

# DÁIL ÉIREANN

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## COISTE SPEISIALTA UM FHREAGRA AR COVID-19

## SPECIAL COMMITTEE ON COVID-19 RESPONSE

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*Dé hAoine, 10 Iúil 2020*

*Friday, 10 July 2020*

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Tháinig an Coiste le chéile ag 9.30 a.m.

The Committee met at 9.30 a.m.

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Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	
Colm Burke,	
Holly Cairns,*	
Jennifer Carroll MacNeill,	
Matt Carthy,	
Patrick Costello,*	
Cormac Devlin,*	
Mairéad Farrell,*	
Paul Murphy,+	
Richard O'Donoghue,*	
Fergus O'Dowd,	
Aodhán Ó Ríordáin,+	
Aengus Ó Snodaigh,*	
Matt Shanahan,	
Bríd Smith,	
Duncan Smith.	

\* In éagmais / In the absence of Deputies Michael Collins, David Cullinane, Pearse Doherty, Stephen Donnelly, Róisín Shortall and Ossian Smyth.

+ In éagmais le haghaidh cuid den choiste / In the absence for part of the meeting of Deputies Bríd Smith and Duncan Smith.

Teachta / Deputy Michael McNamara sa Chathaoir / in the Chair.

*Deputy Jennifer Carroll MacNeill took the Chair.*

### **Impact of Covid-19: Education – Return to School and School Transport (Resumed)**

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** We have been notified that Deputies O'Donoghue, Cairns and Costello will substitute for their party colleagues. They are very welcome. I welcome our witnesses for our resumed discussion on the topic of education provision for the September reopening of schools including school transport. Joining us from committee room 1, we welcome: Mr. Seán Ó Foghlú, Secretary General; Ms Deirdre Shanley, assistant secretary; Mr. Hubert Loftus, assistant secretary; Ms Aoife Conduit, assistant secretary; Ms Yvonne Keating, deputy chief inspector; and Ms Anne Tansey, director of the National Educational Psychological Service.

I advise the witnesses that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to this committee. If they are directed by the committee to cease giving evidence on a particular matter and continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. Witnesses are directed that only evidence connected with the subject matter of these proceedings is to be given and are asked to respect the parliamentary practice to the effect that, where possible, 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.

**Mr. Seán Ó Foghlú:** I thank the committee for the invitation to attend today and to engage with it on the planning to support the reopening of the schools sector. The then Taoiseach's announcement on 12 March of the closure of all schools, colleges, universities and other training and learning facilities was the commencement of a series of challenges across the education sector as a result of Covid-19. Those challenges continue to be managed by the Department in partnership with the education partners and a range of stakeholders.

The interests of students and their families, as well as the safety of the staff in the sector, have been the paramount considerations throughout as we have worked through the challenges before us. Currently, the number one priority for the Department and the wider schools sector is to reopen our schools as fully, normally and safely as possible at the start of the new school year.

In the reopening of our schools, we will be guided by the available public health advice and comprehensive engagement with stakeholders including the school management bodies and staff representatives, as well as students and parents. Since the Department received the interim public health advice from the Health Protection Surveillance Centre in June, it has been published by the Minister and made available to schools across the country.

The receipt of the public health advice has allowed us to commence an intense period of engagement with school management and staff representatives, which in turn has allowed us to engage with the Department of Public Expenditure and Reform. There is no doubt that the Minister, the Department, school leaders and staff all want to see schools reopening as normal in the new school year in late August and September.

The public health recommendations will be updated as the summer progresses. The current

advice provides an excellent platform for engagement with all of the education partners towards detailed planning for reopening our schools. The recommendations recognise that different approaches are necessary for children at different ages.

Our engagement with stakeholders, which is continuing right throughout this week, including today, has been open and frank with everyone, acknowledging that we need to work together. We are collectively focused on working through the detail of what the return to school will look like for all schools. The range of school settings presents both opportunities and challenges. Flexibility or agility in how we respond will be key. We are working through with school managers, leaders and staff how best they can be supported to not only open schools but to ensure they remain open.

There are logistical challenges to manage in respect of physical distancing arrangements, school transport and enhancing cleaning and hygiene routines, for example. There are well-being aspects to be identified and provided for students, their families and staff. There are curricular challenges which are being worked through in conjunction with the National Council for Curriculum and Assessment. There are also assessment matters to consider in terms of the students undertaking State examinations in 2021. Work is advancing intensely across all of these strands.

One of the key elements to ensuring that schools can remain open once they reopen is to prevent Covid from getting into a school in the first instance. This will mean students, their families and staff playing their roles in keeping the virus out of their school by ensuring those who have symptoms or suspect they have the virus stay out of school, by maintaining best practice in terms of hand hygiene and respiratory etiquette in school, as well as by minimising social contacts and respecting physical distancing practices. The public health advice recognises that physical distancing in a school context has some specific elements. It acknowledges:

The principle of distancing can be usefully applied in the school setting, allowing for some flexibility when needed. However, it must be applied in a practical way, recognising that the learning environment cannot be dominated by a potentially counterproductive focus on this issue.

Physical distancing measures fall into two broad categories, those being, increasing separation and decreasing interaction.

Reopening our schools is not just a matter of achieving a certain minimum physical distancing. It is also about getting students re-engaged fully with learning, socialising with their peers, and for some preparing for examinations, for others transitioning to school life or a different level in terms of moving from primary to post-primary. Students need the support of their families, teachers and school staff in readjusting to school life and physical learning environments again.

It is realistic to predict that all students, teachers and parents will experience a broad range of feelings on the return to school. This may include a mixture of excitement, happiness and relief but also anxiety and fear. That is understandable given these circumstances, and the Department is developing with other stakeholders a response to support the well-being in our school communities.

Our focus has been on working with the stakeholders so that we can reopen our schools safely. We know that there will be costs associated with reopening, not just in terms of hand

sanitisation or cleaning regimes, but in terms of teacher and SNA substitution and support for school leaders. We are currently defining what is needed and preparing cost estimates for these elements. I assure the committee that there is full engagement with the stakeholders and that everyone is committed to concluding the scoping and planning phases by the end of this month so that schools have sufficient time to prepare at a local level for reopening. There will also be comprehensive communication.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** I thank Mr. Ó Foghlú. Sinn Féin has the first speaking slot this morning. Is Deputy Farrell taking ten minutes?

**Deputy Mairéad Farrell:** Yes. Gabhaim buíochas leis an Uasal Ó Foghlú as an gcur i láthair sin. Tá sé fíor-thábhachtach dúinn ar fad.

The closure of schools has been difficult for all involved. I acknowledge the significant efforts of teachers, parents, children and staff, who have been extraordinary. Despite their best efforts, however, there is no question but that, through no one's fault, some children have fallen behind, in particular children in educational disadvantage or with special educational needs. It is our view that the objective of everyone involved in education must be to deliver a full and safe return to the school building. Is Mr. Ó Foghlú confident that a full return to school can be delivered in a safe manner?

**Mr. Seán Ó Foghlú:** Yes. We all share the same objective; it is shared across the political system and stakeholders. Our aim is to return as fully, normally and safely as possible. We have to work through how to do that. It is a challenging and complex process, but everyone is working together on seeking to realise it.

**Deputy Mairéad Farrell:** Given that the Department has stated that social distancing is not a prerequisite for primary school children below third class, can we assume that social distancing is to apply in third class and above? If so, how does the Department see it happening that all of those children will be back safely?

**Mr. Seán Ó Foghlú:** It is not a case of social distancing not applying. Rather, it is a case of different sets of arrangements depending on the years within classes. We have advice from the health authorities, which we are seeking to work through with school authorities in considering different ways in which different schools can manage within the overall framework of the health guidance. We will put departmental guidance in place to help translate that for the school sector. As such, we are confident that, in the context of the question the Deputy set out, there will be capacity to work the advice through in a way that will enable the children to return to school and the school's staff to be safe.

**Deputy Mairéad Farrell:** My colleague, Deputy Ó Laoghaire, and Sinn Féin in general have been calling for a roadmap for a return to education for a number of months. We were promised one for 12 June, but what we got was a document that outlined a number of elements, including how children might only return for a few days per week if social distancing of 2 m applied. Subsequently, however, the then Minister told us that he was not going to pursue that. This can hardly be considered a roadmap. Are we going to get a roadmap or was that it?

**Mr. Seán Ó Foghlú:** We thought it was very helpful to provide an update to the school community in June regarding plans towards school opening. It was an important issue to address. We were very dependent on the engagement with the health authorities in order that we could have the health advice available to us. We received that in late June and it was then published

last week. We will be providing detailed guidance to the primary and post-primary sectors. We have already sent initial sets of guidance to the school principals in the primary sector and we will be updating that further as a result of the further dialogue. We are in dialogue about such guidance for the post-primary sector and we aim to have all of that material completed by the end of this month. As I set out in the opening statement, there is a wide range of issues to be covered in the guidance.

**Deputy Mairéad Farrell:** I also notice that in his opening statement, Mr. Ó Foghlú outlined that the aim is to prevent Covid-19 getting into any school. That obviously is the aim of the game but in the event of a child or a teacher becoming ill with Covid-19, which is a likely situation, will the State carry the liability for any cases that may follow or will the Department expect the board of management or patron to be liable?

**Mr. Seán Ó Foghlú:** I will address the first issue the Deputy mentioned. It is set out clearly in the advice that we have from the health authorities that it is vital that we change the culture in respect of attendance by students and staff such that they do not push themselves to attend school when they are showing any of the symptoms. That is a change of behaviour that will be necessary. Also, it is necessary that the hygiene arrangements are available when they come in. The guidance from the health sector, which we will translate further for schools, will also set out the arrangements that will need to be put in place should anybody fall ill during school time or should it turn out later that somebody who was in a school had Covid. We will have to work through how we will handle all of those issues.

I do not think it is a question of liability *per se*. The school themselves have their own insurance. There is a wide range of school insurance arrangements in place across the various school sectors. It is not a matter of liability for insurance. I do not fully understand the Deputy's question about liability. Liability for what? Schools have their own insurance and some schools have State insurance in the community and comprehensive sector.

**Deputy Mairéad Farrell:** As Mr. Ó Foghlú mentioned, hygiene is a central aspect of this entire situation. Sinn Féin has long called for the Department to cover all additional hygiene costs as schools simply cannot bear the costs. There is also a concern that the cost would then be passed on to parents. We know that many families are struggling financially at the moment. Can the Department guarantee that no additional costs will be passed on to parents and that schools will get adequate funding?

**Mr. Seán Ó Foghlú:** We have been listening very closely not just to the stakeholders but to the political discussions and many interesting and relevant issues have come up in the Covid hearings and more generally in the broader political discussions on these issues in the Dáil with the previous Minister. We are very conscious of not putting an additional financial burden on schools for these costs and additional funding will be available to cover the hygiene costs. That could be for the sanitiser. It could also be for some personal protective equipment, PPE, although we hope that PPE will be quite limited in its use, but it will also be for cleaning surfaces. The intention is not that those costs will come out of existing funding for schools. We are also seeking to put in place tendering and drawdown contract arrangements to enable any equipment and so on to be more easily available to schools in order that they do not have to do it for themselves for the autumn reopening.

**Deputy Mairéad Farrell:** On PPE, there is quite a debate at the moment about masks and the importance of wearing them. Is it being considered that children or teachers would wear any form of masks or visors? That could then have educational impacts. Does Mr. Ó Foghlú

envisage any educational impacts from the wearing of masks in terms of a lack of visual cues for children with special educational needs?

**Mr. Seán Ó Foghlú:** The issues the Deputy raises are valid. We have the health advice and it does not suggest that children in normal circumstances in a school setting would use PPE. However, there may be a case for staff working closely with them to have PPE and the visor would be much preferable to the mask for the reasons the Deputy has set out. There may also be a need for some PPE for older children on school transport and that is referred to in the advice as well. We are looking at that and talking to Bus Éireann about that issue. The Deputy has raised an important issue that the mask in a teaching and learning setting cuts off the contact between the SNA or teacher and the student. A visor is probably a much more suitable use of PPE as it enables that connection to take place while also providing the appropriate protection for staff, which is important.

**Deputy Mairéad Farrell:** There is a huge volume of work for all involved in delivering this. Will additional secretarial supports be provided and will teaching principals get additional release dates to allow them to focus on making the school safe?

**Mr. Seán Ó Foghlú:** We are engaging with school stakeholders about making assistance supports available in terms of leadership time and such issues. We have not finalised or firmed up those arrangements but we are very conscious of the need to do so. It is clear that schools need to have additional time freed up to manage the range of activities that will need to be put in place and provide the required level of engagement and organisation. We have to support that with additional measures. Finding the best way to do that is the challenge we are working through at the moment.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** Can I clarify with Mr. Ó Foghlú the timeline for the guidelines to issue?

**Mr. Seán Ó Foghlú:** We aim to have guidance issued by the end of July, at the latest. We recognise that schools need time to prepare and we will work on a communications campaign. We will work closely with the national stakeholders as part of this campaign when we finalise the work.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** There is a fine balance between getting time to produce additional public health guidance and get the guidance to schools to give them enough time. I recognise the practical difficulty with that.

**Mr. Seán Ó Foghlú:** Absolutely. We have the initial health guidance, which was given to us in late June. That guidance looked at what was happening in Ireland towards the middle of June and the impact of school reopenings in other countries, particularly in May, because it takes two or three weeks to see the impact. The health authorities will have a better idea about the impact of school openings in other countries in June by the time we have further engagement with them and they may decide to update the guidance. They may decide it does not need updating but it is important we continue to engage with the health authorities.

**Deputy Fergus O'Dowd:** How many additional staff does Mr. Ó Foghlú expect to have to employ beyond the complement that is currently in these schools? Has he a breakdown of the figure into teaching and non-teaching roles?

**Mr. Seán Ó Foghlú:** We are working through those issues at the moment. We recognise that there will be a need for the employment of additional staff. In particular, we have to free

up leadership time and there will be a need to cover that. We have to examine different ways of doing substitution for teachers and SNAs. We have trialled new systems of substitution in the primary sector with panels. We had five panels last year. We also have the option in small schools where teaching principals have administrative days, that they pool those days and appoint a substitute to cover a number of schools. We are looking at those and other models to support schools. We may also need to have increased substitution because at the moment schools cover themselves for the first day of substitution for uncertified leave. It clearly will not be satisfactory to spread children to other classes. That is not going to be a solution. There may be a very small fraction of classes where that is possible but as a general model that is not a way that we are going.

**Deputy Fergus O'Dowd:** I asked Mr. Ó Foghlú to put a figure on the additional staff complement because quite a significant amount of new people could be needed to keep, as he said, proper supervision and proper control, for substitution for sick teachers and for additional supervision, which is a huge issue. Does Mr. Ó Foghlú have a figure for this? I can ask further questions if he is able to give me an answer on that.

**Mr. Seán Ó Foghlú:** We do not have a precise figure because we are working through with the stakeholders and the Department of Public Expenditure and Reform what the options are about how we can do that. It is very difficult to be certain about the precise-----

**Deputy Fergus O'Dowd:** Let me put it a different way. Is Mr. Ó Foghlú talking about hundreds of new staff?

**Mr. Seán Ó Foghlú:** I do not want to put a number on it, but across the sector given the different needs, including cleaning and so on, there will be a need for significant additional staffing to cover-----

**Deputy Fergus O'Dowd:** One of the reasons I am asking this is-----

**Mr. Seán Ó Foghlú:** -----in different ways. At the moment, for example, we have substitutes coming in randomly on different days and that works kind of well-----

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** Mr. Ó Foghlú-----

**Mr. Seán Ó Foghlú:** -----but we want to minimise that. We want to minimise the number of schools different substitutes are going to, so we may be able to create more full-time posts while reducing the overall number of people who are actually substituting-----

**Deputy Fergus O'Dowd:** I understand that and I am not expecting Mr. Ó Foghlú to give me an exact figure. Given the timeline our Acting Chairman asked Mr. Ó Foghlú about, I think he should know. I am not being personally critical. It is a fact that large schools are going to need a lot more extra staff and there is going to be a very short time in which to get them. Garda clearance is a huge issue in this as well. For staff who are not teaching, some of them may have Garda clearance already but other people who will be needed will not, so this is a huge issue. I am not suggesting the Department is not addressing it but we need to know more facts about it.

The other point I wish to put to Mr. Ó Foghlú is about school transport and PPE, particularly for children. Who will pay for that? I presume the Department will do so. An important point is that an adult will have to accompany the bus driver on the bus, who will have the capacity to control, in a general sense, the issues that might arise. Has Mr. Ó Foghlú thought about that?

**Mr. Seán Ó Foghlú:** The Deputy is absolutely correct about the need for additional staffing and for Garda vetting where it is required. We are conscious of that and that is part of the discussions we are having with the management bodies, the unions and so on.

On school transport, the same applies as with schools, in that the Department will pay for the additional cost of any PPE. That is something important that we will make available to them. We are in discussions with Bus Éireann about how school transport will be organised. The arrangements for school transport have been set out in the interim health advice, which is quite positive as far as the capacity of the school transport system is concerned. At the same time, however, we have to ensure arrangements are put in place to support social distancing as best we can and to support groups of children from the same family to sit together and so on. Those are the sorts of issues we are working through with Bus Éireann at the moment. It is important to note, however, that Bus Éireann is in the process of arranging for the school transport system at the moment, including whatever tendering needs to be put in place and whatever engagement with students and their families about those who are eligible and those who will be able to access concessionary travel is necessary.

**Deputy Fergus O'Dowd:** Regarding PPE, will every schoolchild travelling on a bus have to have a designated type of face mask? This is really a general question because there are face masks and there are face masks and it is hard to know which is the appropriate one for adults, never mind children. This is going to be a huge problem, is it not?

**Mr. Seán Ó Foghlú:** Again, the advice we have from the health authorities is encouraging the use of face masks for children aged 13 and over. We would be following the same general health advice on face mask use that as applies to the general public. There will not be any particularly unique educational aspect to advice on face masks on school transport. It is possible that where people are in very close quarters, visors might be needed for bus escorts, for example. In the same way, engagement will be needed within the school sector for anyone assisting students with special educational needs, because wearing face masks cuts off their facial expressions to a large extent.

**Deputy Fergus O'Dowd:** Does the Department tender for PPE nationally, regionally or locally? I am just trying to get a definition of the quality.

**Mr. Seán Ó Foghlú:** The Deputy is absolutely right. This has been a big and challenging issue, especially in the first months of the virus. We have a national tender under way at the moment and we envisage drawdown of different aspects of that. We envisage delivery to each school arising from the national tender and each school being able to enter an arrangement based on the outcome of that tender.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** One of the difficulties we have with this committee is that, as we are in different rooms, witnesses cannot always hear or see if a member is trying to interject. I just wanted to make Mr. Ó Foghlú aware of that. It is a problem we have in every session so I am flagging because members do not have much time for their questions. I am sensitive that we have gone a little over time but I will accommodate everyone in the same way. The Chairman has just come in and I am sure he is horrified to see that I have allowed the committee to go over by so much. I am sure he will have strong words with me later. I ask the rest of the committee to forgive me.

I call Deputy Colm Burke.

**Deputy Colm Burke:** I thank the Department and its staff for the work they have done over the last three or four months, which has been a very difficult time for everyone, as well as the teachers and boards of management around the country. There are a number of schools in my area where there is a difficulty with space. Some are on the programme for new classrooms and in one case a totally new school is due to be built because there are 350 pupils in a facility where 70% of the classrooms are prefabs. What work has been done on identifying additional space for schools where there are accommodation problems at the moment? Has there been engagement with boards of management on that issue? How big a problem or challenge is it going to be over the next two months to identify alternative space?

**Mr. Seán Ó Foghlú:** I ask Mr. Loftus to take that question.

**Mr. Hubert Loftus:** I am the head of the Department's planning and building unit. The Deputy will be aware that construction ceased across all area as part of the Covid response and projects re-mobilised from the middle of May. We had 200 building projects at construction stage and they are now largely re-mobilised. Our focus now is on getting them up and running and getting projects delivered.

As regards issues schools might have in September, our focus is on working through contingency arrangements with them. We have had detailed engagement with all the relevant schools and their patrons and are working out accommodation solutions for them. At this point, while we have some work to do with some individual schools, we are satisfied that we will have contingency arrangements in place for September.

**Deputy Colm Burke:** Some schools may not be on the building programme at the moment but are at capacity and it is now quite clear that we will need additional space for students because of the changes and regulations that will be in place. Will additional space be acquired between now and 1 September to accommodate those schools? I am talking in particular about schools in rural areas where it may not be that easy to get additional space, or in growing urban centres where there has been a huge increase in the young population. It is about sourcing additional space. Are we going to be renting additional space to accommodate those schools?

**Mr. Hubert Loftus:** That is the engagement we have had with a lot of stakeholders and individual schools. Our focus is on making sure there is sufficient space available. The public health guidance is very clear that we must maximise the space within the classroom to facilitate the pupils in the classroom and maximise the space within the existing school building. We have had very positive and constructive engagement with the relevant schools and patrons. It is about everyone working together in a constructive way to ensure the schools' return at the end of August is as seamless as possible for everyone.

**Deputy Colm Burke:** If additional space cannot be identified, will we have some pupils in between 8.30 a.m. and 9 a.m. until 1 p.m. and another group of students from 2 p.m. until 4 p.m. or 5 p.m.? Will this have to be done in some areas where additional space cannot be identified?

**Mr. Hubert Loftus:** We are confident and, as the Secretary General made clear, we are working to have schools reopened at the end of August and start of September in as full and normal a manner as possible and in a safe way. With regard to individual schools, we are working in a very flexible and constructive way to deal with particular issues at individual schools.

**Deputy Colm Burke:** Do we have an idea of the overall percentage of schools where we may have a difficulty with space? I am not looking for numbers but are we looking at anything

up to 15% or 20% of schools or is it a greater challenge than that?

**Mr. Hubert Loftus:** We have 4,000 primary and post-primary schools and we have had engagement with cohorts of schools on particular accommodation issues for September. It is a very small fraction - a handful of schools - that is most acutely affected and we are working very closely with those schools. We are very confident that we will have solutions in place.

**Deputy Colm Burke:** Are we talking about up to 500 schools where we may have a challenge with getting everyone back?

**Mr. Hubert Loftus:** There is challenge generally for all schools in managing this and that will be part of the guidance. With regard to the particular challenges with accommodation specifically, there are no more than a dozen or so acute cases.

**Deputy Colm Burke:** What is the biggest stumbling block the Department will come across between now and September in dealing with this issue?

