaging. I cannot make head nor tail of that. It affords no rights to an employee. If any employer can refuse to engage, that worker has no rights, ultimately.

Our guests from ICTU and SIPTU mentioned the JLC system. Mr. Hynes stated that ICTU had written to the Labour Court and employer representatives. Did it get a response? If the response is not positive - I refer in particular to the Irish Hotels Federation and the Restaurants Association of Ireland - would that reflect poorly on them such that any time they cry about not having workers, the union could ask why in God's name anyone would want to work for

them or with them if they are not prepared to do what they can to ensure that workers' rights are adhered to?

**Dr. Deirdre Curran:** I do not want to take Ms Marciniak's time because she is the hardest working advocate for hospitality workers in the country. One question I asked workers was why they do not join a trade union. The most common reasons related to the fact they did not know there were unions relevant to hospitality and to the fear of speaking out. In the case of most people in hospitality I have talked to, if something bad happens, they talk to nobody, never mind going looking for a union. Worse than that is apathy; they have a fear that nothing will change, so they do not bother speaking to anybody.

**Ms Julia Marciniak:** It has to be said loud and clear that Ireland has some of the worst union rights of any country in the EU. Obviously, that needs to change. Workers are afraid and they see unions as ineffective because we are effectively disabled by this legislation, which is very harmful to the union movement and renders us incapable of acting in an effective way. It is long overdue that this be changed. Workers are scared. Daily and from week to week, they do not have any savings in case they lose their job. I lost my job because of my union membership and activity. What kind of example is that for workers to follow if they are afraid and have no savings? We have to start making union rights more robust in order that we can defend the vulnerable in the sector.

**Deputy Imelda Munster:** Our guests from ICTU and SIPTU might comment on the response from the Labour Court to the two employer representatives.

**Mr. Liam Berney:** Mr. Hynes might respond first, given that he wrote the letters.

**Mr. Denis Hynes:** We have not yet had a response, unfortunately, although we remain optimistic. Our experience has been that people are joining unions in hospitality and it is not all negative. We find there are good employers out there too and we have a good experience with them. We have hotels where we have collective bargaining and we are making progress. Progress is being made. People are joining the union across the State, and they are joining it for many of the reasons we have outlined here today already.

**Senator Shane Cassells:** I welcome all of the guests. In preparation for today's meeting, a line from yesterday's budget stuck in my mind from the Minister for Public Expenditure and Reform, Deputy McGrath, when he said:

There is significant mobility in our labour market. It will surprise many to learn that 115,000 people who have come off the pandemic unemployment payment, PUP, to return to work have moved to a different sector from that of their previous employment.

That statistic stuck in my mind during our discussions today. Noel Anderson from the Licensed Vintners Association was at this committee before the summer recess. He is an exceptionally good employer and he spoke about how his very high-profile gastropubs had difficulty in trying to recruit chefs in those areas and that some chefs had left the industry to join the road haulage business, for example.

My first question is for Mr. Berney around what steps are being taken, the engagement with statutory bodies such as Fáilte Ireland, and what steps have been taken by the unions to set out the concerns being raised here and to ensure they are being addressed. I am sure Fáilte Ireland and other bodies have their finger on the pulse of the industry.

Second, the Workplace Relations Commission, WRC, has been mentioned by a number of

our witnesses here today, particularly by Dr. Curran in the context of her research, on which I compliment her. I believe the committee should write to the WRC so we can get those findings on the inspections, referenced by Dr. Curran, to feed into our own report. Perhaps Dr. Curran will elaborate on that.

On the joint labour committees, as mentioned by Mr. Hynes, we have seen the effectiveness of this. Again, it was referenced in the budget yesterday in the context of the childcare sector. Consider, for example, that those working in the childcare sector are at FETAC level 5. The union is, therefore, negotiating with and for an entire body that has a particular level of education, which the union can then negotiate on from a union point of view. What are the challenges presented by negotiating for a wide spectrum of different employees in the hospitality sector, which we might see in the hotel business, and the very wide range of skills and levels? Is it a more difficult process when entering into that process?

**Mr. Liam Berney:** On the engagement with State agencies, the Irish Congress of Trade Unions has engaged with Fáilte Ireland and especially during the development of return to work protocols to ensure Fáilte Ireland was aware of the concerns of workers. There has been engagement with it but there is more work Fáilte Ireland could do.