**Mr. Hubert Loftus:** With regard to working accommodation solutions, I am confident that through everyone working locally in a constructive way any stumbling block can be managed and overcome.

**Deputy Cormac Devlin:** I welcome our guests and thank them for their attendance and remarks, particularly the Secretary General and his colleagues. I welcome the change in culture and message that if people are sick, they should stay away, and the remarks about the number one priority of the Department reopening the schools. It is a good place to start. I spoke with a number of the teacher representatives who were here on Tuesday. It is good to see that everybody is on the same side. My first question is for the Secretary General. How soon after Covid hit did planning begin on the reopening of schools?

**Mr. Seán Ó Foghlú:** I thank the Deputy. We were immediately conscious on the day we were closing schools, and we had to close them at very short notice on the advice of the health authorities, that it would be more difficult to reopen them and that there would be more challenges. We did not know what the virus was going to be like at that initial time. We were hopeful it would pass more speedily than it has, although it has been brought under control very well in society in that time. Our immediate work was to support schools in engaging with their students and advancing learning in what turned out to be the three-week period before the Easter schools' break. We also did immediate thinking on the nature of the assessments for State examinations that had been planned for those three weeks. As we worked through, the Minister made the call over the Easter period that schools were effectively closed until further notice. At that stage, while continuing to put a big focus on supporting learning for the remaining number of weeks, a shorter period in second level, and another focus on the year-end certification, particularly for junior and leaving certificate years, we also began work, reflection and engagement on how schools would reopen. We initially engaged with health advice on the examination system, and that was very important. We had a focus initially on bringing some teachers back for sixth year classes in July, but when it became clear that this was not possible, we focused on planning for the longer-run return, which has been September. In addition, more recently, when the health advice changed such that it would be possible to bring back some schooling in the summer, we focused on the summer provision as well.

**Deputy Cormac Devlin:** I thank Mr. Ó Foghlú for that. Assuming everything goes to plan and schools are reopened in September, I note this morning there is talk of additional fund-

ing for both substitute teachers and the cleaning of schools. While Mr. Ó Foghlú touched on cleansing earlier in response to some of the questions, does he have a figure for the amount of additional money the Department is talking about, particularly for those principals who may be watching and wondering about additional teachers? We know there is a challenge in securing substitute teachers at the best of times. Can Mr. Ó Foghlú touch on the cost of this?

**Mr. Seán Ó Foghlú:** We do not and cannot put a figure on the equipment, the sanitising and so on because we are in a tender process and have to be very careful about that. We can, however, give the guarantee we will fund it all. We also want to try to get the best value for money, obviously, as part of this. The principals' network bodies, the unions representing principals and the management authorities are working through these precise issues as to what the nature of demand will be for the additional staff. We are working through those issues with them. We cannot be definitive about them but they will involve a mixture of better organisation of substitution, with a probable need for more substitution, given that classes cannot be covered for the first day by other teachers, and the expectation that there will be a higher level of absence, given that we want teachers and other staff, and indeed students, to stay away if they are showing any symptoms. We have to work through these issues with them. We cannot be definitive about the numbers but we can assure the principals that we are working with their representative bodies and will have definitive information published by the end of the month.

**Deputy Cormac Devlin:** Once complete and issued to schools, will this roadmap help the Department of Children and Youth Affairs and the roadmap needed for special schools and children or adults with disabilities? Will Mr. Ó Foghlú's Department work with the Department of Children and Youth Affairs on that?

**Mr. Seán Ó Foghlú:** There are a couple of issues there. Special schools are included under our Department's remit and we are working with the special schools and their representatives on the reopening of schools and keeping them open. We work very closely with the Department of Children and Youth Affairs. The people who gave us the health advice and the health authorities have given very helpful advice on reopening crèches, preschools and so on. We will also have the experience of the crèches being open in July, which will help to inform any further health advice we have. We have been working very closely with the Department of Children and Youth Affairs, and we always do. We have a particular policy link on preschool and the access and inclusion model, AIM, which is helping in particular the young children in preschools with special educational needs. We are very focused on their transition as well, so we have a range of issues on which we work very closely with the Department of Children and Youth Affairs.

**Deputy Cormac Devlin:** Very good. I have just two more questions for the Secretary General and then two for Mr. Loftus. I might as well ask them all together. The first concerns after-school activities. What is the likely guidance to schools on after-school or extracurricular activities based on school premises?

The second question is more of a perennial issue, which is the weight of schoolbags. Perhaps this is an opportunity for schools to apply to a fund for lockers to try to enable pupils to leave schoolbooks on the school premises. Obviously, there is a health and safety benefit in the context of Covid if schoolbooks are left on the premises and not taken back home when not necessary. I have a couple of questions for Mr. Loftus in relation to school space and accommodation. If the school itself is small and social distancing is impossible, will there be a fund available for either renting additional space or providing additional space, be it Portakabins or whatever? Is that in the pipeline? Second, if a school has small numbers but the school build-

ing is large and there is a possibility of splitting the classes, will there be an opportunity for schools to apply for additional teachers so that those class numbers can be reduced, bearing in mind that some of the class sizes exceed the normal class sizes? They might come back to me on those.

**Mr. Seán Ó Foghlú:** On after-school care, I might even move into the issue of mornings as well. The advice we have from the health authorities covers these areas as well. It also will be part of the guidance that we issue because it will have to follow the same general arrangements within the school. There is a particular importance attaching to breakfast clubs, after-school clubs etc., especially for children who are disadvantaged, and equally, the provision of school meals, which is the responsibility of our colleagues in the Department of Employment Affairs and Social Protection. However, that is part of all that has to be done within the role of the school in the community as a whole. We will be covering that advice. Indeed, as part of the changes with the current Government, the Department of Education and Skills is taking responsibility for education welfare and will have responsibility for school completion etc., going forward.

In relation to lockers, that is a challenging issue because we are trying to maximise space. That is part of the discussions that we are having with our colleagues in the partner bodies. The use of lockers is something that creates congregation and we have to be careful about that. We also have to be careful that we have the spaces in the corridors for social distancing because the distancing issue applies within and without the classroom. It is important that the children are as far apart as is practicable outside of the classroom. We recognise there will be a challenge in relation to schoolbooks and so on because there may not be the same locker space available but that is one of the issues that we are working through with the stakeholders.

**Mr. Hubert Loftus:** In terms of the guidance that we will be providing to the school system before the end of July, we will make clear how space is to be managed and how that is to be done. To help the school system, we intend to have illustrative classroom layouts provided for schools, which will help them plan and organise space. The public health guidance is clear about maximising space within the school building and within the classroom to ensure there is as much space as possible to facilitate students. Obviously, if there are particular issues thereafter for individual schools, we will be available to advise and support them in terms of how that is done but the public health guidance will be the framework for helping to ensure there is that clarity for individual schools.

**Deputy Cormac Devlin:** Finally, if I may, where the schools have the space and where there is a possibility of facilitating those classrooms, I urge the Department to try to ensure that a fund is made available to those schools to employ additional teachers in order that those class sizes are reduced and, indeed, the space is given for socially-distanced education.

**Deputy Patrick Costello:** Picking up on the previous point in relation to school space, Mr. Loftus spoke earlier about ensuring there is enough space in the school in the classroom and having a solution in place if there is not. My thoughts turned to schools, of which I am sure there are plenty, that will not have sufficient space to meet the public health guidelines. What does the Department see as the solutions? Will it be able to support schools if they need to, for example, hire the local parish hall? If a school needs to look outside the school gates for a solution, will the Department support them in any costs involved?

**Mr. Hubert Loftus:** I suppose the first port of call in working through the public health advice is to provide the framework for schools in order that they then know how they can man-

age within the confines of the school building and how they can maximise space within the classroom. That includes taking a fresh look at each classroom and taking a look to see what is the furniture in the classroom that does not need to be within it to maximise space. It includes taking a fresh look at the building generally, what spaces there might be within an assembly area, hall or whatever else. Many schools also have facilities adjacent to the school building, be it the parish hall or whatever. This is all about a national collective effort to facilitate the return of schools, because that is in everyone's interest. Where there are particular pinch points to be managed, we will be working with schools individually.

**Deputy Patrick Costello:** I also wish to touch on the role of special needs assistants, SNAs. We all know SNAs are a valuable part of our education system, but they also work closely with vulnerable students. What specific supports are being given to SNAs? We had some conversation already concerning PPE, but I am referring to aspects such as other guidance etc.. In addition, if school attendance is going to be part-time or partial, how will that impact on the work of SNAs with specific students and their employment conditions?

**Mr. Seán Ó Foghlú:** Regarding guidance, we will aim to have guidance available for the whole staff community of schools. It is part of the Return to Work Protocol in any case, but it is important that there be full understanding among all staff in a school of all the important issues arising regarding returning to work during the Covid-19 crisis. We fully recognise the important role of SNAs. Being honest, I think this crisis has brought out the importance of the role of schools in a major way. I refer to the obvious importance of schools in learning, but beyond that their physical absence has highlighted many other aspects of their role in society and set it out for society to see as a whole. All staff members in schools, therefore, teachers, SNAs and others, have an important role.

We are aiming to maximise school return and we do not want to be in a position where there are widespread absences. Regarding terms and conditions, we are clear that staff may be unable to attend. The reasons for that can include those limited health reasons set out by the HSE and more work is being undertaken by the Department of Public Expenditure and Reform on that issue across the public sector. Generally, workers unable to work during the Covid-19 crisis will still be at work, but if they are unable to attend then they are unable to attend. I hope that answers the question.

**Deputy Patrick Costello:** I have another question on staffing. Much of the staffing levels are determined by the returns of the number of children to the Department on 30 September. If, however, some children will be enrolling late, perhaps because parents will not be enrolling them in junior infants because of health concerns, or parents of children have underlying health concerns themselves, what is being done to ensure that schools do not lose staff because of returns that may be unusually low on that date?

**Mr. Seán Ó Foghlú:** The enrolment process will be complete. There may be a distinction here between enrolment and attendance. Generally, the enrolment process would be complete now, and we have new arrangements for future years in the context of the admissions legislation. I suspect that what the Deputy is speaking about may arise more in the area of attendance, but the children would still be enrolled and would be part of the October returns.

**Deputy Patrick Costello:** Regarding attendance, then, after 20 days of absence in a year there is supposed to be a referral to the National Education Welfare Board, NEWB, and circular 0028/2013 states that a school should strike a child's name off the roll after he or she has been absent for 20 days. I assume guidance will be provided regarding how to manage that issue,

given that children are being asked to self-isolate or not come in if they have symptoms?

**Mr. Seán Ó Foghlú:** There is a fine line here. The Deputy is absolutely right in stating that if children are unable to attend, then it is important that inability to attend for a sickness reason is identified and does not give rise to the situation of which he spoke. Importantly, we also have to be careful - and the committee has discussed this issue previously - about children who may have become disengaged. We do not want to turn off the red light on the 20 days aspect because we need to find ways to deal with that. We need to work with our colleagues on the education welfare side of things who, as I mentioned, are now coming under the aegis of the Department of Education and Skills while still working within Tusla, to ensure that we ascertain that the connections are made and that the whole-school approach in respect of all liaison etc., especially in disadvantaged schools, ensures that this risk of disengagement does not give rise to high levels of non-attendance.

**Deputy Patrick Costello:** I have one more question. We have all been working from home and there has been some element of blended learning, in children learning remotely and engaging in online education and such. Obviously, there is a huge digital divide to this both in geographic terms in broadband connectivity and in socioeconomic terms. If blended learning is going to be a feature of our education system in the future as a result of this pandemic, what steps will the Department take to ensure that children in schools in the Delivering Equality of Opportunity in Schools, DEIS, programme or children in disadvantaged areas will not fall behind or miss out on opportunities more advantaged schools will get?

**Mr. Seán Ó Foghlú:** That is clearly another issue the committee has reflected on and it is a really important issue. The most important message is that we do not want to continue with blended learning. That is really important. We want to absolutely maximise attendance. We are planning for contingencies that blended learning may need to be in place depending on the virus and so on, but that is not something we want. It is quite clear that blended learning cannot and does not work for everyone and that the role of attendance in schools is vital. Much research has been undertaken on this, both within the Department by the inspectorate and independently by other bodies. Some research was published in recent weeks by the Economic and Social Research Institute, ESRI, and researchers in Trinity College Dublin, so we know the impact of that and-----

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** I will cut you off there because my reputation for timekeeping will be out the window entirely. I will make the point about provision for learning for children who are not just ill themselves, but who are also living in a house where somebody is immunocompromised. There is a risk there as well and that is a distinct thing to somebody who is disengaged from the system.

I call Deputy Ó Ríordáin who has five minutes.

**Deputy Aodhán Ó Ríordáin:** I want to ask in particular about the financial package that will be available for the reopening of schools. Will it include post-primary further education colleges, which come under Mr. Ó Foghlú's remit and have a roll number as schools?

I will ask my questions in a block if that is okay. Will the financial measures address the digital divide? I am told that approximately 30% of students in the post-primary and further education sectors have no IT connectivity at all. I know from talking to some principals from disadvantaged second level schools that approximately 60% of their students have to access learning via a phone device. Will that be addressed in the financial package?

With regard to teaching and teacher numbers, will all teacher absences be substitutable? Does Mr. Ó Foghlú accept that in a primary school setting, if a teacher is absent in the new scenario we are facing, and without a substitute being immediately available, it would be impossible for that class to be supervised, taught or split into another class, and so without that substitute, the system cannot survive? Will all teacher absences be substitutable, and within that, will jobsharing teachers be able to provide cover? Is that part of the solution?

My last question is on predicted gradings and the fact that the leaving certificate was cancelled due to Covid-19. A high-profile case concerned Finn Robertson in County Waterford. While I do not ask Mr. Ó Foghlú to refer to a particular case, what is the Department doing to address the fact that some students are not eligible for predicted grades because they had been self-taught? This was flagged immediately with Mr. Ó Foghlú's Department and with the then Minister when the predicted grading system was announced. There are students who, because of various different circumstances in their own schools, take higher level or whatever level subjects themselves, are now suddenly being told they are not eligible for predicted grades. Will Mr. Ó Foghlú also answer that question please?

**Mr. Seán Ó Foghlú:** On the Deputy's first question, the Department of further and higher education, research, innovation and science does not legally exist yet but it is being established. The Department of Education and Skills will not have responsibility for further education colleges. I am here on behalf of the Department of Education and Skills to talk about the reopening of schools. The further education colleges are treated like schools for administrative purposes but they do not now fall under the remit of the Department of Education and Skills. I do not have the authority. A new Secretary General and Minister have been appointed to that Department who can talk about the matter.

In terms of the digital divide, we are aiming for the return of schools. We do not wish for blended learning. In terms of the end of the month, we will support as fully as possible the return of schools and are planning for possible contingencies if that may not be possible. It is not the main part of our plan and while we will have elements of support, the main part of our plan is to facilitate the return of schools as fully as possible.

In terms of substitutions, we are working through those issues and recognise it is not possible to leave the first cover of uncertified leave unsubstitutable because it creates an impossible situation in a school context. We are working through that and we have a number of suggestions for ways to do so. There are a number of sorts of leave that are not substitutable and we are working through those issues in our dialogue. Jobsharing cover is one of the other options that I had not mentioned but has been given as one of the solutions. In principle, we want to provide jobsharing cover but there is a challenge in terms of enabling us to do so.

The reopening of schools is a different issue from grades. The Deputy mentioned that the issue was flagged immediately. It is an issue that we were immediately confident about. It has been mentioned that the leaving certificate was being cancelled. To be clear, the leaving certificate has not been cancelled but postponed, which is a big and important legal distinction. We were unable to proceed with the written leaving certificate examinations in the summer but will provide them as soon as possible and the previous Minister for Education and Skills talked about November at the earliest. We are conscious of the matter and tried to maximise the possibility for out-of-school learners where there are two groups comprised of students who are in schools but taking subjects out of school and students who are out of school but not attending school. We have sought to maximise the possibility to provide a calculated grade for those but there is no alternative assessment available as part of the leaving certificate. The leaving certifi-

cate is postponed but will be available in written form as early as possible and it is not possible to put in place an alternative.

**Deputy Holly Cairns:** I welcome the committee's inclusion of school transport as a topic, which is recognition of the vital role school transport plays especially in rural Ireland. However, the topic only got a passing mention in the opening statements.

The work of planning a return to education offers a new opportunity to consider how schools operate, and how greater equity and support can be added. It is an opportunity to review the school transport scheme, which does not work for many families and is a substantial cost for many families in west Cork and across rural Ireland. We need to reform the remote area grant, which is insufficient to cover costs especially for island communities. What assurances can Mr. Ó Foghlú give us that the cost of school transport will not be increased and that the remote area grant will not be affected by the additional costs to provide social distanced travel?

**Mr. Seán Ó Foghlú:** We are leaving the arrangements for school transport in place for the forthcoming school year. Therefore, arrangements for the remote area grant, eligibility, concessionary travel and so on remain the same. We will have to work through the complexities of implementing the health advice with Bus Éireann.

We are committed to a review. We had a review of the school transport scheme under way, which we are in the process of commencing. Many of the issues mentioned by the Deputy fall to be part of the review and that has been raised in the programme for Government. We will have to consider the terms of reference for the review that we have in place, having regard to the programme for Government, to seek to work further on school transport.

**Deputy Holly Cairns:** I am glad to hear that there is a review and hope it is speedy. To people in island communities, the news that there is a review will not be a big reassurance.

In the statement there was an acknowledgement that social distancing will require a maximum use of school space. In that case, an issue will arise for small schools. These are mainly primary schools in rural areas which have limited capacity. For example, my school only had two classrooms and still does. What measures will the Department take to ensure sufficient capacity to provide a safe learning environment in smaller schools?

**Mr. Seán Ó Foghlú:** As Mr. Loftus said, we are working on options for classroom layouts. We will be working with schools to enable classroom layout to maximise the space within the classroom and support the provision of personal protective equipment and hygiene equipment and so on to ensure the classroom environments are as safe as possible. In our work with the primary stakeholders we are confident that we can manage this together. We are working through it. We are conscious of the nature and difference of the different types of schools within the system, including the difference between small rural schools and big urban schools. We are trying to work on a variety of options to support and assist all of them. Deputy Ó Ríordáin referred to the issue of substitution. That is a particular issue in a small school with two or three teachers. If a teacher is unable to attend at short notice how can we ensure a substitute is in place? These are exactly the types of issues that we need to work through.

**Deputy Holly Cairns:** I have two more points and I will lump them in together because of time constraints. What guidelines are in place for autism spectrum disorder and other special units as they prepare to return in September? Due to particular needs sometimes closer interactions are necessary with teachers, special needs assistants and students. What guidance and

protection will be in place for SNAs, students and their families?

What level of engagement has the Department had with the Irish Second-Level Students Union? As representatives of students the union should be key to drafting any plans or protocols. It should be noted that the ISSU and the Union of Students in Ireland need to be asked to speak before this committee so that we can all learn from them.

**Mr. Seán Ó Foghlú:** I will start at the end first. The committee members can be assured that we have got to know our colleague in the ISSU well in recent months, including Reuban Murray, the current president, and the previous president. We have been working closely with them. The committee may recognise that the student voice is perhaps having a coming of age at the moment in the current discussions and debates. Their voices on calculated grades were important as was the nature of their engagement with their members. They are part of our engagement, as are parents. We have to be careful and find different ways of engaging with parents and students beyond the representative bodies. The inspectors have good ways of linking in with groups of students and getting-----

**Deputy Holly Cairns:** Will Mr. Ó Foghlú give a quick update on ASD units and arrangements for SNAs. Closer interaction is sometimes necessary. Is there guidance and equipment for that?

**Mr. Seán Ó Foghlú:** The work we are doing on layout will cover ASD units as well. We are conscious that the number of students in an ASD unit is smaller than in a typical classroom and more adults are present. The nature of the protections that will need to be put in place for staff have to be such that they do not come against the interaction between the member of staff and the student. We are conscious that the students in these settings need the most support and have missed out most from the lack of engagement. The stakeholders are together on this. We are all conscious of the need to ensure collectively that the return to schooling enables and enhances their development and learning.

**Deputy Richard O'Donoghue:** Who bears the responsibility for policing the wearing of masks on school transport? Whose responsibility is it?

**Mr. Seán Ó Foghlú:** We have to work through the nature of the guidance with Bus Éireann. We have initial guidance from the health authorities and we have to work through with Bus Éireann how the arrangements that we put in place will operate. We have not said that the wearing of masks will be compulsory. The advice is that it is advisable. We have to work through how we will do that and, depending on whatever measures we take, how we will ensure the guidance is implemented.

**Deputy Richard O'Donoghue:** Bus Éireann put out the bus transport system to tender. It is usually private bus owners who run the scheme. In the rural setting in which I live, the same bus carries both primary school kids and secondary school kids. It is a double run. The buses are at capacity. If social distancing is to be implemented, and if primary schoolchildren must be separated from secondary schoolchildren because of the risk of contamination, to be reasonable, the bus runs for primary school will have to be doubled and a second, different bus will have to run for secondary schools. Are bus firms in the country able to sustain this? How will this be managed if they are not?

**Mr. Seán Ó Foghlú:** The Deputy is right, of course; the vast majority of services are tendered out by Bus Éireann. The guidance we have been given, which is publicly available, talks

about ensuring appropriate cleaning is in place in addition to hand sanitisation on the way on and off buses and so on. We do not envisage a need for a significant number of additional bus journeys but it is possible that some may be needed. We are very conscious of the challenges the private sector faces. We put a unique arrangement in place to support the private sector in that we continued to provide 50% funding notwithstanding that we did not access transport for the school year after the schools were closed. Firms also had access to other State supports for paying staff. We sought to ensure that we supported the private bus operators to make sure they would be available to us when schools returned.

Obviously this is not the responsibility of the Department but we are conscious that the other uses of that transport, such as for the tourism industry, have been hit and that transport operators have been challenged and we felt that it was important to put funding in place to support those who provide school transport during this very difficult time.

**Deputy Richard O'Donoghue:** My next question is just one example of the concerns about which I have contacted by different ethnic minorities. Some 40% of students in a classroom in a Rathkeale school come from Traveller families. The other 60% come from the settled community. Both communities have concerns because members of some families in the area work abroad and are travelling in and out of the country, including to Germany. Travelling is part of their culture. One parent stays behind with the children and the other travels a lot. They are in and out of the UK and Germany. There are concerns in the settled Traveller community and in the settled community. They wonder who will monitor whether these people are self-isolating when they come back. Those with children, in all communities, are wondering how it can be policed in an area like this? It is part of the Traveller culture that the girls do not go to the mainstream secondary school in Rathkeale. They do not want them to mix with the settled children because of their culture. This has been accommodated in the secondary school. A different section of the school is provided for them. In the primary school, this is not provided. Families are finding it very difficult to determine who will monitor all of this, for the sake of the health of all families concerned, when people are travelling in and out of the country.

**Mr. Seán Ó Foghlú:** As far as I am aware, the Government is considering updating the travel advice. It has been made clear that there will be an update regarding travel advice and the arrangements that are to be put in place for isolation and so on. The Department of Education and Skills does not have a role in monitoring the self-isolation of school students or parents. If a school student is required to isolate after returning from abroad under the circumstances the Deputy set out, after a sun holiday or for whatever reason, he or she should not be permitted to come to school during that self-isolation process.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** I will call Deputy McNamara, who has been here for quite a while.

**Deputy Michael McNamara:** I thank the Acting Chairman. I have a couple of questions for the Department. The Catholic Primary School Management Association, CPSMA, is concerned by the shortfall in what is normally generated through fundraising. Obviously, national schools and other schools across Ireland are regularly involved in fundraising, for example, members of boards of management or parents standing at the end of checkouts and in bagging areas. There is a wide variety of types of fundraising. There will be a shortfall of approximately €46 million at a time when money is most needed in schools. Is it proposed to increase the capitation grant? Mr. Ó Foghlú referred to a scheme to provide sanitation, hot water and so on for schools but is it also proposed to increase the capitation grant to take account of the shortfall?

**Mr. Seán Ó Foghlú:** We are engaging closely with school management bodies, which have raised this issue. We are conscious that it is normally spring and early summer when much of the fundraising takes place. No decision has been made on the issue. Our priority is to find funding for the additional expenditure. However, we are conscious that the bodies have been raising this matter with us. We are discussing it with them.

**Deputy Michael McNamara:** Substitutes are key, and as we have been discussing at this meeting, it is difficult to get substitutes. In recent years, a large number of qualified teachers have gone to the Middle East in particular. Some of them have returned. What mechanism is being proposed? It is difficult to expect graduates who are in demand all over the world to sit around on the off-chance that they will get a few hours here and a few hours there. It is essentially precarious employment for people whose skills are in demand all over the world.

**Mr. Seán Ó Foghlú:** The Deputy highlighted the issue of teachers travelling abroad for work. We are finding from our engagement generally with the management bodies that there is a slightly increased availability of teachers this summer. Perhaps graduates are not travelling immediately or perhaps there has been some level of returning. We have a major teacher supply group, which I chair, working through some of the issues, but it is too early to know whether what I just described is anecdotal or an actual trend.

In terms of substitution, what we have been seeking to do in recent years at primary level through the pilot supply panel and sharing substitutes between small schools to make up for teaching principals' administrative days has been to create as many full-time posts as possible. We are looking to enhance such models to enable full-time posts being put in place.

We do not have an undersupply of primary teachers. Our larger challenge is at post-primary level. We published some draft information before Christmas about the supply of teachers and we are consulting stakeholders on it. The difficulty is not with supply but, as the Deputy mentioned, with the availability of irregular work.

**Deputy Michael McNamara:** The Department is proposing to increase the number of posts so that there is no longer irregular work.

**Mr. Seán Ó Foghlú:** That is-----

**Deputy Michael McNamara:** Is it correct to say the Department is hoping to increase the number of posts?

**Mr. Seán Ó Foghlú:** I apologise, Deputy, as it is difficult to converse across the video link. That is the sort of model we are examining. We are trying to have more full-time posts instead of an irregular occurrence of substitution.

**Deputy Michael McNamara:** I thank Mr. Ó Foghlú. At a recent meeting, Mr. Alan Mongey of the National Association of Principals and Deputy Principals said something that surprised me slightly. He said that, if parents took their children abroad during the summer, they should not expect the school gates to be open to them in September. Will Mr. Ó Foghlú confirm that, if children go on holidays in accordance with the laws of this State, they will be able to avail of an education, which is their right, in September? That is presuming they adhere to all guidelines. At the moment, if one goes to Northern Ireland, goes on holidays from there and comes back there is no requirement to self-isolate. Northern Ireland has now opened up to a wide variety of countries across the world and the advice is that there is no need for self-isolation for people who return via Northern Ireland to this State. It seems to be increasingly unworkable. Can

children expect to receive an education if their parents take them abroad for holidays?

**Mr. Seán Ó Foghlú:** To clarify, this is not my area but I do not think the travel advice relates to where one travels from, it is where one travels to, so if one goes to the North and then one goes to Spain the travel advice still applies as far as I am concerned.

**Deputy Michael McNamara:** Is Mr. Ó Foghlú saying a person must self-isolate for 14 days?

**Mr. Seán Ó Foghlú:** Yes, whatever it is. If those arrangements remain in place and self-isolation is required then students should not attend school, but after that period of self-isolation they should attend school.

**Deputy Michael McNamara:** They should attend school.

**Mr. Seán Ó Foghlú:** Yes.

**Deputy Michael McNamara:** So if their parents bring them abroad they should still go to school.

**Mr. Seán Ó Foghlú:** Provided that they have met all the requirements about self-isolation.

**Deputy Michael McNamara:** What if they have not?

**Mr. Seán Ó Foghlú:** It is up to the CMO to advise in relation to health travel and for the Government to decide on that, but if that period of self-isolation is still in place we want children to return to school and we do not want their return delayed because of international travel.

**Deputy Michael McNamara:** I thank Mr. Ó Foghlú. I might try to come in again at the end.

**Deputy Matt Shanahan:** Thank you for your confident stewardship of the committee this morning, Chair. I also thank the officials from the Department of Education and Skills for their attendance this morning. I wish to ask Mr. Ó Foghlú about the national tendering he mentioned. I am somebody who is quite close to SMEs in the country and I am disappointed that this is going to go to a national tender because it will exclude many smaller businesses who would be close to school governance who would be well able to supply schools. Could he give me any confidence that this tender will be looked at with a view to making sure that as many people as possible can benefit locally? At the end of the day this is public money and we do not want to give overarching support to international companies at the cost of local jobs.

**Mr. Seán Ó Foghlú:** I will ask Mr. Loftus to respond.

**Mr. Hubert Loftus:** Essentially, what we are doing here is setting up a framework, which will have a number of suppliers on it. Our focus here is ensuring that they have the scale and capability to cater for the needs of the school system in 4,000 schools across the country. There has been a very strong interest in the tendering process. As it is a procurement process that is currently under way I am precluded from going into detail on it. What procurement must do is follow procurement procedures and work that through, but our aim in all of this is to make sure that the suppliers on the framework, of which there will be a number, have the capability and standing to actually deliver for the school system so that we can enable schools to reopen at the end of August as planned.

**Deputy Matt Shanahan:** I hope there will be quite a bit of oversight on this because from the look of them, the tenders will be large and it would be a shame if Irish SMEs do not get a full opportunity to tender.

I wish to raise an issue in which I have a family interest. It was stated that 12 schools are getting special supports in terms of accommodation. I wish to raise the Ballygunner Gaelcho-láiste, which has been missing two prefabs since March 2018 because the “beast from the east” roared in and dumped snow that led to the collapse of the ceiling in two prefabs and they have not been replaced since. There is still ongoing discussion about it. How are these students going to get back to school with social distancing? I urge the Department to give special attention to that school before the return in September.

**Mr. Hubert Loftus:** We will clarify that issue for the Deputy. My job as head of the planning and building unit covers 4,000 schools across the country so I do not have the detail on every individual school, but we will respond to the Deputy directly on it.

**Deputy Matt Shanahan:** I appreciate that. I thank Mr. Loftus.

I will return to Mr. Ó Foghlú to ask him about teaching absences and substitute teachers. I asked a question the other day about the number of teachers, like healthcare workers, who might potentially list themselves as either vulnerable or at risk. I asked it to understand what the absence of teachers might be on the return in September. Does he have a list of those teachers? In terms of substitute teachers, has he looked at the number of people who came back and offered themselves to different Departments through the Be On Call for Ireland process? Do we have any plans to use a significant number of people who have declared themselves as willing and able to provide support in these circumstances?

**Mr. Seán Ó Foghlú:** We will be following public sector approaches in relation to staff who are unable to attend because they are at high risk. Full details on high-risk groups are available on the HSE website. There is further work being undertaken in the public sector with the HSE to refine that further and to put a system in place so that there is clarity on which small groups of staff are unable to attend the workplace due to this terrible virus.

In relation to substitution and teacher availability, one thing that was done last summer by a number of post-primary management bodies was an equivalent of Be on Call for Ireland to bring some post-primary teachers home when there were still vacancies arising in July. I think nearly 50 teachers came home from abroad and that was very helpful. We have initial anecdotal evidence that supply may be somewhat enhanced but we recognise, particularly in a post-primary context, there is a challenge. Those are among the issues we are working through with the management bodies and the unions.

**Deputy Matt Shanahan:** School transport has come up a number of times this morning. I noted Deputy Cahill’s remarks yesterday in the Dáil about school bus provision in Tipperary. We have a similar situation in Waterford. We have a number of large bus carriers that are supplying public service obligation, PSO, contracts. I have huge concerns about the availability of buses. Mr. Ó Foghlú says that CIÉ is responsible for this but I hope his Department is keeping an overview because I think there will be a significant capacity constraint when September comes.

**Mr. Seán Ó Foghlú:** Bus Éireann is, of course, working on our behalf. We took the unprecedented step of continuing 50% funding for private transport for the duration of the closure of

schools. That arrangement had been in place for occasional closed days. As a protection for the industry and to seek that the buses would be available on their return, we continued to fund 50% even though no transport was being provided. That was a significant commitment on behalf of the Department and the State to that group of private bus owners. They were also able to access payments for staff, or staff were able to access them directly if they were laid off. We recognise the challenge because we are part of a wider sector. We are working with Bus Éireann. Not everything is retendered. It is a rolling retendering. They are contacting the groups they have continuing relationships with and they are also tendering. We are listening very closely to the views of the representative bodies about how challenged they are at the moment.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** The travel question will be important this morning. To clarify, the guidance from the Chief Medical Officer, CMO, and public health officials is that there is to be no unnecessary travel but some families will find it necessary to go away for a range of reasons. Obviously, the crucial message is, if that is the case, to be back by mid-August for the purposes of self-isolation for the children going back to school.

**Mr. Seán Ó Foghlú:** That is the case unless the travel advice changes. My understanding is that the Government is reviewing that in the next week or two. It is a matter for the Government and the Minister with responsibility for transport to set out the transport policy and then for that to be followed and implemented.

**Deputy Aengus Ó Snodaigh:** Like many other parents of children going to school or hoping to go to school in September, I have been watching these proceedings for a number of months to try to get some clarity around how schools are opening. Even listening today, I am not 100% sure what the exact plan is or when all schools will be open. Will they open two, three, four or five days per week? What will be the shape of the school day for those children? Parents need to know as quickly as possible. They should have known at this stage.

While I understand that things can change, I would like to know whether children are going to start on a two-day week, a three-day week or a full week. Will they have to wear masks or in some cases visors? As Mr. Ó Foghlú and every Deputy here is aware, schools are bursting at the seams because there are too many children in the classrooms. If we try to impose social distancing, the capacity will not be there in the school buildings for children, teachers or SNAs. We know of cases of SNAs who are allocated to a number of children. Will they have to change PPE equipment on a continuous basis during those weeks?

I have not heard any major clarification of the way the schools are going to be run, although it may have been provided earlier. What is going to happen with classrooms that are already filled to capacity? I heard mention earlier of a framework that would enable the private sector to help out in delivering extra classrooms or whatever, but it is a very short timeframe if that is to happen between now and the start of September. In some cases there is no physical space left. They will not all be put into a yard, especially in light of the problems with the yards themselves. How many children will be allowed into the yard at a given time? How many teachers and SNAs will have to be there to ensure social distancing during yard time? Does that mean staggered times in the yard?

Those are my first few questions. I have others on the matter of children who need additional supports.

**Mr. Seán Ó Foghlú:** As I said at the start, we welcome the opportunity to be here. Our key message this morning is that the reopening of schools is the number one priority for the Depart-

ment. I can assure the Deputy that it is the number one thing the Minister has been discussing since her arrival two weeks ago. That the school sector is to reopen schooling as fully, normally and safely as possible at the start of the new school year is a very important message to send out.

We do not envisage widespread blended learning or reduced opening. We really are aiming to open as fully, normally and safely as possible. I have provided clarity on masks; we do not envisage students wearing masks in schools. The only possible situation where we are reflecting on the health guidance that we have is that there would be some mask wearing for older students on school transport. The preferred form of PPE for members of staff who need to be closer to students in the classroom would be visors. A visor retains the vital interaction of facial expression, which is perhaps diminished in the video-conferencing context here but is really important in the schooling context. We envisage that visors would be the most important aspect of PPE for members of staff, particularly SNAs who need to work very closely with students in a learning environment.

On classrooms and capacity, we really want to maximise all classroom space, as Mr. Loftus has said. We are looking at potential room layouts, again in partnership with school management bodies and teacher unions, in order to have a demonstration of such matters in the guidance regarding the options schools can look at, which we plan to issue by the end of July.

The guidance will also cover other issues mentioned by the Deputy, such as supervision outside of the classroom where social distancing is very important. It is important that groups of children from separate classes are kept apart as much as possible in the school environment.

**Deputy Aengus Ó Snodaigh:** There is a difficulty here. At our meetings in this Chamber and in the Convention Centre, we have a 2 m rule. That is virtually impossible in schools, especially in old classrooms, even if the distance is reduced to 1 m. In some classrooms, the teacher basically sits on top of the students because there are 30 students per classroom. This cannot be physically expanded unless we start knocking down buildings or using the hallways and so on. There are huge difficulties and while I understand them, Mr. Ó Foghlú is saying the Department intends to open schools as fully as possible. A number of schools, especially older builds, which are not capable of opening with a full class, based on having 25 or 30 children in the one class in primary school. In secondary school, children move from one classroom to another because they take different specialist subjects, especially in junior certificate and leaving certificate classes. Guidelines need to be as clear as possible and as I am speaking on guidelines, tá súil agam go mbeidh chuile treoirline atá á eisiúint amach anseo go huile agus go hiomlán ar fáil as Gaeilge do Ghaelcholáistí agus Gaelscoileanna agus na foirne sna scoileanna sin.

The additional question I hinted at relates to the additional supports required by students who have underlying health issues or who have become distanced from education during this period. They may have been in a routine but have now become distanced. Is there a plan for those additional supports, such as breakfast clubs, after-school homework clubs and so on? Are they part of the plan to capture those who have fallen back a little or who will always require additional support based on their health or other needs? What is the plan in this regards?

**Mr. Seán Ó Foghlú:** Mar a luaigh an Teachta, tá fíor-iarracht á dhéanamh againn chun treoirlínte a chur amach i nGaeilge agus i mBéarla ag an am céanna. Tá a fhios agam go bhfuil sé deacair nuair atáimid ag obair leis na grúpaí ar fad go dtí an t-am deireanach, ach tá fíor-iarracht ann é sin a dhéanamh agus is féidir leis an Teachta glacadh leis go ndéanfaimid sin más féidir linn.

The Deputy highlighted a number of issues relating to distance within classrooms and so on. Those issues are addressed in the guidance that has been given to us but we have to work up the guidelines for schools and are seeking to do so. There is different guidance for different age groups in primary schools and different guidance again for post-primary. There is a change in the concept of distance between desks to also focusing on distances between pupils and the distance between the teacher and the students. We are working all of those through and are happy that the guidance will cover different layouts. We will have to maximise all the space in classrooms and that will be a big issue for us.

I will bring in Ms Tansey on well-being and bringing students with us when they re-enter schools. It is an important issue to mention to the committee in the context of the Deputy's question on students being distanced from schools on their return.

**Ms Anne Tansey:** We have been considering the well-being of the school community and our students and pupils as we plan for the reopening of schools. We expect a broad range of responses when we go back to school, ranging from children and their parents being happy and relieved to get back to school to some children being fearful and nervous. We have taken advice from the HSE and the Department of Health regarding the best approach to support these children as they return to school and they have advised us in two ways. First, they have advised that the approach we use should be underpinned by the promotion of a sense of safety, connectedness, calm and hope within the school community and within everything we do. Second, they have advised that we put in place a graduated, tiered level of responses, which range from a universal approach to targeted responses for children with greater need and those with a need for individual support. That is what we are planning in that respect. We are planning to accept and communicate the need to normalise the range of feelings children will experience. We need to put proactive strategies in place for well-being as we return to school and have a settling-in period where children can readjust, rebuild the connections and relationships they previously had in school and reconnect with their friends and learning in school before they settle into learning. We are planning for a range of supports that will be available for those children who struggle to come back to school. There will be children who are reluctant school attenders and children who have experienced loss, grief and bereavement during the period of school closure. There are vulnerable groups that we know of already, such as children with special educational needs and other children who are vulnerable. We are planning a range of supports for these children, working through the structures that exist in schools, including the student support team structure at post-primary level and the special education teams at post-primary and primary levels.

NEPS psychologists will work to support these structures in schools. We will seek to build capacity with the other service providers at the Department of Education and Skills and with colleagues in the Departments of Health and Children and Youth Affairs. We are working with our HSE colleagues to ensure a range of individual supports are available for those children who present with the greatest need and who continue to struggle and need more individualised support. We have ongoing engagement with our colleagues at the Department of Health and the HSE to ensure a range of supports is available for our children as we plan the return to school.

**Deputy Aengus Ó Snodaigh:** I have another brief question and I ask for an answer in writing because I am over my time. It is with regard to Gaelscoileanna and Gaelcholáistí. There has been a shortage of relief teachers. What can be done to ensure there are no vacancies in the schools when they reopen?

**Mr. Seán Ó Foghlú:** We will respond on that in writing.

**Deputy Paul McAuliffe:** I thank the Secretary General and his officials for coming before the committee. They have answered a wide range of questions. I refer to the very sobering comments by the acting Chief Medical Officer that we are in the middle of a changing environment and I accept that the Department is planning within this. I also accept there are many parts within the school community, which can make it very difficult to make predictions. Many parents are watching this and they have heard the phrase “as fully as possible”. Are officials planning for full school days from September?

**Mr. Seán Ó Foghlú:** That is what we are planning towards but there are challenges in doing that.

**Deputy Paul McAuliffe:** I accept there are challenges but if everybody knows that is where we are heading, it will allow parents, the school community, teachers, special needs assistants and caretakers to aim towards it with the greatest of support.

There was some criticism of the interim advice that was issued. Was consideration given to not issuing that advice at that time? In many ways, it seems to have caused greater concern rather than answering the questions that were out there.

**Mr. Seán Ó Foghlú:** The Deputy has raised an interesting issue. The call that we made, along with the Minister, was that we had received the interim guidance a few days before and if we had held onto it without letting the stakeholders know, where letting the stakeholders know means public reflection on it, then people would have said that we were withholding the advice and they could not have a proper debate on it. We were very conscious that this committee’s debates on education were due to start the following day and we did not want to hold back on information.

The Deputy made a point on communications. With regard to reopening schools as fully as possible, we are very conscious of the importance for society as a whole to plan for this in the public environment. We are conscious this gives rise to criticism when we cannot answer all of the questions in detail but we need to work them through. If we were doing this in absolute secret, we would be open to a lot more criticism. The real question is what was the alternative.

**Deputy Paul McAuliffe:** I accept the difficult position the Department is in but as we go forward communication will be key.

On the question of space, which, to be fair, Mr. Ó Foghlú has answered quite comprehensively, there are two schools in my constituency which come to my mind and which will have difficulties, namely, St. Brigid’s girls’ national school, which has no assembly hall at all, which in turn will make it very difficult for it to have any sort of expansion space, and a new school I helped support, Clonturk community college, which had been seeking a place on the school building programme long before Covid. I hope Mr. Ó Foghlú will look at both those cases and perhaps come back to me in writing. I do not expect him to have them in front of him.

I wish to address one issue which the Secretary General did not raise. I would like him to put it to bed comprehensively if he can. I refer to the very dangerous suggestion by an Teachta Farrell of Sinn Féin when she dangled the term “liability” in front of the committee. That is really dangerous and I think it will prevent people from taking the common-sense decisions that will help us all return to work. I do not believe there is a liability on the school or teachers if they act responsibly. There is no liability in respect of other infectious diseases and there certainly should not be in the case of Covid. The idea is that we are all in this together, not we are

all in this together once we bring our solicitors with us.

**Mr. Seán Ó Foghlú:** I do not wish to respond specifically to that. To be fair to all Deputies, though, this is a huge topic of debate in society at the moment, and it is appropriate that we have every issue raised with us from whatever angle. Today's sitting is a very important opportunity for us to come before the committee with confidence to discuss what we are trying to do. We will come back to Deputy McAuliffe on those two schools. We have to work through logistical challenges. We do not want to come with partial solutions or to drip-feed. We want to come with an announcement on the next phase and we want to do so in partnership with everybody we are working with. The political system is a key part of that.

**Deputy Paul McAuliffe:** I accept that, but can the Secretary General confirm that schools do not have a legal liability for somebody who comes into contact with an infectious disease in his or her school?

**Mr. Seán Ó Foghlú:** I can neither confirm nor deny that. It is a legal matter. Our guidance is that everybody has to do the best he or she can. There is a personal responsibility and a school responsibility here, and the Department has to support people in that regard. A real change of behaviour is needed, and I do not think we have fully got it yet because many of us are still working from home and staying at home. We used to force ourselves out to work or school if we had a runny nose or a cough. We need to change that behaviour. We have it inside ourselves, I think, that we are mitching off or something if we do that, but that is what we have to change. The real behaviour is the personal change in behaviour not to put oneself forward. Schooling will be different in the approach taken because of all the sanitising, cleaning and so on, but we also need to keep the classroom, the learning experience and the interaction between students. That is hugely valuable. We need to find some way to get that going and keep encouraging it. Within all those parameters, I do not see this as a legal issue primarily but rather as a societal issue. We can enable everybody to come back into learning to the fullest-----

**Deputy Paul McAuliffe:** I fully agree with the Secretary General that this is about us all working together, but I believe that if we do not put to bed the idea that schools could be liable, we will have difficulties because people will have concerns. We have to provide that reassurance because I do not think it exists. If people act responsibly and carry out their work within the common-sense guidelines issued by the Government, I cannot see how a legal liability exists, but we have to make sure we communicate that to schools.