On the question of the involvement with the WRC, and I believe Dr. Curran referred to this earlier, the WRC would be happy to do work such as that described by Senator Cassells. It is important to remember, however, that the WRC is severely understaffed with regard to inspectors. The commission has 47 inspectors where it is supposed to have a complement of more than 90 inspectors. The WRC is wholly inadequate in its resources.

The joint labour committees, JLCs, functioned in the sector up until the mid-1990s and the early 2000s, and they functioned very well. Employers took the view that they wanted to turn this sector into a low-paid sector, and they decided to veto the function of joint labour committees. Joint labour committee have always worked in the sector, despite the complexity of the sector, and they can work in the future. I would encourage the Oireachtas to ensure the flaw in the legislation is corrected as soon as practicable.

**Dr. Deirdre Curran:** In response to the question about the WRC, in 2019, of hotels inspected, 73% were found to be in breach of the minimum regulations, with 30% of food and beverage employers found to be in breach. A total of €54,000 was recovered in unpaid wages and 40% of those inspections were announced inspections. I would call for a targeted campaign of unannounced inspections. The head of the Restaurants Association of Ireland said recently that if workers have a problem, they should go to the WRC. First, hospitality workers do not know the WRC exists and, second, if the worker is afraid to speak out to the supervisors, then he or she is not going to go to the WRC. Third, if a person goes for adjudication or mediation in the WRC, because employers bring legal representatives, it will cost the person money to get a hearing. In 2020, 32% of WRC inspections were announced and 32% of food and beverage employers were found to be in breach of the regulations, with 24% of hotels found to be in breach.

I absolutely agree with Mr. Berney that if this is going to work, it is vital the inspection service is properly resourced. It is an excellent service. A worker can trigger an inspection without his or her employer knowing it was him or her.

**Mr. Denis Hynes:** It is fair to say a joint labour committee is the way forward. I am aware I have said this a few times, and Mr. Berney has touched upon this. It provides not only a collective bargaining mechanism but also a system and a structure in which if someone has an issue,

he or she can raise it, have it addressed and can feel comfortable in that arena. It deals with the structure of putting in place minimum pay and minimum conditions of employment, bearing in mind, and in answer to the question, this is where the problem is. It is not an attractive sector at the moment. It does not appeal to people. Those who came off the pandemic unemployment payment are looking elsewhere for a job because of experience. We have hit rock bottom now. This is important. The hospitality industry is in trouble but we all want to work together to make it a thriving place again where workers can look forward to working and enjoy working.

**Deputy Alan Dillon:** I welcome our witnesses present here today. It certainly is a very worthwhile discussion. We as a committee should engage further on this topic and address these challenges facing the workforce in the hospitality sector. As our economy is starting to recover now, it is an important opportunity we should grasp. The sector contributes more than €3 billion to the economy and it is of the utmost importance to our island.

One of the challenges we hear in our constituency office is around the shortage of skilled labour in the tourism and hospitality sector. The challenge that faces many employers is around the issuing of permits and the lack of urgency in how they actually deliver them.

My first question is to identify what are the immediate measures the witnesses feel the Government should take that would respond to the challenges faced by workers, and what incentives and initiatives would entice people back into work in the hospitality sector. Do the witnesses feel a rise in the minimum wage and the proposed living wage would be an incentive worth pursuing? As trade unions, what minimum level of pay are the unions recommending to their members and had they previously submitted to the Government?

Before this meeting, I checked the Generation Apprenticeship website, just to see what apprenticeships were available in this sector. At present there are four apprenticeships available, mainly for butchers and various chef roles. Is this something the Government needs to prioritise? Is the apprenticeship system working better now than in the past? What further improvements can be made?

My final question is to Dr. Curran. This may have been answered previously. What better governance, and Dr Curran referenced from ministerial level down, do we need, and what would that look like?

**Dr. Deirdre Curran:** I thank Deputy Dillon. I do not want to take up too much of other people's time. With regard to governance, it is confusing to me the role of this committee versus the hospitality role of the Department of Enterprise, Trade and Employment. Clarity is needed on that governance at ministerial level. Beneath that level there is also the need, which we have already spoken about, for the State's involvement in governance because it cannot be left to hospitality employer bodies alone.