**Mr. Seán Ó Foghlú:** I agree with the Deputy that it is hard to see how a legal liability exists in the circumstances he has set out.

**Deputy Paul McAuliffe:** I will move on to the issue of additional staffing, which was mentioned. There are three categories of workers in the school community who I think often feel very undervalued. They are caretakers, particularly those who are on a caretaker's grant, school secretaries and special needs assistants, SNAs. If there is any call for additional employment in schools, we have to make sure we do not further reduce the morale of those in the three categories to which I referred. In comparison to teachers, they feel like they are the ones who are often left out in terms of pay and conditions.

**Mr. Seán Ó Foghlú:** I do not want to get into commenting about pay and conditions. Obviously, there are a range of different engagements which were going on prior to the election and which are recommencing at present. What is most important from our point of view - the Minister has been clear in reflecting on this in our discussions with her on school reopening - is

that we are not talking about teachers, SNAs, caretakers or secretaries. We are talking about the school staff and the school community as a whole. That is the important outlook to have.

**Deputy Paul McAuliffe:** I appreciate that. However, I have been contacted by caretakers who are on the caretaker's grant and are now on a reduced Covid payment or unable to access a Covid payment. We must consider the precarious nature of the employment of some of those caretakers because they often have additional employment which is no longer available to them.

I will move to the issue of technology. While other countries had a national digital learning platform which was able to be deployed during the lockdown, that was not available to us. I can understand that might not have been possible. Is the Department planning for such a platform for any possible future lockdown or local lockdowns which may apply, because it is something that was absent, and that did not help in the education process?

**Mr. Seán Ó Foghlú:** We are looking at a range of contingencies. One absolute is a reduced curriculum and some reduction in assessment for the next school year. A second is we have to look at options and potential options where there are possible issues such as the Deputy outlined. We are all following the progress of this virus day by day and week by week.

There are big shortcomings with the assumption that a national digital learning platform works for everyone, because it does not. We cannot invent broadband on a national basis overnight. There is a serious Government commitment to doing that, but that will take a little time. The contingency planning is looking at a range of issues. The main interaction, even within a school closure, has proven to be the engagement between the teachers in the school and the students, and we have to maintain that. It can be backed up and supplemented by some national available learning which may also have to be available not only online but in other materials, whether it is DVDs or on paper. We are exploring options like that, but we cannot remove the school in the context of any school closure from its responsibility for the interaction. I say that negatively. Schools do not want to be removed from that interaction. Schools have shown in recent months how they want to step up. We have undertaken a range of research about this and others have undertaken research. I accept there were gaps, but on the whole, schools have tried really hard. However, it does not make up for the face-to-face learning environment, and that is what is really important to bring back. That is our priority.

**Deputy Paul McAuliffe:** I wish Mr. Ó Foghlú the very best of luck in the challenge ahead. I have no doubt it is a difficult challenge, both for the Department and the entire school community. However, I think we can get children back to school by working together and I support the work Mr. Ó Foghlú is doing.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** I call Deputy McNamara.

**Deputy Michael McNamara:** Maybe Deputy Shanahan would go ahead first.

**Deputy Matt Shanahan:** The earnestness of Mr. Ó Foghlú and his colleagues today and their commitment has shone through. That is not to take from any previous civil servants here but it is plain to see that the Department is focused on trying to get as much of a solution provided as possible.

With respect to the previous conversation regarding the use of technology, the following is probably something for the future. To try to look at the degrees of variance that exist in teaching and understanding the challenges that we probably will have in the classroom in September, is there an opportunity for some of the curricula to be recorded online and presented, have that

accessed in schools and let the teachers facilitate learning? The children, as Mr. Ó Foghlú will be aware, are now accessing videos on their phones, morning, noon and night. They are quite open to gaining information that way. It would at least allow the curriculum to be rolled out at the same time to all students in the country.

**Mr. Seán Ó Foghlú:** That has some use, but it is limited. There is much pedagogy regarding what works in this situation. We have a major pilot project under way in the context of Irish-medium schools. We are trying to have some interaction for subjects available in some Gaeltacht second level schools with other Gaeltacht second level schools and we are working through the challenges. Therefore, the answer is “Yes”. The other problem is that all schools do not follow the curriculum at the same pace and at the same time. There is some value in having a recorded curriculum for revision purposes and for an absence of schools *in extremis*, but that is in no way a substitute for ordinary regular schooling.

**Deputy Matt Shanahan:** As the Department manages the return to schools and tries to chart infection control, I wonder if it could liaise with the Department of Health to examine whether it might be possible to have expedited testing for teachers or children who have Covid-19 symptoms. It will be important to do that as quickly as possible in a school setting and rapidly identify the close contacts. I am not sure if that is something the Department has examined, but I highly recommend it.

**Mr. Seán Ó Foghlú:** The State’s overall approach is to do that as speedily as possible in the school context. I would not assume that a case in a school will mean that school closes. With these new arrangements, that decision will be made on a case-by-case basis by the health authorities. Those initial schools that closed made a call in one way, but we will have a different regime in place as schools open and a decision may be made that a group in a class, a class or some staff members should not attend. We must wait and see, because this is all about the scenario where and how it arises. We do, however, need that testing regime so that we can get back in quickly.

**Deputy Michael McNamara:** Mr. Alan Mongey has asked me to clarify exactly what he said the last day and I am very happy to do that. Turning to the transcript, he stated that “if parents want students returning to school in September, they must realise that heading off on a foreign holiday to Portugal or Spain is going to challenge significantly the ability of schools to accept those students through their doors at the beginning of September.” He continued by stating “This is all about trying to keep Covid-19 out of schools and trying to maintain safe, healthy practices within schools.” I am very happy to clarify that for Mr. Mongey.

There are various projections about what will happen in September, but based on current preparedness in the Department and in schools and current rates of infection, what is the most likely scenario? Is it that every school will return at the end of August for five full school days? Is it anticipated that it will be possible to have early drop-offs and homework clubs after school?

**Mr. Seán Ó Foghlú:** That is our overall objective. We are further along the road in doing that at primary level and we still have some further logistical challenges to work through at post-primary level. There will be variances in approaches regarding the times of starting schools etc. and we will have to work through those issues. That will involve starting off breakfast clubs and after-school care, where those options exist, either immediately or over time. The Deputy has, however, certainly set out our high-level objective. We do not want to open-----

**Deputy Michael McNamara:** Expectations are different things.

**Mr. Seán Ó Foghlú:** As I said, we are very confident at primary level. We recognise we have more logistical challenges to work through at post-primary level, but we are working through those and we are in intensive discussions with the stakeholders regarding that aspect.

**Deputy Michael McNamara:** I thank Mr. Ó Foghlú for that clarification. If I am correct in my understanding of what was said to Deputy Costello earlier, it is enrolment at a particular time that determines the number of teachers. That is an acute issue in smaller schools. It is not how many children are in the school at the beginning of September that counts, but the number that were enrolled previously. Is that correct?

**Mr. Hubert Loftus:** Enrolments on 30 September dictate staffing for schools.

**Deputy Michael McNamara:** That is fine.

**Mr. Hubert Loftus:** In the new Covid-19 environment in which we will be operating, if there are students enrolled in a school who cannot attend for reasons related to Covid-19, the Department will have to be flexible concerning how that situation is managed.

**Deputy Michael McNamara:** There is the “cannot” aspect, but will some flexibility be demonstrated if parents decide it is borderline whether their child will go to school in September or wait for another 12 months?

**Mr. Seán Ó Foghlú:** If it is a school age issue, the requirement to attend is a matter for the parent. If it is somebody starting primary school for the first time and there is a call-----

**Deputy Michael McNamara:** If the student is enrolled and subsequently does not go to school in September, the staffing ratios are effectively set at this stage.

**Mr. Hubert Loftus:** The key issue is for students who are enrolled in the school and who then during September or at the end of September are unable to attend for Covid-19 reasons, obviously there will be flexibility-----

**Deputy Michael McNamara:** Is the number of teachers every school will have in September next already set, regardless of whether parents send their children or whether they decide to hold them back for a year?

**Mr. Seán Ó Foghlú:** The answer is “Yes”. However, if a number of students who have enrolled do not turn up, then that might be reviewed.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** I have a couple of questions and observations from the session. I ask you to keep your answers as short as possible - some of them will be simply “Yes” or “No” answers - because we have to exit at 11.30 a.m.

On what you said about additional staff, can you confirm that those coming out of the teaching colleges now will be the main source of any additional staff needed over the next period?

**Mr. Seán Ó Foghlú:** As the Acting Chair knows, civil servants do not like “Yes” or “No” answers. They are a main source but there may be other main sources. There may be people who have come out of college in recent years who have not got full-time jobs and there may be people who have returned from abroad.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** In terms of certainty for those people coming out, can they expect employment?

**Mr. Seán Ó Foghlú:** They can certainly expect employment in a post-primary context. In a primary context, we have an oversupply.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** We talked about immunosuppression earlier. A case brought to my attention, and which I raised at this committee previously, was of a teacher who has a new baby who is immunocompromised with cystic fibrosis and who obviously was not in that situation 12 months ago and did not know that would be the case. Can you confirm what arrangements are in place, or what is the thinking in respect of, those teachers who have found themselves in this new situation going into the school year?

**Mr. Seán Ó Foghlú:** We will have to follow the public sector guidance which is based on health advice which, as far as I am aware, relates to the health of the member of staff. I am not sure if exceptions are made for the children of members of staff. I do not think they are but we can clarify that for you.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** I suggest that it is an important question and I would greatly appreciate if you could come back to me with an answer on it.

Mental health supports were raised, and I thank Ms Tansey for highlighting the work being done. Much emotional support will be needed by different children going back to school, which may, in the early days, take priority over complicated long division or whatever to settle children back in. Are you working with the colleges of education to provide any additional psychotherapy or play therapy supports for teachers as they cope with an increased emotional burden among the children coming back into their care?

**Ms Anne Tansey:** We are expecting that while there may be some levels of anxiety and worry about the return to school, we expect that most children will come to school and that they will, after a settling in period, settle back in to, and re-engage with, learning. The approach we are taking is to support schools in how best to provide that universal response that we are advocating, which is proactively looking at re-establishing good routines, healthy eating, taking exercise, and being creative. We are recommending that schools give students time to tell their stories and to express either narratively or through creative activities their own experiences of Covid-19 and to accept and be tolerant of all children's experiences in that respect. This is something that with support all teachers can provide and these are the types of universal interventions that are needed to return children to regular learning within the school setting.

People are naturally resilient and most of us will adapt when we are provided with practical and empathetic supports. That is what we are largely advocating within the school setting and we will support teachers with that through our own support services and through our engagement with schools as they reopen.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** I completely agree with that. It is not just about when they go back but about how they go back and the time allowed for that adjustment is crucial. That is really important work. Has thought been given to conducting cross-curricular work in the open air? From the perspective of greater ventilation there is a need to get children outside rather than have them sit in an indoor classroom for an extended period. Children could learn maths, Irish, etc. outdoors. Are alternative learning mechanisms being considered?

**Mr. Seán Ó Foghlú:** That is not specifically addressed in the guidelines. We would always encourage schools to do that to the extent that they can, and to the extent that they can continue

to follow guidelines. Obviously we cannot be overly prescriptive with that with the weather context.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** I want to talk about fifth year students who have had their education truncated this year and are going into a leaving certificate year. Has special consideration been given to how they will face their leaving certificate year having lost considerable time this year?

**Mr. Seán Ó Foghlú:** We have, absolutely, considered this. To return to the issue of not all of the curriculum being advanced at the same time in every school, a review is under way of which we will have an outcome by the end of July, as part of the guidelines. We are looking at how we will have to change the leaving certificate and junior cycle assessment on a once-off basis in 2021 because of the closure, and how we will ensure that the assessment techniques used in the leaving certificate have regard to the fact that courses will not have been covered to the same extent.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** The Department is not responsible for private schools but they clearly must implement the new guidelines the same as everyone else. Has the Department liaised with representatives from private schools, particularly the primary schools?

**Mr. Seán Ó Foghlú:** No. We do not have a link with private primary schools. They will be able to follow the same guidance that we issue. It will not be confidential guidance. We do not have an inspector or any other link with private primary schools.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** Is there an organisation that represents them?

**Mr. Seán Ó Foghlú:** As I said, we do not have a link with them. We may bring back a link now that we are responsible for education and welfare, and are responsible for a certain minimum education, which is currently with Tusla. We are probably bringing back a policy link for that very basic check about the certain minimum education that Tusla undertakes. The Department has not engaged with them. We will not support them in any way but they can use our materials.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** I wish to ask a practical question about the dropping-off and collection of children from the same family where there is either blended learning or school attendance for only a certain number of days. I ask that schools make every effort to organise drop-off and collection by siblings or grouped surnames so that a single parent, possibly a working parent, who may already have difficulty getting back to work, does not have to do two or three different drop-offs on certain days or whatever so that families can organise themselves as best they can.

**Mr. Seán Ó Foghlú:** The Acting Chairman has highlighted a very important issue that has been part of our stakeholder engagement. It is about the engagement by schools with their local community. We will make it form part of our guidelines that there is a need, in planning for how the schools address Covid and any arrangements that they put in place, for them to have a means of dialogue with their local community. The example given by the Acting Chairman clearly shows why it is very important that schools reopen as it will enable people to return to work but it has to be done in a way that does not diminish that return.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** One of the very important work-

place changes that we all must get used to is what Mr. Ó Foghlú alluded to earlier about adopting a different culture whereby one does not go to work if one has a runny nose or cough. Also, there must be an expectation in the workforce that it is okay for a parent to stay home when his or her child has a runny nose or cough. We will all have to adopt a different view on such action for the next period.

Engagement by schools and teachers during the lockdown period was mentioned. We thank all of the teachers and schools who engaged and they did it very well. However, there were mixed reports from schools in different areas, including a mixed picture in my own constituency. On the basis that there is a resurgence of Covid-19, which would be extremely unwelcome but foreseeable at some point in the future, will the Department provide for a co-ordinated response by schools in the event of a further lockdown?

**Mr. Seán Ó Foghlú:** We will be providing stronger guidance and support.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** I thank the witnesses for their attendance today. I wish them the very best of luck with all of their hard work over the next number of weeks and hope that it goes incredibly well for everybody.

**Mr. Seán Ó Foghlú:** I thank the Acting Chairman and Deputies.

**Acting Chairman (Deputy Jennifer Carroll MacNeill):** We will suspend until 12 noon when we will meet representatives of the Migrant Rights Centre Ireland for an update on congregated settings and meat plants.

*Sitting suspended at 11.35 a.m. and resumed at 12 noon.*

*Deputy Michael McNamara took the Chair.*

### **Congregated Settings: Meat Plants**

**Chairman:** We will hear an update on congregated settings, looking in particular at meat plants. I welcome to the Dáil Chamber Ms Edel McGinley, director, and Ms Brid McKeown, workplace relations co-ordinator, of Migrant Rights Centre Ireland.

I wish to advise the witnesses that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. If witnesses are directed by the committee to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, 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.

We will hear the opening remarks from Ms McGinley. Please try to confine them to five minutes or so to allow time for questioning.

**Ms Edel McGinley:** We thank the committee for the invitation and look forward to having a good discussion with members. Normally, we would have a worker with us to share her experience and give testimony. However, such is the fear of workers of being in a public place in a way that might jeopardise their livelihood and employment that we did not ask any to come

here with us. This group of people have been asked, during a global pandemic, to get vital food to our homes. They deserve our respect. Government and employers should prioritise their safety.

We know the meat sector is a multibillion euro export sector. We believe there was a lack of political will to look at closure of these factories because it is such a high-value industry.

In preparation for the committee we found a real dearth of data relating to workers in this sector. We asked the Central Statistics Office in 2016 for a special tabulation of data. This allowed us to see that there were 12,413 workers in this sector. Since 2017, a total of 3,042 work permits have been issued. This means there are 15,338 workers in the sector. Migrant workers accounts for 58% of the sector, despite what has been told to the House previously. Some 59% of these are EU workers, 41% are non-EU workers and 19% of those are on employment permits. The main nationalities are Polish, Lithuanian, Romanian, Latvian, Moldovan, Slovakian, Brazilian, South African, Botswanan and Filipino. They come from quite a range of countries. EU and non-EU workers are over-represented on the factory floors.

It is important to understand the differing contexts for EU and non-EU Workers. EU workers have freedom of movement under EU law and full access to the labour market, while people from outside of the EU require permits to work. Workers are essentially tied to their employers and it is difficult to change employment. Workers fear losing their immigration status, which is also tied to one's work permit. We have been working with people in the work permit system for nearly 20 years and they greatly fear losing their immigration status. It is very difficult for people to assert their rights, despite what has probably previously been said in this Chamber. We have long called for sectoral work permits to be implemented in a number of industries to allow people better freedom of movement.

With regard to working conditions, the meat sector is difficult and dangerous. Repetitive strain and workplace accidents are commonplace. In one recent prosecution in Cavan, carried out by the Health and Safety Authority, a worker was awarded just €2,000 for the loss of an eye. That is shocking.

Public data on workers' experience in this sector are virtually non-existent. In preparation for this hearing, over the last ten days we asked 68 workers from various meat factories across the country to provide some details of their working experience and work history and of what happened to them during the Covid pandemic. This also highlights the lack of research done in this area. My colleague, Ms McKeown, will now take the committee through this information.

**Ms Bríd McKeown:** Over the past ten days, we spoke to a range of workers from seven or eight counties across Ireland. The majority were male with 29% being female. More than 60% of these workers said they were on €11.50 or less per hour, with four people saying they were on less than €10.10, two of whom are EU nationals. Some 15% of those interviewed said that they do not have a contract and a further 9% said they were not sure whether they have a contract. Some 13% said that their contracts do not reflect their current terms and conditions. Almost a quarter of workers said that they are not paid overtime for working extra hours. Shockingly, 90% of respondents said that their employers do not provide a sick pay scheme, which is crucial to the Covid response.

With regard to health and safety, almost 60% of workers said that they have been injured in the workplace. The majority of injuries were regular lacerations, bruises, repetitive strain from years in the same role and back pain. They claim these injuries are caused by lack of protec-

tive measures or equipment, no training or limited training on health and safety and faulty tools or machinery, with almost a fifth of workers citing injury as an expected occupational hazard. Some 23% of these injuries went unreported and more than 60% of workers said they did not even know who the health and safety officer in their workplace was.

We also asked workers if they felt valued in the workplace and 85% of our respondents said they do not. Some 70% said they felt they had been bullied in some way and, of those who felt they have been bullied, a fifth felt too afraid to raise their concerns. Three fifths of the workers we spoke to felt they have been discriminated against, mainly on the grounds of nationality or race.

To put all of this in the context of the Covid response, according to workers, there is an extremely mixed picture as to when protections were put in place. This ranged from an immediate response when lockdown occurred right up to five weeks or more before measures were put in place in the workplace. Some 43% of respondents said that, even where these measures were in place, they felt their employers were not enforcing them sufficiently. In those workplaces where there were clusters, just 30% of workers felt their employers took effective action to keep them safe, with 67% claiming their employer had not done enough to prioritise their safety. Some 40% of workers we interviewed still do not feel safe in their working environment.

With regard to housing, there are very limited data available. Our data, however, showed that 70% of the workers we interviewed do not live with co-workers but in a range of rented and family-owned accommodation. Of the 28% of workers who live with co-workers, they live with three or fewer co-workers. Just three of the people we interviewed said they shared a room with a co-worker.

Regarding the response from employers, MRCI began to receive complaints on 26 March. Workers were worried, frightened and angry about the conditions they were being forced to work in and could foresee that, without appropriate health and safety measures, their families and health would be at risk. MRCI supported workers in raising their concerns with their employers. As we continued to receive ongoing complaints into May, however, it became clear that many factories were extremely slow to put adequate health and safety measures in place.

The meat sector is highly regulated in terms of meat production and food safety, but the same attitude and approach is not afforded the working conditions of the industry's staff. It seems that the State has allowed the industry to regulate itself, which we deem a questionable approach, given the history that we have outlined to the committee and the lack of value assigned to workers. To date, only one factory has closed to deal with the outbreak.

**Chairman:** I thank Ms McKeown.

**Ms Edel McGinley:** I would like to highlight two further concerns regarding the HSA and the HSE in terms of contact tracing and the gross violation of people's confidentiality when their data were shared with employers first instead of with the workers themselves after testing positive for Covid-19. It was a serious breach of people's rights. We were concerned to hear revelations made by one director of public health that showed a level of institutional racism and discrimination that led to this serious breach. Essentially, it would have taken too long to talk to workers through an interpreter and tell them that they had Covid-19. State agencies have a public sector duty to provide equal access to services. As such, we are gravely concerned about this approach taken by the HSE.

We are also deeply concerned about the approach taken by the HSA. It received a number of complaints over the month of April, yet no inspections were carried out until the week of 19 May. Indeed, no sector-specific guidelines were put in place until 15 May even though this sector had been deemed essential from the outset. Surely a risk assessment should have been carried out and some guidelines should have been put in place. It is a sector where people work shoulder to shoulder and it is high intensity and labour intensive.

We question the approach that was taken by the Departments of Agriculture, Food and the Marine, Health and Business, Enterprise and Innovation. A part of the problem is that a number of Departments are involved. It is an interdepartmental issue but seems to be falling between a few stools.

If there are more outbreaks, we will call for the closure of plants, which has only happened in one case. Equally, we would like a task force to be set up to examine terms and conditions for workers in the sector, where State funding to the sector goes, increasing pay for workers and, at a minimum, giving them bonuses for providing essential work during this period.

We would like labour inspectors and HSA inspectors to carry out unannounced inspections. One of the main problems is that inspections are announced. Nothing is found, people can scarp across the floor and workers are told to make themselves scarce. They are then left in the dark as to the outcomes of those inspections.

I thank the committee, and we welcome members' questions.

**Chairman:** I thank Ms McGinley. The first speaker is from Fine Gael. Is Deputy Colm Burke taking five minutes or ten?

**Deputy Colm Burke:** I will take ten, although I might not use all of them.

I thank the witnesses for their presentation. I will deal with one or two of the issues they raised. Regarding the disclosure to employers about workers testing positive, is there any evidence that the HSE was experiencing difficulty, in that, if it told an employee that he or she had tested positive, the employee was still going to work? Has the HSE given an explanation as to why it went directly to the employers?