The priority for me would be worker voice, worker voice, worker voice. These workers are not being heard but they have many great things to say. They need to be heard in a better way. The tips legislation would be an easy win and we also need anti-bullying legislation. We cannot have a position where 63% of hospitality workers in this survey say they have witnessed or experienced bullying.

We have already mentioned the Workplace Relations Commission. Apprenticeships are great and there are more of them coming on stream. I note yesterday's budget had additional funding for that. Apprenticeships must cover how people can be protected against bullying

and harassment and speak out if something bad happens. There is also other content that is not there. Apprenticeships cannot be a path to cheap labour or a campaign to bring in cheap workers. Such a path must have substance and the people who do an apprenticeship must see a pathway of progression coming from an apprenticeship. I should let others speak because I could go on.

**Ms Julia Marciniak:** A rise in wages in the hospitality sector is necessary and this is the only way to recruit new workers. With regard to visas and permits, we should welcome everybody to the country. We must be very careful, however, as I know as a person working for the union that some people are here on permits that allow limited hours weekly. They are expected to work 20 hours per week on minimum wage and put up with the cost of living in Ireland. Out of desperation those workers often take hours they are not technically allowed to work, and often they do not get payments for the hours. They are not being paid the living wage and struggle to address such issues because they may have broken the conditions of the visa or permit.

We must be very careful. If people are allowed into the country, they should have the right to work. I do not know how we can make it a criminal offence for a person wanting to work and make money.

**Mr. Liam Berney:** I will speak to the point about the recommendations we made to the Government on the appropriate rate of pay for people in the sector. Several times we have mentioned the function of JLCs. The beauty of JLCs is the rate of pay is struck by way of negotiation, which comprises discussions or conversations between employers and workers. It is hoped a satisfactory outcome is achieved in that negotiation. That is the best way to determine pay and conditions in the sector, as everybody can have a shared ownership of the outcome of the negotiation process through collective bargaining.

**Chairman:** I think everybody has covered Deputy Dillon's questions. Does Deputy Munster wish to add something?

**Deputy Imelda Munster:** No, I am just indicating that I will contribute when my turn comes again.

**Chairman:** You may proceed now if you wish.

**Deputy Imelda Munster:** Mr. Hynes of SIPTU indicates the union has written to employer organisations about participation in JLCs. Did those organisations ever engage or at what stage did the process stop?

**Mr. Denis Hynes:** It stopped following the making of the High Court challenge.

**Deputy Imelda Munster:** When was that?

**Mr. Denis Hynes:** I believe it was 2012 but I stand to be corrected on that. I am caught a little on that but will double-check the date and send it to the Deputy.

**Mr. Liam Berney:** It is correct.

**Mr. Denis Hynes:** A High Court challenge was made. There was a veto and it was agreed by the Government of the day that the JLC would be parked for hospitality but the security and contract cleaning sectors, for example, progressed. That was a very sad day for everybody involved with hospitality. We have been playing catch-up since. We have been trying to get the process back on track and working tirelessly behind the scenes through Mr. Berney's office

at the Irish Congress of Trade Unions. We have not been fortunate as of yet in securing a JLC.

**Deputy Imelda Munster:** The witness indicates the union has written to employer organisations. How recently was that?

**Mr. Denis Hynes:** That was during the summer and we have not had a response yet.

**Deputy Imelda Munster:** Right, so nothing has really been happening. It was parked from 2012 and the union wrote to the organisations during the summer. Was that in early summer or late summer?

**Mr. Denis Hynes:** Again, I do not have the exact date. It would be unfair to say nothing has happened since 2012.

**Deputy Imelda Munster:** Right.

**Mr. Denis Hynes:** We have appeared before Oireachtas joint committees and met former Ministers-----

**Deputy Imelda Munster:** I am speaking more about the participation in the JLCs.

**Mr. Denis Hynes:** We have had discussions with the Irish Hotels Federation and the Restaurants Association of Ireland in the past. We also had discussions with Ministers that were *in situ* at the time. We have had numerous discussions through SIPTU and Congress. A huge effort has been made.