**Ms Edel McGinley:** In terms of disclosures to employers, as I outlined, it was very much a case of trying to cut corners in some respects if employees were still going into work. I do not have data on that.

**Deputy Colm Burke:** Has the centre looked for an explanation from the HSE as to why it went directly to the employers?

**Ms Edel McGinley:** No, we have not.

**Deputy Colm Burke:** So there is not an explanation as to why the information was disclosed to employers first rather than to the employees.

**Ms Edel McGinley:** No, I do not have that information.

**Deputy Colm Burke:** Does Ms McGinley accept that if someone was identified as being positive and did not take advice, that there was a duty of care and that employers should have been notified?

**Ms Edel McGinley:** I do not think we have a problem with employers being notified, the problem is that the employee was not notified first. It is their data, their information and their health. The problem is not that the employer was actually informed, it is that the worker was not informed first and that step was skipped.

**Deputy Colm Burke:** Did Ms McGinley correspond with the HSE on this matter?

**Ms Edel McGinley:** No, we did not correspond with the HSE on this matter.

**Deputy Colm Burke:** Would it not be wise to do so? Perhaps the committee might correspond with the HSE on this matter because I do not think we were given an explanation as to why the employers were notified first and it is an important issue.

**Chairman:** That is a reasonable suggestion. I think some explanations were given in the Chamber but not in this committee.

**Ms Edel McGinley:** Yes.

**Deputy Colm Burke:** But I do not think a full explanation was given.

**Chairman:** I accept Deputy Burke's suggestion. It is a very good one.

**Deputy Matt Carthy:** The responses to my questions on the matter were not sufficient.

**Deputy Colm Burke:** We got a submission from Meat Industry Ireland saying that it was dealing with its members from 12 March on in approximately 50 plants across the country. It said that it was putting measures in place long before the HSE contacted it. Have the witnesses seen any evidence that measures of any description were put in place from 12 March on?

**Ms Edel McGinley:** Ms McKeon might take that question.

**Ms Bríd McKeown:** We have seen evidence in some workplaces that employers were very quick to put Covid measures in place. Around a quarter of the respondents to us in the past ten days said their workplace had put in measures during the first week of lockdown. What we have seen from this evidence and also from wider anecdotal evidence beyond this data pool is that there was a very inconsistent approach. Some employers put in place measures in the first week of lockdown and some put in measures six weeks later, unnecessarily exposing workers to Covid.

**Deputy Colm Burke:** I think there are approximately 50 plants around the country dealing with meat processing and they are owned by different groups. Was there a clear difference in approach by the groups or did the approach depend on who was managing the factories?

**Ms Bríd McKeown:** I do not think we have sufficient data to put it down to a specific company, area or type of factory, but it is my understanding that it was easier to put measures in place in some factories than others due to the age of the factory and the layout.

**Deputy Colm Burke:** Is there not a clear differentiation between various groups? For example, a group that owns six factories could adopt the same approach across the six factories but in the case of another group it might depend on who was managing the factory as opposed to the company that owned the factories.

**Ms Bríd McKeown:** I would say it was a mixture of those.

**Ms Edel McGinley:** I think there was a very individualised approach to how the measures were put in place. We only saw one factory closed down in all that time when an outbreak occurred. It was very welcome that the factory took that approach to protect its workers. The overall picture is very mixed. Unfortunately, we cannot say there was a blanket approach or that everybody did one thing or another.

**Deputy Colm Burke:** I wish to focus on an issue the witnesses raised in their report. I accept that reference was not made to it this morning but it is an important issue. It is that some people who work in meat factories are employed by agencies, as opposed to the factories themselves. How wide a problem is that and what new problems is that creating for the workers?

**Ms Bríd McKeown:** I would say the majority of workers are employed directly by their employer. There is an emerging issue around agency workers, mainly worked on by the Independent Workers Union in Cork. It is seeing this issue across different sectors, not just meat. Some problems with agency workers arise from the fact that their rights are often controlled by the agency. They live in agency-provided accommodation and during Covid they were threatened with eviction if they raised issues around health and safety concerns or general working conditions.

**Deputy Colm Burke:** Is there one particular area of the country where this is an issue or is it across the entire country?

**Ms Bríd McKeown:** I do not know. The only reports we have heard have been from the south west.

**Ms Edel McGinley:** We do not think it is a widespread issue but it is an issue and it is something that needs to be addressed. It is something this committee could look at.

**Deputy Colm Burke:** On the rights of people employed by an agency as opposed to by the factory itself, their rights are not the same. Can we identify what needs to be done in this area to make sure people have the same rights, whether they are employed by an agency or by the owner of the factory directly?

**Ms Edel McGinley:** Good practice with regard to workers would be direct employment. What is happening is something that should not be allowed in the sector because it allows for a further denigration of people's rights and entitlements. It is a practice which needs to be stamped out and should not be tolerated in this sector. A simple message would be that this is not the way to employ workers in this industry.

**Deputy Colm Burke:** The report that has come back from the employers is to effect that some 97% of workers have returned to work. Is that consistent with the witnesses' evidence on this issue? Have any follow-on problems arisen for people who were out because of Covid, such as loss of earnings or loss of holiday pay? Is there evidence of that occurring, from the witnesses' investigations?

**Ms Edel McGinley:** As we stated, 90% of workers are not covered by any sick pay scheme, so there was a lot of misunderstanding about qualifying for sick pay and, where there was an entitlement, how to claim it. That was difficult for people. The majority of people we work with are back in work and have been for a long time. Most people we work with have been working all the time. Part of the scandal of this is that workers have not been given any extra pay throughout this period. They have been working in a very difficult environment. We, as a country, expected them to step up and do essential work and their employers have not valued

this in any way. That needs to be addressed.

**Deputy Colm Burke:** The employers tell us they have now provided guidance in the languages workers speak. I think there are about ten different languages used by workers because they come from a number of different countries. Have the witnesses seen evidence that the proper translation has occurred in relation to guidance, health and safety and so on? Is all of that information in the language of the countries that workers come from?

**Ms Edel McGinley:** It is all well and good to provide health and safety measures in the language people understand but there has to be training in it. There has to be consistent training, monitoring and communication with staff. Part of the problem has been a lack of communication between management and workers. That has been consistent in the past. As the committee heard, over 60% do not even know who the health and safety officer is in their place of work. There is a real problem in terms of communication, connection and consultation with workers to protect them and keep them safe. It is important that information is in people's languages and I do not have a figure for how often this is available, but that needs to be made real for people in the workplace. What does that look like? We do not have figures on that and it is important to understand how much training has been carried out and with whom? What people were involved in it? A big piece of work has to be done. It needs investment. We are really talking about investment in workers here and this is what has been lacking previously and throughout the whole time.

**Deputy Colm Burke:** I thank the witnesses.

**Chairman:** I have one follow-up question. We received very helpful submissions from ICTU and from the Independent Workers Union on the issue of the varying reactions at various times in various meat plants. The Independent Workers Union stated:

...in one meat plant, on the first day of lockdown, the doors to the women's locker rooms and toilets were bolted open to the wall without prior notice. According to management, this was done so that the female employees wouldn't touch the doors. However, these facilities open into the main hallway, and the women felt humiliated and dehumanised, being forced to change in full sight of all passers-by, all in the interest of 'health and safety'.

In your survey, did you come across anything like that?

**Ms Bríd McKeown:** The people who we work with experience day-to-day discrimination and bullying and when I read that in the Independent Workers Union report I was not surprised to read it. We did not come across any particular-----

**Chairman:** You did not come across anybody who had encountered this particular practice or any practice like it?

**Ms Bríd McKeown:** Not that particular practice, no.

**Chairman:** I thank Ms McKeown.

Deputy Devlin for Fianna Fáil has ten minutes.

**Deputy Cormac Devlin:** I thank Ms McGinley and Ms McKeown for their attendance today as well as for their contributions and opening statements which were enlightening and are much appreciated.

This issue, as they are well aware, that came to public prominence at the outset of the Covid-19 pandemic. In my own constituency of Dún Laoghaire we do not have meat processing plants. It does not directly affect my area but that is not a reason to be here or not to be here. I welcome the fact Migrant Rights Centre Ireland is here and this is a very good forum in which to air the issues they have highlighted. I would go so far as to say that this is not, unfortunately, isolated to meat processing or any type of industry for that matter.

Looking at this from the point of view of the work permits, which Ms McGinley touched on in her remarks, reform needs to happen because as she highlighted the employees are very much attached to the employer. That in itself brings issues. It is fine if the employer is a good employer but there is a huge problem with the not so good ones. That needs to be dealt with across the board.

Could Ms McGinley and Ms McKeown elaborate on sectoral work permits and how they envisage those, particularly for non-EU workers?

They also touched on the HSA inspections. Do they know how many were carried out during the height of the pandemic, bearing in mind that Ms McGinley gave a date of, I think, 15 May for guidelines being issued? On those guidelines, we are talking about people who feel isolated and cut off and almost beholden to the employer or the business they work for. Are the witnesses aware of those guidelines being issued in different languages? I am not aware of whether they were, and that is why I am asking.

Ms McGinley and Ms McKeown might answer those questions and I might then come back in with some others.

**Ms Edel McGinley:** On the work permits, we have been calling for sectoral work permits to allow for mobility for workers so if there are problems in their employment, be it exploitation or health and safety issues, they would have the freedom to move employer and not have to go through a whole process of reapplying for a work permit costing €1,000. It is quite a complex situation. Taking the agriculture industry as an example, which might include horticulture, such as mushroom and fruit picking, and meat processing, a sectoral work permit might allow a person to work throughout that sector. It would be the same with hospitality and with nursing homes, which I know the committee has examined in detail. This is about giving the employee the power to move should something be wrong. That is something we would be very happy to work on.

As regards HSA inspections, it is my understanding that inspections have now been carried out. There has been a suite of inspections, though I do not have the figure for them right now. However, when we talked to the workers, they told us they knew inspections was coming because there was a flurry of activity, marks were put on the floors and Covid signs were put up outside. This approach to announced inspections is a very flawed one, so we think that is problematic.

The Deputy asked about the guidelines from 15 May being issued in different languages. I have not seen them either. I do not know if workers were made aware that new guidelines were put in place. We told the people we were working with about them so I would say the answer to that is “No”.

**Deputy Cormac Devlin:** I commend the work that Migrant Rights Centre Ireland is doing because without it, many of these people would be voiceless and would feel vulnerable. It is

important that Ms McGinley is able to voice their concerns. I have not visited a meat packing or processing plant but I would hope the yellow signage with which we are all now familiar, such as is right here beside me and everywhere one goes, would be multilingual and that there would be particular advice for these types of industries.

In its submission, Migrant Rights Centre Ireland stated that the CSO figures for 2016 show there were 12,413 employees in the sector, and around 42% of them were migrant workers. However, when work permits are added in on top of that, the figure is 15,338 and 58% of the sector are migrant workers. We are talking about quite a high volume of individuals who are potentially low-skilled and low-paid. What I said at the outset about the meat-packing industry being almost like a cluster for Covid may have been an incorrect portrayal but certainly the public perception was that there were many issues in meat-packing plants.

My concern is now about the inspections being announced. No one involved in the hospitality industry ever gets advance notice of a health inspector coming in and rightly so because one needs to see warts and all in order to address concerns. I am very worried if advance notice of inspections is being given because it means we will not get to the root of the problem.

I was surprised at the accommodation figures because anecdotally, many people who are low-paid live together and that, therefore, would almost account for more of the cluster than the workplace.

I hope this is not the last time we get to engage. I hope we can achieve much of the reform the witnesses are seeking and I appreciate their time and comments.

**Chairman:** Does Ms McGinley wish to come back in on any of the points Deputy Devlin made?

**Ms Edel McGinley:** I would just like to say that it is quite a high-skilled sector. To be a boner, cutter or butcher requires a lot of skill and the remuneration given for this skilled work is not appropriate.

**Chairman:** Ms McGinley suggested that sectoral permits might improve the situation. However, farmers typically complain that there is very little variance in how they are treated between one meat plant and another. Is there a great variance in how workers are treated across meat plants, in Ms McGinley's experience?

**Ms Edel McGinley:** I might ask Ms McKeown to come in on that but I would say not. There is a very similar approach to workers across meat plants.

**Chairman:** I appreciate the general advantage of sectoral employment permits in all areas, but how would it benefit individual workers in meat plants? Are they not being left with a choice of going from the frying pan into the fire if they leave one employer and go to another?

**Ms Edel McGinley:** They are not sitting ducks, so they can begin to negotiate better terms and conditions. If a lot of people are trying to move and negotiate better terms and conditions, by its very nature that raises the standards. There needs to be a sectoral agreement for the area more generally to set terms and conditions of employment. ICTU has also been calling for that, and that is something we support.

**Deputy Matt Carthy:** I thank the witnesses for the work MRCI has been doing and for their presentations. We have received a report, which was compiled by Dr. Mannix and pro-

vided to NPHE, I understand, on 3 June. It states: “The Department are not currently aware of any plant where their staff have any significant concerns in relation to lack of compliance or inaction on the part of food business operators in respect of compliance with the NOCT guidelines”. Am I correct that what the witnesses said contradicts this?

**Ms Edel McGinley:** Yes.

**Deputy Matt Carthy:** How is it possible that the Department of Agriculture, Food and the Marine was not aware of concerns regarding specific plants? This was on 3 June, at a time the media profile of this issue was at its highest. How would it be possible that someone could compile an official report for NPHE and state the Department was not aware of concerns regarding individual plants?

**Ms Edel McGinley:** I wish I knew the answer to that. It is astonishing that that is in the report, given the existence of clusters at a very basic level and given all the work we are doing with workers and what we hear from workers. We can see from the statistics that five weeks later proper protections were not in place. My understanding is that representatives from the Department of Agriculture, Food and the Marine are present in meat factories so one would assume some information should be passed on, although it has not been. Unfortunately, I do not have an answer for that.

**Deputy Matt Carthy:** The same report commends the meat industry on its adoption of procedures to protect workers, as does today’s submission from Meat Industry Ireland, but the evidence of the witnesses and the submissions we have received from SIPTU and others report that some employers ignored completely the recommendations of the HSE. Who is lying to whom? How are we getting to a point where workers’ representatives say one thing and official reports presented to NPHE say the exact opposite?

**Ms Edel McGinley:** I do not want to call anybody a liar but incomplete information may have been provided to the HSA for it to make an assessment of it. We can only rely on the figures that have come out on the outbreaks of Covid. These in and of themselves tell their own story. The right questions were probably not asked and perhaps the right inspections were not carried out. There was not communication between Departments, which we know is always a problem with regard to interdepartmental responsibility where there are different responsibilities for different aspects of the industry.

**Deputy Matt Carthy:** The report also states the decision of the HSE to convey test results to employers in meat plants was in line with legislation. It was a legal practice. To ask a broader question on the work of the MRCI, is Ms McGinley aware of any other industry where employers were informed of the test results regarding the health status of their employees before the workers themselves?

**Ms Edel McGinley:** No.

**Deputy Matt Carthy:** Does Ms McGinley know offhand how many instances occurred? Can she get this information? As was mentioned earlier, we have asked the HSE but have not received a response on how many individual workers or individual plants were involved.

**Ms Edel McGinley:** I do not have detail on that.

**Deputy Matt Carthy:** It seems bizarre that we are relying on census information to try to get a sense of what proportion of the workforce in meat plants comes from migrant communi-

ties. Meat Industry Ireland refers to its migrant workforce as people from outside the EU. I am not sure whether any of them working here from Poland consider themselves to be domestic workers. Perhaps Ms McKeown might have information on the following. Would it be fair to say, from her experience, that over 50% of general operators in meat plants are from migrant backgrounds?

**Ms Bríd McKeown:** People from an EU or non-EU background are over-represented on factory floors. Even if 58% of the workforce are from a migrant background and 42% from an Irish background, one is more likely to see a higher percentage of migrant workers on the factory floor in the lowest-paid positions.

**Deputy Matt Carthy:** In that regard, do the witnesses have a sense as to what proportion of management, from middle to upper level, is from a migrant background?

**Ms Edel McGinley:** CSO census data for 2016 collect occupations. It is very difficult to break the data down into occupations because there are so many and they are collected in very different ways. Unfortunately, the Labour Force Survey, which is one of our better surveys, does not collect these data at a low enough level to drill into that so we only really have top-line data. What we would really need to see is a special module conducted by the CSO to look at this industry in particular in order to try to drill down into it. The committee could request a special module to look at the sector in more depth, and the CSO could look at that, but that would be survey data. That is ultimately so important. We are relying on 2016 data. Neither our labour force survey nor the business survey - I cannot remember the name of it - collects these data, so that would be really good to have.

**Deputy Matt Carthy:** I propose that the working group consider that we would send that correspondence to the CSO as a recommendation that it conduct that type of----

**Chairman:** Certainly, we will consider that.

**Deputy Matt Carthy:** Do the witnesses have any evidence, even anecdotal, to suggest what proportion of the workers they have encountered are members of trade unions?

**Ms Edel McGinley:** I do not know the figure. Perhaps Ms McKeown would like to come in on that.

**Ms Bríd McKeown:** I am not sure I know the figure. There is a low density of union members across factories. SIPTU has members in a lot of different factories across Ireland but not necessarily enough to be recognised by the employer.

**Deputy Matt Carthy:** As for specific cases, are the witnesses aware of any instances in which workers went back to work having been tested but before the test results were conveyed to them?

**Ms Bríd McKeown:** No. We have anecdotal evidence from workers that they had been tested, that their employer had been told the results and that only when they went to ask their employer a few days later were they told the results. We do not have a huge amount of data on this but we have some anecdotal evidence that the feeling was that some employers were withholding positive results from workers who were not displaying symptoms in order to keep up production efforts. As I said, though, we do not have firm evidence of that.

**Deputy Matt Carthy:** I am sorry for asking the witnesses these questions. The reason we

are asking them is that the information they have provided to us is more comprehensive than what we have been able to ascertain from official sources, so there are clearly gaps here. I know we have another session in the afternoon, but we should invite Dr. Mannix to a future hearing. We should also invite the union representatives to come along because they might have a perspective, as we have seen from the witnesses' written submissions, that would be incredibly useful to delve into further.

The final point I will make concerns the closure of factories and will, I hope, provide some relief to the witnesses as far as future outbreaks are concerned. Our now Taoiseach, Deputy Martin, only a few short weeks ago, on 14 May, called for factories to be closed in advance of a deep clean in the event of any outbreaks occurring in any of them. I am sure that will be of assistance to us all as we move forward. Go raibh míle maith agaibh go léir.

**Chairman:** I agree with the Deputy on the utility of a further meeting. It is, of course, in the hands of the Business Committee. The Deputy's party has a representative on that.

**Deputy Matt Carthy:** I will talk to him.

**Chairman:** Very good. The next speaker is from the Labour Party, Deputy Duncan Smith.

**Deputy Duncan Smith:** Before I address the witnesses, I also would like to call for a session in the near future to which the trade unions would be invited on this specific issue.

**Chairman:** On that point, we received a useful submission from ICTU. I have also read an interesting report from the European Federation of Food, Agriculture and Tourism Trade Unions that SIPTU contributed heavily to. I completely agree with the Deputy. He is on the Business Committee.

**Deputy Duncan Smith:** In their submission, they offered to come in.

What we are seeing here is that were it not for MRCI and the work of the unions, we would not have any information-----

**Deputy Matt Carthy:** True.

**Deputy Duncan Smith:** -----about what is going on inside these meat plants in what I and many others interpret as the largest example of systemic worker exploitation happening in the State. We had a session here a couple of weeks ago where it became clear that one was most likely to contract Covid in three areas: a healthcare setting, a nursing home or a meat plant. While there are issues with healthcare settings and nursing homes, we can at least point to the fact that the State flew planes to China to get PPE for our acute hospitals. The Army delivered PPE to nursing homes, including private nursing homes.

I thank the MRCI again for all the work it has been doing and all the data it has been providing us, not only for this session but for the session we had with the former Minister for Agriculture, Food and the Marine a few weeks ago. Were there any instances where the State provided PPE or any additional equipment to workers in meat plants because not only have many employers let these workers down but the State has abandoned them in these plants to deal with this awful virus?

Ms McKeown mentioned that the contracts do not reflect their terms and conditions. In every contribution both witnesses have made, there is another example of something horrific going on, from a worker's perspective, in these plants. Would Ms McKeown provide more

detail on that?

According to the interviews she has done most recently and previous interviews she has done, I understand there are massive barriers even to getting to meet these workers. If she could elaborate on what type of barriers are put in her place inasmuch as she can by the employers, I would appreciate it.

**Ms Bríd McKeown:** I completely agree with the Deputy's comments on PPE. One of our questions is: if meat factories are deemed an essential place to remain open during Covid where was the risk assessment in preparation to make workers safe at the beginning of the outbreak?

With regards to the question on terms and conditions, 15% of the people we spoke to did not have contracts, 9% were not sure if they had contracts and a further 13% said their contracts did not reflect their terms and conditions. We are seeing that most among workers who have been in plants for ten or 15 years and who have contracts that reflect their conditions whenever they began to work, which they probably signed in their home country - Botswana or South Africa. They have been here for years without any change in their employment standards, the amount that they are valued, or any opportunity for progression or promotion. We have heard reports over the past year or two that workers are being given new contracts in English on the factory floor and being asked to sign them without them being translated or explained, and being subject to intimidation when there is resistance to signing contracts.

Regarding the barriers that we face, we have worked for the past year and a half to build up relationships with migrant workers in these sectors. They are poorly treated. There is a day-to-day lack of respect and value bestowed on them and a significant lack of trust among workers in any authorities or outsiders. It has taken us a lot of time to build up trustworthy relationships. Based on those, we have been able to establish relationships with groups of workers in different parts of the country and connect workers together. That has helped workers feel less isolated. One of the key barriers is language, access to resources and access to information about their employment rights. A suite of measures was promised whenever the meat sector work permits were introduced relating to the responsibilities of the employer to provide English for speakers of other languages, ESOL, and a series of information sessions or resources on employment rights. To date, the MRCI does not know if that has been delivered. The main barriers are language, trust and the division of workers. I refer to setting workers against each other in the workplace. We have done much work to bring people together from different backgrounds to show solidarity with one another.

**Deputy Duncan Smith:** When we had a debate with the former Minister for Agriculture, Food and the Marine, Deputy Creed, some weeks ago, he was very defensive and borderline aggressive in his responses. Responding to me, he said I was entitled to my own opinions but not to my own facts. That was when I was referencing the figures being put together by the MCRI and the trade unions. Knowing the people and processes behind how those figures were collected, I trust those data 100%. That is especially the case given that when the Government responded it had no backup for the figures it was offering. Why is there so much defensiveness concerning figures on migrant workers in this sector and why is the sector so opaque with those numbers?

**Ms Bríd McKeown:** I ask Ms McGinley to answer that question.

**Ms Edel McGinley:** Does the Deputy want the long or the short answer?

**Chairman:** For once, we will take the long answer.

**Deputy Duncan Smith:** Yes, that will be fine.

**Ms Edel McGinley:** Turning to the question of why the sector is so opaque, it is hard to know the answer. We need to go back to the value added, the profit produced, the tax generated and the vested interests in this industry. We must look at the bigger picture. I imagine the sector does not want to be seen as one dependent on migrant labour and which wants to paint itself as a sector that still has many Irish workers. There are Irish workers in this sector who are also treated poorly and badly and who are also on low pay. It is important to remember that aspect as well. I am not sure why the industry tries to obfuscate - I cannot say "obfuscate" sometimes, I am sorry - the figures.

**Deputy Duncan Smith:** Me neither. I sympathise.

**Ms Edel McGinley:** It does not make sense to me. It is important that we know who is in the industry. It is not a bad thing to know if migrant workers are here and it is not a bad thing to know if migrant workers are on work permits. We need to know so we know the vulnerabilities in the sector. There was little scrutiny of how the meat industry made arguments for additional work permits being issued. We must also look at the amount of exports. We supply a great deal of meat to Europe and other areas. As that grows, there is a corresponding demand for workers. I do not think there is enough transparency in the correlation between the amount of exports and the demand for workers. I do not have the detail on that aspect, but it is something that needs to be looked at some more.

**Deputy Duncan Smith:** I thank Ms McGinley for her answers and for her work in this area.

**Chairman:** One of the economic arguments, although there are other arguments, made in favour of processing in Ireland and against live exports is the number of jobs being created in Ireland. If those jobs are being filled by migrant workers, perhaps that is seen to diminish that argument. I do not know, but Ms. McGinley made an interesting point.

**Ms Edel McGinley:** I do not think it should be a case of jobs at all costs in the context of work and people's rights and entitlements. It should not be the lowest common denominator for jobs. If jobs are created that is great, but they need to be quality jobs.

**Chairman:** I accept Ms McGinley's point, but I am just stating that is one of the economic arguments made in favour of processing in Ireland. I call Deputy Cairns of the Social Democrats.

**Deputy Holly Cairns:** I thank the witnesses for highlighting the bigger picture regarding vested interests, and for the comparison of how the exports from the sector are valued versus the workers in the sector. The pandemic highlighted many of the social injustices in our society and the erosion of the State's role in recent years which leaves vulnerable groups exposed to increased risk. It is evident in nursing homes, in direct provision centres and in this case. The scale of the outbreaks in meat processing plants illustrated the harrowing underlying issues in the sector. We are all aware of the unsustainable low prices that farmers have received from them and now a clear picture has been painted of the conditions that workers endure there too. We must consider, like Ms McGinley said, whether the large amount of migrants in this sector contributed to the conditions that facilitate the outbreaks.

A few weeks ago, the then Minister for Business, Enterprise and Innovation, Deputy Hum-

phreys, assured me that migrant workers in this area “have the exact same rights as all Irish workers”. Subsequently, after several questions to that Department, I learned that since 2015 some 622 migrant workers have been issued general employment permits which fall into the stamp 1 immigration category meaning they have greatly reduced access to social welfare and other related supports. In addition, Ms McGinley’s submission shows us that conditions attached to immigration status create vulnerabilities and challenges for workers who are, in effect, tied to their employers.

Ms McGinley’s submission has a number of excellent recommendations this committee and the Government should act on. Further to those, can Ms McGinley suggest reforms to our immigration system that would help to strengthen the rights and capacities of migrants and their families?

**Ms Edel McGinley:** I disagree with the assertion in the Chamber in terms of workers being on work permits. Everybody has the same rights but not everybody has the same ability to claim their rights. Certain sets of circumstances impact on a person’s ability to claim and enforce their rights. Those circumstances might include access to information, or fear in a sector. I cannot overstate how much the fear of loss of employment and of losing one’s immigration status impacts on people asserting and claiming their rights.

I mentioned sectoral permits in the context of the reform of the immigration system. The gold standard is the green card which gives a person access to the labour market. In the case of nurses, for example, a person works for two years in the nursing sector, but after two years he or she has full access to the labour market and has a completely different set of rights. The green card is specific to a sector for a two-year period. The gold standard is the green card and that is what we would like to see. A subsector of that is the sectoral permits. I am happy to supply more detailed information on that to any Deputy who would like to see it. There are a few things in that and we would be happy to write up something for Deputy Cairns.

**Deputy Holly Cairns:** That would be great and it is perhaps something the committee could consider furthering.

The other issue I wish to raise is the Black Lives Matter movement. Long-overdue conversations about racism in Ireland have also gained prominence recently. Ms McGinley’s report highlights issues around institutional racism and discrimination suffered by workers. Given that this House was mostly united in its desire for action on racism in Ireland and abroad, does Ms McGinley have any key recommendations? I know it is a long and complex issue and we are tight on time, but like the previous two Deputies, I would appreciate if any documents on that could be sent on.

As time is tight I will put this in at the end. Ms McGinley’s recommendation stresses the importance of inspections. Can she elaborate on the necessity of properly unannounced labour and health and safety inspections by State authorities in meat plants?

**Ms Edel McGinley:** Unannounced inspections are necessary on both levels for labour inspectors and for the HSA. I have made reference to it already. It cannot be overestimated how important these inspections are. If people have time, they can tidy up, hide and brush under the carpet whatever it is that happens, or get workers who might be troublemakers out of the way by giving them a day off so they will not say anything. Part of the problem with inspections is the lack of consultation and communication with workers. We, therefore, rely predominantly on a management or owner’s compliance. In fairness to the labour inspectorate, it can only inspect

records so there are limitations. There are also many limitations in terms of having adequate resources to conduct proper intelligence gathering, inspections and enforcement. However, inspections need to happen and workers need to be talked to, which takes time. To build on what Ms McKeown said, if there is such a distrust of authority, and people have been failed over and over again, it will take time to talk to a worker, build trust and generate the evidence that a State body needs to make proper recommendations. This matter needs time, investment and probably a different approach.

**Deputy Holly Cairns:** Can the committee play a role in ensuring these necessary inspections are carried out in that way?

**Chairman:** We cannot conduct inspections but we can make recommendations to amend legislation and to change practices by State agencies.

**Deputy Holly Cairns:** It would be great to do that.

**Chairman:** The Deputy is welcome to join us when we write the report. I call Deputy Murphy.

**Deputy Paul Murphy:** I thank the MRCI for its work on this matter. It has outlined a case of criminal neglect of health and workers' rights by the State. I hope what is a major scandal in terms of the treatment of these workers in regard to Covid-19 serves as a wake-up call concerning their treatment going into the future.

I will try not to ask the same questions as other members. The MRCI has highlighted that 90% of workers here do not get sick pay. When I spoke to people connected to the industry I heard of cases where workers took paracetamol to bring their temperatures down so it would not be discovered when they were scanned on their way into work. That action was linked to a culture of fear that exists in the meat factories and the absence of sick pay. Have the witnesses heard of this happening and are the reasons the same?

**Ms Bríd McKeown:** I agree with what has been said. The lack of sick pay during such a crucial time contributes to such decisions. If one is in low wage employment and work in an intimidating environment where one is threatened during that time then one could act to maintain one's job in the absence of sick pay. To be honest, we have not heard a huge number of these reports. Many workers were just very concerned for their own safety, the safety of their colleagues and the safety of their own families, which was paramount for people.

**Chairman:** Specifically on the allegation that workers took paracetamol to lower temperature, has the MRCI encountered that?

**Ms Bríd McKeown:** Nobody that we have worked with has said that they did that.

**Deputy Paul Murphy:** The witnesses have been clear but I ask them to elaborate on a matter. Last May, the then Minister for Business, Enterprise and Innovation, Deputy Heather Humphreys, said in the Dáil that migrant workers in meat factories "are not tied to any one employer. If they wish to work for somebody else, they may do so". In terms of how the system operates, that is inaccurate.

**Ms Edel McGinley:** Yes. When people have work permit, they must work for their employer for one year but after that year they can change employer, in theory. There is a difference between theory and practice, which is misunderstood. If one wants to change one's employer,

one must find a new employer who will apply for a work permit that costs €1,000. The worker has to fulfil what is known as the 50:50 rule and has to fulfil a labour market test. The worker has to get assistance to apply for that if English is not the first language. We have been working for 19 years with people who come to us to access help to get work permits and change work permits. It is very difficult for applicants unless they have supports. It is not an effective way. While it is possible in theory, technically it is quite difficult because of the fear of losing immigration status and because immigration status is directly tied to the work permit, this acts as a massive barrier for people. Obviously, no one wants to be undocumented in the State. We did not mention undocumented workers but there are some undocumented workers working in the meat industry as well. It is not an effective way to change employment.

**Deputy Paul Murphy:** All of that adds to the already existing power imbalance between the owners of these factories and the workers. It makes it even more extreme, which obviously adds to cases like this.

**Ms Edel McGinley:** There is an opportunity, if I may add a comment. A Bill was going through the Oireachtas previously around reforms to the work permit system, within which there was a move towards the introduction of seasonal work permits. We would not be in favour of that because it lessens workers' rights. There are moves to look at changing the work permit system. It is really important in the move to change that we do not continue to work off the same old outdated system that we have.

**Deputy Paul Murphy:** Ms McGinley is saying no or very few unannounced inspections take place either of working conditions or of health and safety. Is that correct?

**Ms Edel McGinley:** I would not say there are none in terms of the labour inspectors but the number is minimal. My understanding is that most of the Health and Safety Authority inspections have been announced. The committee would have to ask the HSA about the figures on that because I do not have them.

**Deputy Paul Murphy:** Can I get one more question?

**Chairman:** Yes, go ahead.

**Deputy Paul Murphy:** It is a general question. I raised this with the then Minister for Agriculture, Food and the Marine, Deputy Creed, on 30 April. I said we needed to have inspections of meat factories. He accused me of smearing the meat factories and the employers. Why were they so defensive? Deputy Bríd Smith made the point about neglect in the third biggest sector in terms of clusters. Why have previous Governments proved so defensive of the sector?

**Ms Edel McGinley:** It is a very embedded sector in our economy, from farmers to meat processors to ancillary workers. It is a big employer and provides links to rural communities and other things.

**Chairman:** In fairness, I do not think most farmers would be overly protective of meat factories. In any event, that question has been asked and answered. If it had been a new question, I might have been more indulgent.

**Ms Edel McGinley:** It is a question of vested interests.

**Chairman:** That is the response. We will hear from Deputy Shanahan from the Regional Group next.

**Deputy Matt Shanahan:** I thank our contributors today. I am keen to highlight that considerable work has been done by Deputy Naughten in this area. He was the first to break the story in terms of the sharing of data. It was evident that the contact tracing had broken down, which was the reason for sharing the information. Do the contributors have a view on when data privilege trumps personal or public health risks?

**Ms Edel McGinley:** Dr. Tony Holohan himself confirmed that it was a breach of confidentiality and that it did not trump a person's right to privacy or to have personal data protected. That is fundamental. Health data are considered to be one of the gold standards under data protection. It is really important. As we said before, there was no problem as long as workers were informed. If there is a secondary layer to protect public health, then that is fine but that is not what it is. To be quite honest, I am still not clear on what it is.

**Deputy Matt Shanahan:** Ms McGinley's own statement reflects the comments of Dr. Mai Mannix, who highlighted the language differences and the time it was taking to contact people. This needs to be borne in mind in future. In light of what happened in Germany, we are all afraid of a second wave. There are lessons to be learned. I commend Ms McGinley on the points she made regarding the HSA inspections. This mirrors the practices of HIQA, which lets hospitals know its officials are coming the day beforehand. It is wholly unacceptable. We need to change those practices. The HSA should arrive unannounced. I have five years of work experience in the meat sector and I know quite a bit about it. People operate to very different standards within it. The employers whom I know would certainly not fear an unannounced inspection. That should happen.

With regard to the sectoral permits about which Ms McGinley spoke, from where is the resistance to allowing workers to move from one employer to another coming? Who is challenging MRCI's work in that regard?

**Ms Edel McGinley:** The Department of jobs.

**Deputy Matt Shanahan:** The Department of Business, Enterprise and Innovation?

**Ms Edel McGinley:** The Department, which is to be given responsibility for enterprise, trade and employment.

**Deputy Matt Shanahan:** Has the MRCI asked the Department about the legal basis for its resistance? I know someone could begin a contract for work and then move on but in other countries one is allowed move after a period of time. Why are these people embedded with an individual employer for such a length of time?

**Ms Edel McGinley:** This is provided for in the Employment Permits (Amendment) Act 2014. To introduce sectoral permits that Act must be amended.

**Deputy Matt Shanahan:** Has the MRCI lobbied in that regard?

**Ms Edel McGinley:** Yes, many times.

**Deputy Matt Shanahan:** I suggest to the Chairman that this may be something on which the committee could report. The written submission stated that 82.5% of workers do not live in employer-provided accommodation. In April, some employees of our local meat factories were travelling 150 miles up the country to meet others at the weekend. That must be addressed. It is not only the factories that have obligations; the employees also have an obligation to look at

their own practices in respect of the public health measures, as do we all.

My final question may have been answered to a degree but do the witnesses feel there are factories that are still not 100% compliant with Covid guidelines and HSA regulations?

**Ms Bríd McKeown:** With regard to workers' responsibilities and their behaviour in respect of Covid, if one is working in a work environment in which one's employer has not implemented any health and safety measures and in which one is working shoulder to shoulder with people at the same or even an increased rate of production, the employer has a responsibility to give resources and information to workers about good hygiene practices and social distancing. A lot of the public information that was made available was in English so people were not necessarily being educated at the same rate as domestic English speakers. If one is being exposed at work, day in, day out, one has less of an incentive to maintain social distancing outside of work. The conversation regarding workers' behaviour during that time really negates the legal obligations on employers to have put in appropriate health and safety measures.

**Deputy Matt Shanahan:** I accept that. The other area that appears to be unregulated is agency employment. The representatives have spoken about employees working for between €10 and €11.50 an hour. When I worked in the meat industry, awarding bonuses was standard as a means to increase productivity levels. It is unbelievable that people are working for these wages. I assume the agency is getting a margin. Has the MRCI done anything to understand what the agency contracts demand of employees? That is an area that needs to be challenged in the future.

**Ms Edel McGinley:** We have limited data. At the moment we are collecting data on agency workers and their conditions in the sector. As we said, such workers are in the minority, but we want to understand the area better. We will come back to the Deputy when we have more information.

**Chairman:** I thank the Deputy. It is interesting that what the MRCI has said is substantiated by the SIPTU contribution to the European Federation of Food, Agriculture and Tourism Trade Unions. According to it, workers earn the minimum wage or slightly above it, but some workers are on piecework and paid on the basis of the kilograms they process. I suppose that is meant to incentivise them, but it is basically minimum wage.

**Deputy Matt Shanahan:** That begs a question about how they are only earning the minimum wage. I have worked in the meat business and productivity and bonus schemes are how one increases production.

**Chairman:** Perhaps it is a question that we could usefully put to Meat Industry Ireland during the next session.

**Deputy Matt Shanahan:** Okay.

**Deputy Richard O'Donoghue:** I thank the witnesses for their work and for attending. I thank Ms McGinley for contacting my office about migrants in factories. In my area, it seems that migrants are treated well in those factories that we have spoken to, but it is difficult to get information about migrants and how they are managed in factories.

The witnesses cited a statistic of 60% or 70% of migrant workers in factories facing major issues. After speaking to Ms McGinley, we contacted the nearest plant to me, which is based in Rathkeale, County Limerick, and is owned by ABP Food Group. It told us that the plant was

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100% clear of Covid cases and that Covid response teams had been established at every ABP site at the end of February. There are 50 meat factories in Ireland. ABP accounts for nine of those. Some 30% of factories are doing things right-----

**Chairman:** On not naming people, although people rarely object to being named if it is being done to hold them up as paragons of virtue,-----

**Deputy Richard O'Donoghue:** I will not cite anyone out of character.

**Chairman:** -----I would still caution against it.

**Deputy Richard O'Donoghue:** I am just saying that I spoke to that ABP plant and asked it about what it had done for its employees. I am giving the basis for what we are saying. MCRI has spoken to migrant workers. Are there pockets around the country that are experiencing issues? In the context of previous contributions to the committee, is there a problem with management in factories not carrying out work properly on behalf of the workers?

A submission was given to the committee yesterday. According to it, every member of staff from management down is tested every day. However, we have just heard a suggestion that some people are taking paracetamol to reduce their temperatures. According to the submission, the HSE guidelines are being followed, the worst-case scenario is constantly under review and there are several Covid marshals. This all goes back to management. If we have to fix this problem, we must go to every meat producer in the country and figure out where they are falling down, but there are people who are doing their work correctly and we do not want to paint every meat factory with the same brush. Anyone who is working and treating migrant workers properly needs to be commended. I am not saying that ABP is doing this right or wrong, but it has the nearest factory to me and gave me a full list of what it was doing. It has nine plants in Ireland, representing approximately one fifth of all plants in Ireland.

We need to sort out the pockets and work together to ensure that all factories are compliant and looking after every migrant worker. In order for us to be more productive for the witnesses and to get the proper result for migrants, we need to know the pockets where factories are falling down. MRCI has statistics from the people it has spoken to and could work that information into graphs for areas around the country. We could then figure out the situation in each of our counties. Each Deputy from each county could get involved and ask why this or that factory was not up to standard. Where there is a larger problem in a different part of the country, we could come together and push to ensure compliance. Could Ms McGinley give us statistics on where meat plants are falling short in this country, and if there are pockets in that regard, so that we can address those factories and help her organisation in the future?

**Ms Edel McGinley:** With respect, I do not think it is our role to give statistics on where individual factories are falling short. That is a role for the State. We are here to put forward how workers have been treated. We have said already that there is a massive inconsistency in approach across the country. As we stated, some factories acted immediately and protected their workers in good faith. All factories now have temperature testing.

**Chairman:** Of all workers?

**Ms Edel McGinley:** Yes, of workers coming in. Ms McKeown might confirm if that is correct.

**Ms Bríd McKeown:** The majority.

**Ms Edel McGinley:** I am sorry, it is the majority. There are smaller factories as well. We hear from workers that there is PPE and temperature testing but social distancing is still an issue. Because of the production lines in the industry people are still in quite close proximity to each other and it is hard to social distance. People are still concerned for their health and safety at the moment and they are really concerned that the practices are kept up in terms of the measures that have been introduced. There is a concern that they are just in place in the case of an inspection. Some 60% of workers do not know who their health and safety officer is. There is such a history of non-compliance and lack of value that people are really worried that the protections that have been put in place will slip. We have seen that in the past.

**Deputy Richard O'Donoghue:** This goes back to what a previous speaker said: the Department has given us one set of figures to show that it has no concerns but the witnesses have given us another side showing they have concerns. In order to help we must have co-operation so that we can know if there are pockets or cases of people not stepping up to the mark. It is the only way we can help. We are going through the guidelines. In order to help we have to be able to say that the statistics we have been given are wrong and to say where the problem is. If we keep doing what we are doing we will go around in circles and nobody can help each other.

**Chairman:** What we do know is that there were 850 cases of Covid-19 in 16 clusters in meat factories.

**Ms Edel McGinley:** There are new figures.

**Chairman:** We should perhaps move on to the next speaker.

**Deputy Fergus O'Dowd:** It is clear that there are huge disadvantages in terms of health, income and other factors associated with working in meat plants. That is not just in Ireland, it is in England, France and America. The working conditions such as the lower temperature, the proximity of workers to each other, the long hours that they work and the close conditions in which they live exacerbate the issue. That is unacceptable.

I acknowledge the issues that have been raised in terms of employment law and unions. I accept that is for a different forum. We are looking for a solution to the health issues. If one cannot vindicate the rights of people in terms of their working conditions, where they live and how they travel to work then it does not make sense for that to continue. I appreciate and fully support what the witnesses have said. While we do not have figures in Ireland I have seen figures from the UK about minority communities, as opposed to mainstream communities, who get Covid. In other words, it is the case that because of the conditions in which they live or where they work, immigrants seem to suffer more from this illness. What are the three or five key points that we need to put in place now to protect workers in this situation assuming that the health issues are prioritised? What does Ms McGinley see as the immediate solution to these problems?

**Ms Edel McGinley:** We have outlined some of the solutions. They include unannounced inspections from the HSA. We need better data, both from the HSA and, as the last speaker suggested, in terms of where the clusters are. We need a focus on those areas and those industries. We need some kind of sectoral agreement for this area. That is difficult given that we do not have proper collective bargaining legislation in this State. That issue also needs to be looked at and addressed by the current Government. We would like to see more of a focus on a sectoral or task-force approach that would bring together employer bodies, the State and unions to look at this area and to scrutinise the State funds going into this industry when such low wages are

given to workers.

It is not in the committee's gift to give workers a bonus or higher pay but it may be in its gift to ask Meat Industry Ireland what its intentions are in that regard and if it will propose something to reward its workers for coming to work every day in hazardous conditions and to give people a bonus for the recent period. That may be a gift the committee can give workers.

We need better data and we need the HSA to be more transparent in how it does its work and in its findings. Not everything is reported on and I understand the reasons for the approach it takes. There could be a whistleblower who reports and the individual is not identified, and that is important. However, there is a public interest element that is not being served and the HSA needs to look, in the public interest, at the terms on which it was set up and at what its role and remit is.

**Deputy Fergus O'Dowd:** I do not disagree with Ms McGinley at all. Communities in my town of Drogheda - the migrant community, for instance - tend to be isolated and not to mix with other people. In trying to get people together across communities, we had a function in Drogheda where we had more than 30 people speaking different languages. It was a wonderful event. They showed off their culture, language, heritage and so on. There is a great deal of work to be done in embracing all the people from all of the different countries that come into our society. One of the criticisms made of the Covid response, at least initially, was that we did not provide adequate advertising and public information sessions in different languages. The core issue is that people who lived in isolated communities were not addressed by public information campaigns, particularly by health information campaigns. Is that a fair point? What do we need to do?