**Deputy Imelda Munster:** Right, I accept that. Why is the process not yet up and running? What is the obstruction?

**Mr. Liam Berney:** The simple obstruction is the High Court struck down the functioning of JLCs. Remedial legislation was initiated to ensure JLCs operated on a constitutional basis. As part of the reform of the legislation, the Government offered a veto to employers to ensure that if they did not want to participate, they could not be compelled to do so. There can be as many JLCs as we like but employers cannot be compelled to participate in them.

There is a directive from the European Union coming down the tracks that will require the State to ensure there is 70% collective bargaining coverage in the country. We must start working to improve collective bargaining coverage now in order for us to be ready to transpose that directive into Irish law.

**Deputy Imelda Munster:** That veto is something to be addressed if anything is to change. They have an opt-out. Is it not similar to the right to trade union membership, which I have always felt was watery as be damned? A person has a right to be a member of a trade union but the employer can opt out and does not have to recognise that right by engaging.

I accept there are really good employers, as Mr. Hynes stated earlier. Of course we accept that. We would not be here, however, if there was not a problem in the sector, and that is what we are trying to solve. With trade union rights, one could understand somebody who is depending on a job being prepared to put up with whatever he or she must because of the desperate need for the job. The employer might never recognise the union if it is not prepared to recognise worker rights in the first instance. We must get the basics right in strengthening the law so employers do not have an opt-out clause, whether that is not engaging with a union or a veto that allows them not to engage with a JLC. Is it not correct that workers are being left in this

precarious position? Am I not reading it right?

**Mr. Liam Berney:** Deputy Munster is absolutely correct.

**Ms Rhona McCord:** Deputy Munster is absolutely correct. One of the other recommendations we would like to see is not just trade union recognition but access for trade unions to workplaces, whether it is through a noticeboard or specific time when workers can meet a union representative. That currently does not exist. In hospitality this is particularly problematic for people because of what is often the transitory nature of the jobs. People come and go, sometimes within months, and they may not work full-time. When they join an establishment, they may not know their rights because there is no noticeboard. They may have no idea even that they are entitled to join trade unions or breaks and holiday pay etc. Often there are people with language issues as well and we go to the bother of printing much of our material in a different language for migrant workers. Unfortunately, we can be denied access to people in the workplace, and this has an implication for health and safety conditions in many workplaces. Trade unions and their personnel have quite significant experience in inspection work and in looking out for people's well-being in health and safety. That skill is not utilised because we are just not allowed into the workplace at all.

**Chairman:** I thank Ms McCord and I also Deputy Munster for those questions. I have a number of observations. We have covered much ground today and I appreciate our witnesses' presentations with some alarming experiences, statistics, and findings. There is certainly a great body of work to be done from the committee's point of view. Are any of the groups here represented at the Hospitality and Tourism Forum and have they had the opportunity to feed into that or to raise any of these concerns at that particular forum? I am aware that it is chaired by the Ministers for Enterprise, Trade and Employment and Tourism, Culture, Arts, Gaeltacht, Sport and Media.

I call on Ms Curran,

**Mr. Liam Berney:** I would like to comment.

**Chairman:** Go ahead.

**Mr. Liam Berney:** A forum was put in place in response to the return to work, the pandemic and all of that, and ICTU and the trade union movement is represented on that forum by Patricia King and Gerry Light. It is primarily concerned with the return to work and the response to Covid-19.

**Chairman:** I appreciate what Mr. Berney is saying and that that is what the forum was set up to do but has Congress had the opportunity and are these issues being raised at that forum where the two Ministers are in place?

**Mr. Liam Berney:** Yes, and these issues are consistently raised by the trade union movement in all the opportunities we have in our interaction with the Government. The fundamental problems, however, that have been highlighted by all of my colleagues here today are ones on which progress needs to be made in order for the concerns and the problems that we have highlighted to be addressed.

**Chairman:** I appreciate that. I hope I am not repeating something that has not been asked but Fáilte Ireland have a tourism careers oversight group, have appeared before this committee and have talked about the difficulties alluded to by our witnesses and the reasons for them. Is

there an opportunity for any of our witnesses' organisations to feed into that? Would Ms Curran wish to speak about that?