**Ms Edel McGinley:** It is a fair point in terms of building confidence by people having access to information in their own languages. Nasc Ireland did a series of Covid-specific information videos in people's own language. The labour market is a key site of integration for people in the State. Pay and conditions are an important part of that. A person working 50 or 60 hours per week starts at 7 a.m., does not get home until 5 p.m., and is ready to drop because the work is so hard and he or she is on their feet all day, perhaps in a cold environment and working on a line all day. That type of work impacts massively on a person's ability to engage in wider society and in the social life of his or her community. We must tackle long hours and low pay; we are a low-pay economy with one in five people in the State on low pay. If we do not look at that in a holistic way, that is something that is of concern.

**Deputy Fergus O'Dowd:** I thank the witnesses.

**Chairman:** Deputy Mairéad Farrell has ten minutes.

**Deputy Mairéad Farrell:** Gabhaim buíochas as an gcur i láthair.

I found the opening statement extremely powerful and what is particularly scandalous is that we have known of the concerns for workers in meat processing factories and it is something that is not new. We have known of the scandalous mistreatment of these workers, of which such a proportion are from the migrant community. Covid-19 was nearly the culmination of what we have known for so long. The fact that on 1 June there were 1,054 reported cases is frightening, especially in light of the fact that we knew there has been such concern regarding the mistreatment of workers in these factories for such a long time. I did some research and the HSE does not seem to have a figure for how many of those cases were migrant workers. According to the

MRCI's report, six out of every ten workers are migrant workers. What percentage of workers who contracted Covid-19 were migrant workers?

**Ms Bríd McKeown:** It is hard for us to say because we speak mostly with migrant workers. We have spoken to a few Irish workers but our data poll is over-representative of migrant workers. Going back to my earlier point, even though 58% of the workforce is from a migrant background, those people are over-represented on factory floors and that is where the greatest level of exposure to Covid took place. I am led to believe that people from a migrant background are in the majority in contracting Covid-19 but we do not have data to say that.

**Deputy Mairéad Farrell:** ----

**Ms Bríd McKeown:** ----

**Deputy Mairéad Farrell:** That is something that I would have imagined to be the case as well. What Ms. McGinley said about Ireland being a low-pay economy highlights the impact of low wages on people's lives. A significant element of the Government's response to Covid-19 was based on personal responsibility but having read the centre's opening statement, the reality is that if a person is in a low income job it is taken out of their control in a number of ways. Housing is likely to be cramped, work conditions are precarious and dire, and a person's ability to stay away from the workplace is limited. If this work was more well paid, would that have limited the rate of infection given workers' own personal housing situations and so on?

**Ms Edel McGinley:** With respect, that may be the wrong question. If I can turn it round, it is more about how the business of work is conducted. How are workers consulted? What are the mechanisms in place within a factory to talk to workers and to consult about their health and safety? Low-paid workers value the work they do. Many of the people we work with have been in these jobs for up to 15 years. They are skilled in this work and they value it. Unfortunately, the work they do is not as valued, or they are not as valued, by others. There are a number of deficiencies, not just low pay. If a workforce has less power than the management or owners and there is a massive power imbalance, that gap is where the issues really arise. Would Ms McKeown like to add to that?

**Ms Bríd McKeown:** No, I agree with what Ms McGinley has said.

**Deputy Mairéad Farrell:** I come from a German-speaking household, as my mother is German, and so I understand the language barriers from when my granny moved over. I found it distressing and disturbing that the Government failed to translate the literature that was key for so many people to ensure they had accurate information on social distancing and their rights. We learned this week that huge money was spent on that and the fact that it was not done at the very start is baffling to me. How significant was that? Is the material which has been translated and is now available sufficient? If not, what else needs to be made available?

**Ms Edel McGinley:** This goes back to my earlier point. It is fine to have things available and posted, but training and information on their meaning is important. We can have information, but we must be trained on what that means for workplaces. That then has to be monitored and fed back and workers must also be part of the decision-making. That has been a big gap because workers are not part of the decision-making in how Covid is addressed. Their voices are not being heard within plants and they are not consulted. That is deficient.

**Deputy Mairéad Farrell:** I totally agree with Ms McGinley on that. Unfortunately, that is the reality in our society across many workplaces. The quote included in her opening statement

regarding contact tracing was outrageous. I know there were some translation services available but was English the main language used in contact tracing? Was the information given to workers with Covid-19 in their native language to distribute to their household contacts sufficient? The fact that they had to distribute that themselves when they had tested positive is outrageous as well.

**Ms Edel McGinley:** We do not have information on that. The HSE must detail that and outline what languages it talked to people in, how it provided information to people and what the follow-up was. We do not have that detail at all so that is something the HSE needs to answer. There are gaps in our knowledge on this and, indeed, in all our knowledge.

**Deputy Mairéad Farrell:** Of course, MRCI can only do so much.

**Ms Edel McGinley:** The HSE is a big gap for us, as we mentioned earlier this morning.

**Deputy Mairéad Farrell:** Absolutely. We will pursue this with the HSE because that is a huge issue for so many people, especially when there are low levels of literacy and all that. It is outrageous that this information was not provided in workers' native languages from the very beginning, particularly given that we know a certain number of specific languages are mainly used.

I refer to the agency staff. One thing that sprung out at me in Ms McGinley's opening statement was the fact that many workers were concerned about the Covid outbreaks being made public and that it could have an effect on their workplace, which is totally understandable. Unfortunately, the reality is that it probably would have done so in many situations. With regard to agency staff, were those who were hired through an agency more concerned? Did they feel they were in a more precarious situation? Did the agency itself have a role to play in the health and safety of the workers?

**Ms Bríd McKeown:** I re-emphasise that agency workers are a minority. Most workers are employed directly by their employers. The reports we heard of agency workers were specifically about workers recruited by agencies in their home countries and very much managed by those agencies. They were put into agency-owned accommodation and the relationship through their terms and conditions was with the agency rather than directly with the employer. For a group of workers in the south west this involved being forced to register as self-employed independent contractors in Poland and all their finances were processed in Poland. Essentially, when it came to Covid they were not able to access healthcare and did not have PPS numbers. They were EU nationals who had newly arrived in the State. They were specifically disproportionately affected during Covid in a very different way to people directly employed by their employers. There were increased barriers. This is something we have heard reports about only in the past two to three months and it is something we will definitely seek to investigate further.

**Chairman:** Does this mean they were not entitled to the pandemic unemployment payment?

**Ms Bríd McKeown:** Yes, that was the case.

**Ms Edel McGinley:** My understanding is that people were supported to apply for PPS numbers to try to apply for the payment then.

**Ms Bríd McKeown:** But they had not built up enough time in the State to be able to do so. They were also asked to apply for illness benefit rather than the Covid pandemic payment.

**Deputy Cormac Devlin:** It was remiss of me not to thank all of those working in the meat plants because it was one of the sectors, as the witnesses highlighted in their remarks, that kept going throughout the height of the pandemic. This should be acknowledged. Whatever scheme the employer or the State looks at it is certainly warranted to acknowledge appreciation.

Ms McGinley said that not all factories and companies are in the same boat. We are having quite a pessimistic conversation about the meat sector but it does not involve every factory. In saying this, there are some that are particularly persistent with light-touch regulation and those are the ones we need to home in on. It has also been mentioned that there could be some undocumented workers and, particularly with the advance notification of inspections, people being told not to come in or conveniently going off shift for a little while. Will the witnesses speak about the evidence they have of this or the experiences they have been told about to enlighten us on these issues?

**Ms Edel McGinley:** We have been working with undocumented workers for more than 15 years. They are represented in all sectors in the economy and agrifood is no different. Generally they are employed in much smaller factories or sections of this particular subset of the industry. It is not a high number, according to our information. We will have a new survey coming out soon on undocumented migrants. There is a commitment in the programme for Government to introduce a scheme for undocumented migrants and it will be very welcome to include all workers in this, including this group of workers.

It has been our experience over the years with regard to inspections that people who may be more vocal may be asked not to come in. I am not saying this is particular to this industry.

**Deputy Cormac Devlin:** Of course not.

**Ms Edel McGinley:** I think it is systematic across the sector and employers can prepare for it if they wish. Again, I am not painting every employer with the same brush. We do know, however, that there are higher incidences of exploitation and non-compliance across the sector. Enforcement, therefore, is key to moving forward, as is the necessary money for the agencies responsible.

**Deputy Cormac Devlin:** Absolutely. We now see that the R-nought is close to 1. That is alarming in itself, but if there were a second wave - I am reading a statement for our next session - do the witnesses think things would improve, or have they improved already? Surely the figures for the past couple of weeks indicate that all factories seem to have got on board and realised that this has to be dealt with. In addition, the number of inspections increased and the public spotlight was on the sector so, naturally, improvements happened. If, however, there were a second wave, we would have to be conscious of what we have just experienced. If the witnesses are saying the majority of all plants now have temperature controls and all the other facilities, that is welcome. However, is Ms McGinley confident, just from her experience, that the sector would continue to comply as it is complying today if there were a second wave?

**Ms Edel McGinley:** We can only go on what the workers tell us, which paints a very mixed picture. Some are confident and some are very unconfident about the statistics we have provided to the committee. Many people are scared this will slip back. Production levels are the same. It would be interesting to ask the meat industry about its production levels right throughout the pandemic and now - how high they were and what the output was throughout the sector. That would be indicative of how quickly workers are working and where they are working. That is a really important piece of information we do not have.

**Deputy Cormac Devlin:** Equally, from Ms McGinley's own experience, from what she has been told and from what her organisation has learned about those who reported symptoms of illness, regardless of whether it was thought to be Covid, and those who actually reported sick, can she enlighten us on her experience with workers who have come to her organisation with those experiences?

**Ms Edel McGinley:** Does Ms McKeown wish to answer some of that?

**Ms Bríd McKeown:** Sorry, what was the Deputy's question?

**Deputy Cormac Devlin:** I am asking about people who have reported sick or as having felt symptoms. What was their experience with the willingness of their employers to allow a day off or testing of the employee? What measures were taken to prevent a potential spread? This is the advice to which we are all adhering now.

**Ms Bríd McKeown:** I think some people were told to go straight home. Some people who perhaps did not have symptoms felt pressure to go to work. I think many people were concerned about the loss of wages. I think there were also instances - these are anecdotal reports - of people who said they lived with another worker, both were tested, one tested negative and one positive, and the worker who tested negative was still asked to go to work rather than self-isolate for two weeks. I think there was pressure on workers to come to work but, equally, there was a lot of intimidating and threatening behaviour surrounding compliance in respect of Covid as well. That lack of communication with workers existed for sure, but we do not have specific statistics from workers who were or were not sick. We did not ask our respondents whether they tested positive.

**Deputy Cormac Devlin:** Finally, did the witnesses see a spike in the number of cases they were dealing with in their regular work at the outset compared with the height of the pandemic? Has this given them a massive surge in case numbers? I am assuming it has but I would just like confirmation of that. How many are we talking about? How many cases has the MRCI dealt with from March to date?

**Ms Edel McGinley:** Our work probably tripled in a five-week period. We responded to 855 people who were coming to the service. Obviously, our service had to work remotely.

**Chairman:** A total of 855.

**Ms Edel McGinley:** It was 855 in a five-week period. That would be unusual. That is a quarter of our work for a year. We had a huge spike in calls and emails where we were responding to people. This was mainly around Covid payments, health and safety, and if people did not have access to exceptional needs payments and such. That was a huge spike in our services in that time.

**Chairman:** I would have thought they were not all from the meat industry. What other sectors were people in?

**Ms Edel McGinley:** Healthcare, domestic work, retail, restaurants, hotel, catering - across the board. There were a lot of undocumented migrants contacting our services as well. Those were the main ones.

**Chairman:** I thank Ms McGinley. If I may, I will ask a couple of questions. Does Deputy O'Donoghue want to come back in? I was going to bring the Deputy in at the end but if he

wants to come in now, he may go ahead.

**Deputy Richard O'Donoghue:** I am disheartened to hear that people would have no access to payments, especially if they have been coming from the likes of Poland and becoming self-employed here. I am self-employed. I do not have any migrant workers. Every one of our workers is considered to be a team member. I would hate to see that anyone is treated with such disrespect and that anyone who has worked, and especially who had kept us going as a country at a time of pandemic, and kept food on our tables would be treated any differently.

From my point of view, as I stated earlier, I will do whatever I can do from my side of things. I believe everyone else here, collectively, will do the same. We all need to work with the statistics and the facts that the MRCI has along with the other ones because they are all conflicting and we need to find the true picture so that we can all help.

**Chairman:** I am coming back to this report by the European Federation of Food, Agriculture and Tourism Trade Unions that SIPTU contributed to. It states:

Violations of workers' rights are more frequent in the red meat industry – as it is poorly organised. The situation is slightly better in the pork and poultry industry where the level of unionization is higher. SIPTU will try to increase membership and negotiate a collective agreement that improves pay, ensures pension and sick pay for all meat workers in Ireland but the lack of engagement from the employers hinders any attempt to strengthen social dialogue.

Then, crucially, it states:

Access to site for trade unions is also extremely challenging. The employer doesn't have an obligation to bargain collectively even if high levels of union membership exist.

Has Ms McGinley ever encountered difficulty with site access or does she typically meet workers in the meat industry off-site?

**Ms Edel McGinley:** We would typically meet them off-site. We would not go on-site to workers. We would not want to expose them in any way. We get in touch with people worker-to-worker by word of mouth and build our connections that way.

It is a big issue for the State more generally around collective bargaining and the recognition of trade unions to bargain collectively in the meat industry and other industry. The lack of recognition of unions by employers is a real problem in the State. What SIPTU is referring to in its submission is that lack of recognition. There is a lot of hostility towards unions and worker representative organisations from employers and employer bodies.

**Ms Bríd McKeown:** We have also found reports of intimidation of workers who become union members. As Ms McGinley said, when inspections are announced often those people are seen as troublemakers and they are either given the day off or not invited to certain meetings. There is definitely a lack of proactive engagement with union members on site.

**Chairman:** We have some time remaining. Returning to the issue of work permits, is it the case that it is not possible to get a work permit from within the country and that it is necessary to apply from outside Ireland? How does that work?

**Ms Edel McGinley:** Several steps have to be taken. It is difficult for employers to get work

permits. We have a system based on a skills-based model. It does not take into account the labour market and where the labour market might be. The expert group on future skills needs makes recommendations on eligible categories of employment and there are many ineligible categories of employment in the work permit system.

In the red meat industry, several quotas were introduced in the last three years because the meat industry demonstrated, or provided data that seemed to demonstrate, a demand for new work permits. It is then necessary for a job to be advertised for a certain period of time. It is also necessary to comply with a rule requiring that no more than 50% of workers be from outside the EU, adherence to which I believe may now be questionable. Potentially, that might be why some of the data from the sector are a little unclear. It is called the 50:50 rule and it is in our legislation.

**Chairman:** Let us take a person working for one meat factory who perhaps does not like his or her job or the employer does not like the him or her. If a worker who is a third-country national here on a work permit is let go or leaves a job, how is it then possible for him or her to go on to work for another company, in the same area or another area?

**Ms Edel McGinley:** It is not necessary for that person to leave the country, but he or she will have to apply for a new work permit. The employer applying for that new work permit will have to fulfil the same conditions. It is, therefore, hard to move jobs because it is not possible for a person to work in the State without a work permit and it could take six weeks to two months, or longer, to get that work permit in place. It is a difficult process. If a worker decides a job is really bad and he or she wants to leave and get another job down the road or in the next town, that job will have to be advertised in the national newspapers and there will be a cost to the employer. Somebody also has to pay €1,000 for the work permit. That can be an employer or a worker, and much of the time it can fall to the worker in renewal circumstances.

**Chairman:** Is that provided for in law?

**Ms Edel McGinley:** It is.

**Chairman:** It can be the employee.

**Ms Edel McGinley:** It is provided for in law because it was our experience, particularly in the case of renewals, that many workers were paying for their own employment permits. If a permit was refused, it was then important that the worker got his or her money back and not the employer. It is possible to tick a box, basically. It was an important move that people would have the ability to apply for their own work permits and that was something for which we campaigned. A major reason concerned the money. I am sorry, I have forgotten my train of thought.

**Chairman:** My apologies for interrupting Ms McGinley. I was curious about the difficulties in moving from one employment situation to another if a person is here on the basis of a work permit.

**Ms Edel McGinley:** It is difficult because it is necessary to meet many rules, such as the 50:50 rule, the labour market test, the payment for the employment permit and getting an employer who will apply for a work permit. Many larger employers are familiar with the work permit system and how to make an application. They will have a HR team on staff, but other companies will not, however, so they will not be so familiar with the process.

**Chairman:** We are almost out of time. If a person is here as an undocumented migrant, or

without any lawful basis to be here, is it possible for him or her to apply for a work permit to regularise his or her situation?

**Ms Edel McGinley:** No, that is not possible. It is only possible to apply for a work permit if a person has a stamp 1 in the State, and that must be obtained through an initial work permit. Will the Chair permit me to read a statement by a worker which was given to us recently?

**Chairman:** How long is it?

**Ms Edel McGinley:** It is one and a half minutes.

**Chairman:** We have a minute and a half and then we will conclude.

**Ms Edel McGinley:** I will close with this statement.

I work in a big meat factory with over 500 employees. I have been employed there for over ten years. We have been working very hard during the lockdown and equally now. Initially we were still working shoulder to shoulder. For us, production did not slow down during this period. For the first four weeks we had no proper PPE and no guidance about the lockdown. I am a very good worker and I value the work I do. If the disease was in the animals they would have to close the place but for workers the factories can do what they want. We had an inspection but I do not know what happened during the inspection. It looks like it is finished. Maybe we came out good. I am not sure as we are not informed. Changes have been made since they know the inspection is coming. We have full PPE, masks and shields, and temperature testing is carried out daily now, but 2 metre distancing is still impossible. There are a lot of people on the floor because production is still the same and they need many people to work. We have staggered breaks but some areas are small so we are often queuing on top of each other. It is almost four months in and I still do not really feel safe because there are so many people still working to make up orders. I think that pressure needs to be kept on meat factories to ensure compliance. Also, no worker in my factory has gotten any extra pay during this time despite working in the middle of a global pandemic without proper protections but in a sector that was deemed essential work. This is not fair. I want to ask the committee to make sure we are protected, that health and safety breaches are taken seriously and acted on, that we are respected and paid better for the work we do. I think all workers should get a bonus for the work we have done.

**Chairman:** Thank you very much. We will suspend until 2.30 p.m.

*Sitting suspended at 2 p.m. and resumed at 2.30 p.m.*

### **Congregated Settings: Meat Plants (Resumed)**

**Chairman:** I welcome Mr. Philip Carroll, chairman, Mr. Cormac Healy, senior director, and Mr. Joe Ryan, director, Meat Industry Ireland, who are seated in committee room 1. I thank them for coming here on a Friday afternoon.

I wish to advise the witnesses that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. If witnesses are directed by the committee to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of

their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, 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.

I invite Mr. Carroll to make his opening remarks and ask him to confine them to five minutes to allow as much time as possible for questions and answers.

**Mr. Philip Carroll:** I thank the committee for inviting Meat Industry Ireland here this afternoon.

Meat Industry Ireland is the IBEC trade association that represents the meat sector in Ireland that accounted for almost €4 billion of food exports in 2019 into the UK, the EU and world markets. The meat sector contributes to the incomes of 100,000 farmers, employs some 16,000 people directly and comprises approximately 50 major processing sites all over Ireland.

While there have been challenging days for our sector in the course of this Covid-19 pandemic, the position on Covid-19 cases in the meat processing sector has significantly improved. Today, there are no active cases in our meat plants and our absolute focus is to maintain this position. Very substantial Covid measures have been put in place. We can confirm that over 97% of affected staff have now returned to work, and the remainder are completing their isolation and recovery. The stringent control and mitigation measures in place will be maintained in the weeks and months ahead, with no room for complacency. Vigilance is the priority as general restrictions are lifted across the economy. Meat processing is a labour-intensive business, with limited automation available due to the complexity and product craftsmanship of meat processing. The sector is one of the few sectors that remained open for business throughout the lockdown.

The first confirmed case of Covid-19 was reported in Ireland on 29 February and first stage restrictions were announced by Government on 12 March. By then - weeks before we entered full lockdown - Meat Industry Ireland members had already introduced a series of mitigation measures which have since been updated to reflect evolving practice. It was not until 15 May 2020 that the HSE published its interim guidance on Covid-19 document specifically for the meat sector, some two months after MII members first implemented detailed mitigation measures across all meat establishments.

Where early cases of Covid-19 were detected, businesses quickly responded by following the appropriate self-isolation advice for all employees who showed symptoms or who tested positive. MII members also traced close contacts and they were also asked to self-isolate. The precautionary principle was followed, taking no risks with identifying positive cases and close contacts and excluding them from the workplace. A range of measures were identified and put in place with a singular and clear objective: to keep people safe.

The State moved to a full lockdown on 27 March, at which time the Government designated the meat sector among a range of essential services that would continue to operate during the lockdown. The first Covid-19 case was reported in a meat processing plant on 17 March. Further cases followed. As clusters began to form in certain sites the HSE provided collaborative oversight and assistance at local level. In all cases where clusters materialised, plant management engaged closely with the HSE and strictly followed the advice and direction of the HSE. Contact tracing was recorded and transmitted to public health authorities in respect of all sites. This has been publicly acknowledged by the HSE.

It became clear that many of the cases that emerged were identified among people who had shown no symptoms of the virus and who continued to work. Many of these asymptomatic cases were detected as part of wider screening tests conducted at sites under the direction of the HSE. This led to the emergence of a small number of clusters with significant positive cases and ultimately to the establishment of a national outbreak control team.

From the outset a comprehensive set of mitigation and prevention measures was implemented at site level. Covid-19 response teams were established. Risk assessments were conducted by senior plant management. Staff and union representatives were regularly briefed. Training was provided. Covid-19 signage and notices in all relevant languages were installed, as were additional and enhanced hygiene, sanitation and biosecurity protocols. Breaks and lunches were staggered to comply with physical distancing, including the creation of additional canteen and amenity capacity. Maintaining a 2 m gap between people posed particular physical challenges for parts of the meat processing production chain, especially in the deboning of the meat, which is a labour-intensive activity. To address this, Perspex dividers to separate side-by-side contact between employees were introduced and visors were used for employees facing each other on the production line, as recommended by current HSE policy guidelines. Other steps taken included: changes to rosters and shifts; a reduction in line speeds; the introduction of masks, face visors or goggles to complement personal protective equipment; and changes to workstation layouts.