**Dr. Deirdre Curran:** Following on from what Mr. Berney was saying there about the State forum, there are 16 members on that group and one seat for trade unions. One sixteenth of that committee goes to an indirect voice for workers. We have to find a way to allow workers to have a voice. Bearing in mind that the vast majority of workers are not members of trade unions, we have to find a way. Workers are collectivising themselves in the absence of having a voice. There is something called the chefs' network, which is an informal collective of chefs to address the absence of a voice and there is RAIZUP, which is a collection of hospitality workers globally who are screaming for a voice, so we have to find a way.

The other hospitality task force has no employee representative on it. The two main ones then were that of the State and that of Fáilte Ireland, which latter one did not have a single employee voice, if it is the same task force and I am thinking of.

**Chairman:** I am talking about the Fáilte Ireland careers oversight committee, which might have been a useful tool in raising these matters.

That is something that we as a committee will have to make observations on. We may be able to help to do something on the representation of the witnesses' organisations and proportionality within these committees.

That very much concludes our meeting today and I wish to thank all of our guests very much for being with us and for their input, oversight and very detailed and comprehensive presentations. Does Deputy Munster wish to come in here?

**Deputy Imelda Munster:** My apologies, Chairman, but just before we wrap up, I said at the start that this is very serious. As a committee, we have to look at this in greater depth. It is okay having witnesses in and to have the reports, but what use are we to those workers if we do not take these issues further? I suggested that we might have a few more hearings. I am not talking about a report for the sake of a report to sit on a shelf gathering dust. Could we start at the beginning as a committee because we have had the Irish Hotels Federation and the Restaurants Association of Ireland before us and they have raised their concerns with us about staff shortages and the connection with the pandemic unemployment payment, which is being thrown out of the water, in reality? Could we write to those organisations, in the first instance, on the issue of participation on JLCs? It is hard to have sympathy for organisations that appear before the committee looking for support, yet are not willing to engage with a committee that is for the benefit of their workers? Who will reap the benefit of such a committee? They will reap the benefits if they look after workers because the workers will enjoy working in the place with all of the benefits that stem from that. Can our committee write to those organisations first?

**Chairman:** Yes, we certainly will. Our schedule has been completed now until the end of this year but as a committee we will certainly, perhaps in our next private session on the 20 October, have a look at this. We have received a clear message that more work is needed to be done here and we should see if we can facilitate this. I certainly do not believe that today is the beginning and the end of this particular issue. We have a remit and a role to do something here and we will certainly look at where the slots are at our next private session, and as to who we can invite in to address the issues raised today.

**Deputy Imelda Munster:** That is fine for the slots but I am talking about the committee

writing to the Irish Hotels Federation and to the Restaurants Association of Ireland detailing the shocking statistics that we have received here today and asking about the JLCs, expressing our concern and asking whether the legislation needs to be looked at and addressed. We can find out first from those organisations whether they are willing to participate on those committees. If something has to be addressed in the interim to facilitate that, that is fine and we can do that, but initially we need to flag what we are prepared to do and we cannot ignore it.

**Chairman:** Have we a seconder for that proposal? We need a seconder for that proposal in order to write to those organisations and we could take this matter up again at our next private session.

**Deputy Brendan Griffin:** I think it is important that we continue this discussion and that the stakeholders be advised of the discussion that we have had here today, the concerns of committee members and the need to shine further light on this.

**Chairman:** Everyone is, therefore, in agreement on that and that is my sense of it. One can appreciate that it is a little bit more difficult to judge matters when everyone is working remotely but I want to ensure that I have all of the formalities correct on this. We are in agreement then that we draft those letters, make the contact and engagement that has been suggested by Deputy Munster and, following on from that, we will decide how to proceed as a committee. Is that agreed? Agreed.

Finally, I thank our guests again here today for their time in giving us a comprehensive and insightful presentation in our hearings. I also thank my colleagues who have been here for a number of hours at this stage, some remotely and some here in the committee room. It has been great to start doing things with a little bit more normality.

That concludes our business today and the meeting is now adjourned. Our joint committee's next meeting will be on Wednesday, 20 October at which point we will have an opportunity to pick up on these issues when we will be meeting in private session in committee room 1. Gabhaim buíocha libh go léir.

The joint committee adjourned at 3.48 p.m. until 11.30 a.m. on Wednesday, 20 October 2021.