A key message to all staff was that they should not enter the workplace if they experienced any of the known symptoms of Covid-19. As part of this, employees entering sites were required to complete questionnaires about Covid-19 symptoms and undergo temperature screening before entering sites. In addition, enhanced protocols were introduced in respect of all inbound and outbound animal supplies and product dispatch. These composite measures, numbering 60 or more, were implemented across plants some two months ahead of the interim guidance on Covid-19 provided by the HSE on 15 May. This guidance reinforced the robustness of the measures already put in place in meat plants. Where additional measures were recommended by the HSE guidelines they have been fully complied with. Verification of this has been overseen by both the Department of Agriculture, Food and the Marine veterinary staff, who have a permanent presence in meat plants, and a series of inspections conducted by the Health and Safety Authority.

The challenges faced by the sector relating to Covid-19 have led to concerns being raised about the working and living conditions of meat processing personnel. It is unknown why, in meat processing facilities in countries such as the US, Germany, the Netherlands and elsewhere, the infection rates are high in some facilities while lower in other facilities, even in multiple-site companies that have common protocols across all sites.

**Chairman:** I thank Mr. Carroll.

**Mr. Philip Carroll:** The same questions arise in Ireland as to why there have been high-level clusters, low-level clusters and plants with no cases at all. There remains uncertainty as to how and why large clusters have occurred. This is recognised as being a complex multifactorial problem with no clear and distinct conclusions. MII members are working with the authorities to examine all learnings from this episode so that a recurrence can be avoided.

**Chairman:** I ask Mr. Carroll to conclude his opening remarks.

**Mr. Philip Carroll:** I am on my last few paragraphs. It is nonetheless true that there have

been too many positive cases associated with meat plants, with every single one being one too many. That applies to every affected sector, not just meat processing. It is equally true that meat processing has had to face challenges within plants at the same time as the virus was spreading at a rapid pace in the community.

**Chairman:** I thank Mr. Carroll. I am going to open to the floor.

**Mr. Philip Carroll:** May I just finish my final few words?

**Chairman:** No. I have asked Mr. Carroll to limit himself to five minutes, as I have asked every other speaker who has been before the committee. He has now taken eight. I am going to open the floor to members to allow for questions and answers. I thank Mr. Carroll very much. His opening statement has been circulated in advance.

**Deputy Cormac Devlin:** I thank Mr. Carroll and the other representatives from MII for attending today. I am aware the Minister of State, Deputy Rabbitte, was responsible, before her appointment and as a member of this committee, for inviting MII in today. They are very welcome and I thank them for their opening remarks.

Following on from the earlier session, I will ask about the levels of meat produced in the sector normally and that produced during the Covid pandemic. Is Mr. Carroll aware of any rapid increase in production?

**Mr. Philip Carroll:** In the very early stages of the outbreak, when economies started to shut down, the very significant proportion of the output which would normally be destined for the food sector began to decline. This was because a large proportion of the restaurant and food service outlet sector across the globe - it must be remembered that we export right across the globe - completely shut down. The vast majority of what we produce, 90%, goes to EU and other international markets. This shutdown led to a period during which there was a substantially lower level of output. Subsequently, as the shutdown bit down hard right across the world, there was a growth in retail demand for meat products. That stabilised the production base at a higher level.

**Deputy Cormac Devlin:** Is there a contact tracing register in place in each company or factory? Will Mr. Carroll enlighten the committee in that regard?

**Mr. Philip Carroll:** Contact tracing was one of the elements progressed early and rapidly within meat plants. In every meat plant, having people on site who had tested positive for coronavirus was a substantial risk of the further spread of the virus within plants. Contact tracing was a fundamental part of the response by companies. For every single positive case that was identified in a meat plant, those associated with the individual were traced by members of staff in the plant and all of that information was comprehensively communicated to the HSE. It is interesting to note that, when some issues arose over data five or six weeks ago, the HSE was quick to point out that the level of contact tracing provided by factories was almost 100%.

**Deputy Cormac Devlin:** Is Mr. Carroll saying that each factory or processor has a Covid officer? If so, what guidelines are issued to such officers and the owner of the factory or facility? Are the guidelines being communicated to staff? As we heard during the previous session, there are language barriers for some staff. Have the guidelines been translated into other languages so that all staff are aware of the various protocols and practices required within the factories?

**Mr. Philip Carroll:** From the outset, a Covid compliance officer was appointed in every plant. That officer was at senior plant management level. The first step taken was an assessment of risk at each point. For each point of risk, an enhanced measure of protection was implemented, tested for efficacy and further reinforced where deemed necessary. There is substantial engagement on all of those measures with all plant staff. In the circumstances in question, the risk was so great at plant level that every single element of every measure that was implemented in each of the plants needed to be communicated to every individual working across the different types of activity being conducted therein. This was the best way of mitigating risks. It was also the best way of ensuring that there was a lesser spread than could have occurred were nothing done.

In an association between MII and the companies concerned, the initial work done was to identify every single risk point, find a mitigation for it, design a protocol around it and ensure that such protocols were implemented across every site. The proof of the effectiveness of that has been in the response that we have seen from HSA inspections of plants, which have generally found that the measures taken are more than adequate for the intended purposes.

**Deputy Cormac Devlin:** First, were those protocols communicated to all of the agents or companies? Second, were the companies notified in advance of the HSA inspections?

**Mr. Philip Carroll:** The answer to the first question is “Yes”. All protocols were developed in conjunction with the companies. Committee members must remember that there are different site circumstances in each situation. The comprehensive set of guidelines covered all of the variances across the board.

Second, my understanding is that the HSA site inspections are undertaken on the basis of advance notice. That was the decision of the HSA and was in no circumstances influenced by any pressure that we may have put on it, which we did not. It was a clear situation. The HSA, in attempting to comply overall with the protocols, probably did not feel it appropriate to arrive at a site where there was a potential for Covid to spread. In essence, the HSA decided that it was better to notify plants that it was coming rather than to appear on their doorsteps. There is also a permanent presence of departmental veterinary inspectors in all meat plants. They are there all year round, every day. As somebody once said, if there is a light on in a meat plant, there is a veterinary inspector from the Department of Agriculture, Food and the Marine present. As far as we are concerned, it is entirely a matter for the HSA whether its inspections are announced or unannounced. It is entirely irrelevant to the meat plant operation in which circumstances the HSA decides to arrive for an inspection.

**Deputy Cormac Devlin:** Unannounced inspections are probably better, but I acknowledge the level of compliance Mr. Carroll outlined in his statement.

Did MII view and approve all the protocols with regard to the Covid policies that had gone out to contractors? Were MII members available to public health teams for scrutiny?

**Mr. Philip Carroll:** Would the Deputy mind repeating the final question?

**Deputy Cormac Devlin:** Were the MII companies, the operators themselves, available to public health teams for scrutiny?

**Mr. Philip Carroll:** In all cases, in the early stages there was a degree of contact between the HSE at local rather than national level, as distinct from the wider HSE protocols I referenced in my opening statement that were published on 15 May. There was a degree of consul-

tation at local level between the HSE and all of the plant management. At no point was there any divergence of view as to the efficacy at that stage of the protocols and their implementation at plant level.

**Deputy Cormac Devlin:** I thank Mr. Carroll for those answers. How does he think the meat plants are capable of responding to a potential second wave of Covid? Does he think the current guidelines are sufficient, and will they remain in place?

**Mr. Philip Carroll:** The guidelines have developed to some degree in respect of the 15 May guidelines published by the HSE. Essentially, all of the things that were happening at meat plant level prior to 15 May were encapsulated in those HSE guidelines and some additional points were added. In the past few days we received an updated set of guidelines without any significant additional actions required on the part of meat plants. I do not want to presume that everything is perfect. Things have reached a point of perfection in the sense that we have reached the stage where we have no active cases, having had a significant peak in cases in the final two weeks of April and the first week of May. There was a significant spike in cases in meat plants and that spike corresponded pretty much with the spike in cases that occurred in that period in the general community. I am not confident enough to say that everything is perfectly correct, but what we will do is remain vigilant every single day. We will adhere to all of the advice that we get from the HSE, the HSA and the Department of Agriculture, Food and the Marine and completely comply with all of those requirements.

**Deputy Matt Carthy:** I thank the witnesses for attending. I have a number of brief questions that require brief responses. How many cases of Covid-19 have there been in meat plants across the State?

**Mr. Philip Carroll:** I can only account in respect of the plants MII represents, which is most of the plants but not all of them.

**Deputy Matt Carthy:** That is fine.

**Mr. Philip Carroll:** There have been approximately 1,100 positive cases since the commencement of the Covid outbreak.

**Deputy Matt Carthy:** Mr. Carroll mentioned that there are no active cases, which we all hope is the case. Is the reduction in instances in meat plants down to what is happening in broader society or is it down to the actions implemented by his organisation's members?

**Mr. Philip Carroll:** It is difficult to assess this. I mentioned in my statement that we have seen active outbreaks and clusters in plants in other jurisdictions. It is difficult to pinpoint a single reason we have managed to reduce the number of cases. As I said earlier, when the spike hit there was a connection with what was happening more widely in the community. That said, the measures have proven, over a period of time, to be pretty robust. One point I would make is that when there was some disagreement or uncertainty about the relevance of asymptomatic cases, we found that, having had a spike of cases as a result of mass testing at particular sites, a substantial number of those positive cases came from people who were completely asymptomatic.

**Deputy Matt Carthy:** How often is mass testing taking place?

**Mr. Philip Carroll:** As far as I am aware, we have mass testing in some five sites, overall. These are five sites where there were significant clusters. In other words, before the mass test-

ing-----

**Deputy Matt Carthy:** Is the process of mass testing ongoing across all Meat Industry Ireland member plants as we speak?

**Mr. Philip Carroll:** Can the Deputy ask the question again?

**Deputy Matt Carthy:** Is periodic mass testing taking place in Meat Industry Ireland members' sites as we speak?

**Mr. Philip Carroll:** No.

**Deputy Matt Carthy:** Maybe that would be an idea. We had a discussion earlier on, and there seems to be some confusion here. Could the witnesses indicate what proportion of the staff and workers at MII members' meat plants are migrants?

**Mr. Philip Carroll:** I will ask Mr. Joe Ryan to answer that question.

**Mr. Joe Ryan:** I do not know the Deputy's definition of migrants but, based on our own analysis of the nationality of our workforce, 30% of the 15,000 people in the industry are of Irish nationality. Another 50% are from the EU, excluding Ireland. Therefore, 80% of our workforce are EU citizens, with the balance being people who came into Ireland legitimately on employment permits over the past-----

**Deputy Matt Carthy:** Mr. Ryan has stated that 30% are Irish.

**Mr. Joe Ryan:** That is correct.

**Deputy Matt Carthy:** We can take it that 70% are migrants. If I was working in Poland, I would not consider myself to be a-----

**Mr. Joe Ryan:** Would the Deputy consider himself to be an EU citizen, though? The claim is being made that the industry is based solely on migrant labour but, regarding EU citizens who are here, as we heard from speakers this morning, ten or 15 years with children in college, are they still classed as migrants? We do not believe so.

**Deputy Matt Carthy:** Okay. Well, 30%-----

**Mr. Joe Ryan:** If I might finish the point in relation to-----

**Deputy Matt Carthy:** Some 30% of the Meat Industry Ireland members' workforce are Irish nationals. What proportion of management across Meat Industry Ireland members' sites are Irish nationals?

**Mr. Joe Ryan:** I do not have an exact figure on that but I will say that we have a wide range of roles across the sector. There are production roles, including operatives, knife men, supervisors, health and safety people, food production and technical roles, and other roles such as logistics, finance, engineering and IT. One thing we see - and we have done analysis on this in recent years in the context of employment permits - is that the majority of supervisors and management in sites have come from production roles and people have developed and progressed their careers up through the-----

**Deputy Matt Carthy:** Does Mr. Ryan have an opinion as to why the number of people from outside Ireland employed in his sector is so high?

**Mr. Joe Ryan:** I apologise to the Deputy but I did not catch what he said.

**Deputy Matt Carthy:** Why does he think the figure is so high? That is not to say they are not welcome. I am sure they are all valuable members of the industry's workforce. Proportionally, however, an incredibly high number of people from outside this country are working in the sector. Why does Mr. Ryan believe that is the case?

**Mr. Joe Ryan:** The Deputy is right that these workers are incredibly important to us and valued by us. I do not know that we are unique in the breakdown of our workers by nationality when one looks across the various multinational companies. They are, as I said, very valued. As to why we have that breakdown, I do not know. Like other sectors, in recent years as the economy moved to full employment we had to seek additional workers from outside Ireland. Thankfully, through free movement within the EU, many of our workers come from other member states.

**Deputy Matt Carthy:** Does Mr. Ryan believe it has anything to do with the wage levels being paid by his members?

**Mr. Joe Ryan:** I do not think so. In reality when an economy is at full employment we are going to become dependent on people coming in from outside the country.

**Deputy Matt Carthy:** Does Mr. Ryan not believe that wage levels have anything to do with that?

**Mr. Joe Ryan:** When there is full employment naturally one has to look outside the country for additional workers.

**Deputy Matt Carthy:** There are sectors that do not have the same proportion of migrant workers and in most instances those sectors pay higher wages.

SIPTU has indicated that if there is a second wave that it will emerge from a meat plant. Does Meat Industry Ireland agree with that?

**Mr. Cormac Healy:** The question was raised earlier around the threat of a second wave. What we have now are extremely comprehensive and robust measures in place and the priority is that they are maintained. We have said consistently that it is not a case of getting to the point where, thankfully, we do not have active cases, but it is a case of maintaining that, with no room for complacency. I do not agree with the view expressed by SIPTU that it is likely to come from a meat plant. We have to remain vigilant and to maintain the measures-----

**Deputy Matt Carthy:** I apologise for interrupting Mr. Healy but how many times has Meat Industry Ireland met with SIPTU or other trade unions to discuss workers' concerns regarding the practises or otherwise within meat plants?

**Mr. Cormac Healy:** We have not met it. We have been in correspondence with SIPTU but throughout the years Meat Industry Ireland's role has been as a representative organisation dealing with policy and technical issues. We have not been involved in the area of the business concerned with labour, employment conditions and so on. It has not been part of our role. We have been in communication with SIPTU, however.

**Deputy Matt Carthy:** I apologise again but in the context of a global pandemic that was having a very real and considerable and disproportionate impact on this sector, did SIPTU not seek a meeting with Meat Industry Ireland? What rationale could there possibly be for MII

not to meet with representatives of workers who were publicly raising concerns regarding the practices in the sector?

**Mr. Cormac Healy:** We had communications from SIPTU and we responded to that and indicated that labour and employment issues are primarily dealt with by individual members, but we remained open to discussing it. The priority though was the engagement at local level on the one hand, and there was engagement with each company and its staff and union representatives where that was appropriate. The priority was also engagement with the authorities at local level, which was with the HSE, and at national level once the national outbreak control team was formed. That is where our principal contact was throughout this episode.

**Deputy Matt Carthy:** I want to make two points. First, can I take it from Mr. Healy's response that Meat Industry Ireland is open to meeting with SIPTU and other trade union representative? If it is, I encourage it to do that as a matter of priority. Second, returning to the HSA inspections, a phenomenal revelation today was that there was not a single unannounced inspection by the HSA. We know it was late in carrying out those inspections. A recent headline on *agriland.ie* reads: "HSA to begin 200-farm inspection 'blitz' from Monday". That shows the double standards that apply on these matters. The HSA was incredibly slow to carry out inspections of meat factories and has not actually carried out any unannounced inspections to date. I ask the witnesses and this committee to liaise with the HSA to get clarification as to why that is the case because it is not acceptable.

**Mr. Cormac Healy:** As Mr. Carroll outlined earlier, the announcement of inspections was a decision by the HSA. We do not have any issue with announced or unannounced inspections. It is also important to note that throughout this we have been working closely with the Department of Agriculture, Food and the Marine at local and national level. There is a permanent presence and the Department of Agriculture, Food and the Marine, as inspectors-----

**Deputy Matt Carthy:** Veterinary inspectors.

**Mr. Cormac Healy:** -----across a wide range of Departments, has engaged with the HSA to assist in those inspections.

**Chairman:** As a follow-up, we have received a submission from the Department of Agriculture, Food and the Marine on this matter. It states "The Department's responsibility at slaughterhouses and processing plants is primarily to ensure that such establishments operate in compliance with food hygiene legislation and focus on ... ante and post-mortem inspection service ... sampling for BSE ...". Based on what the Department has indicated, it appears consumers rely on the Department's inspection and while its inspectors are hugely important for consumer protection, they are far less so from the point of view of workplace safety and workers' protection.

**Deputy Colm Burke:** I thank the witnesses for their presentation on the meat sector and industry. This may have been answered already but I did not pick it up. I understand there are approximately 50 meat processing plants across the country. Of those 50 units, how many were identified as having employees with Covid?

**Mr. Cormac Healy:** The HSE defines a cluster as two or more cases and based on that definition, I think the figure is 22 or 23.

**Deputy Colm Burke:** There are quite a number of plants where Covid was not identified. What did those plants do differently compared with the 22 where it was identified? What mea-

asures did they take at an early stage? If the virus did not come into those plants they obviously had safety measures in place at an earlier stage.

**Mr. Cormac Healy:** To be precise, there were even fewer plants with significant numbers of infections. All our plants had measures in place from early to mid-March, and as Mr. Carroll mentioned, there was a ramping up and development of the protocol. Those measures were being put in place across sites and it is not clear exactly why there were infections in certain plants. The reality, which is being experienced internationally, is that in some sites or facilities there have been high numbers and low or no numbers in others. The reason for that is not fully clear.

**Deputy Colm Burke:** Would it not be wise for the industry to look at this issue and see what was done differently in the plants that did not have any cases compared with the plants that did? This is in case we have a second surge, though I hope that will not happen. Is now not the time to look at this issue?

**Mr. Cormac Healy:** The Deputy is right. The verification process has been touched on and there has been ongoing verification both from the Department and the HSA around the measures in place. Work is also going on in conjunction with the Department of Agriculture, Food and the Marine, which sits on the national outbreak control team, to retrospectively look at some of the factors and get a greater understanding as to why things happened. Many commentators have expressed fears about second surges in countries. If there is anything that can help with regard to a second surge, particularly as the economy opens up and restrictions are lifted, that work is being done with the Department of Agriculture, Food and the Marine and-----

**Deputy Colm Burke:** I want to move on. Information was conveyed by the HSE to the employers about employees who had tested positive before the employees themselves were advised. Why was there pressure put on by the industry for this to happen?

**Mr. Philip Carroll:** Would the Deputy mind repeating his last sentence?

**Deputy Colm Burke:** My understanding is that pressure was put on by the employers for the information to be conveyed to them prior to it being conveyed to the employees.

**Mr. Philip Carroll:** No, that is not the case. No pressure was put on by employers for the information to be conveyed to them before it went to the staff.

**Deputy Colm Burke:** When it became available to the employers would it not have been appropriate for the employers, following through on people's rights, to state that the employees should be advised before them?

**Mr. Philip Carroll:** If the rights of individuals were undermined it was not by pressure applied by meat processors. The circumstances of this were discussed, perhaps at an Oireachtas committee meeting at some stage, when it was suggested that there was an issue with regard to GDPR and the rights of individuals to have information on their own health first. We completely concur with this and do not see any issue with it. We would not dispute it in any shape or form.

**Deputy Colm Burke:** One must have made the arrangement with the HSE for the information to be conveyed to the employers first.

**Mr. Philip Carroll:** In certain instances, people who had tested positive and were work-

ing in plants may not have been contactable. The decisions were taken in the context that if individuals who had tested positive were working in an occupational environment, the risk of spread was greater if those individuals were not excluded from that workforce.

**Deputy Colm Burke:** Mr. Carroll is confirming the pressure was not put on-----

**Mr. Philip Carroll:** Absolutely not

**Deputy Colm Burke:** -----the HSE at any stage-----

**Mr. Philip Carroll:** Never

**Deputy Colm Burke:** -----but he does accept that once the employers got the information they should have conveyed back to the HSE that it should be advising the employees first.

**Mr. Philip Carroll:** The understanding was that they were either being advised at the same time or initially, because it was a case of the employee's health rather than-----

**Deputy Colm Burke:** I want to move on to the issue of permits for people coming from abroad. My understanding is that it is the employer who arranges the permit and works with the person coming in. This morning, it was suggested that there should be sectoral permits rather than a person being tied to the particular employer who is involved in getting the permit. Would the industry be happy with having the current system reviewed? This morning, it was outlined to us that workers find they have fewer rights because if they are no longer employed by a particular company they have no rights.

**Mr. Joe Ryan:** I am happy to answer that question. Our knowledge of the employment permits legislation is in so far as how much we have interacted with it in recent years. We have engaged with the employment permit legislation and the Department with responsibility for business to seek a quota of permits to recruit workers. If there are to be changes to the employment permit legislation, it is probably for another forum to discuss. There are many other sectors that interact with the employment permit system that would wish to feed into it.

**Deputy Colm Burke:** I am asking whether the meat sector would have an objection to changes being made to allow a person to get a sectoral permit as opposed to a permit tied to one employer.

**Mr. Joe Ryan:** My understanding of the permit legislation at present is that after their first year on an employment permit, workers are eligible to move to other employers in the sector.

**Deputy Colm Burke:** Does Mr. Ryan accept, though, that some people who are tied to particular employers are slow to raise issues of concern with them, whether about health and safety or any other issue, because they are worried that if they want to transfer afterwards, it could cause concern for them?

**Mr. Joe Ryan:** If there are changes to the employment permit legislation that cover the situation the Deputy speaks of, of course we will deal with those with the new legislation.

**Deputy Colm Burke:** I wish to talk about the asymptomatic people identified in today's presentation. Is it possible that people felt they did not have the same level of supports there? I am talking about the people who come in from abroad. Mr. Carroll identified many people as asymptomatic. Because people do not have a huge amount of supports if they go on sick leave, is it possible that people may have been afraid to come forward or take days off when they re-

ally should have taken days off? Does Mr. Carroll feel that enough support mechanisms were in place, and are in place even to this day, for workers coming into work and taking medication in order to give a different idea as to how well they really are? Does Mr. Carroll think we need to do a lot more work on this?

**Mr. Philip Carroll:** I think the concept of asymptomatic cases is now recognised as real, that there are people who do not have symptoms, full stop. Therefore-----

**Deputy Colm Burke:** There also may have been people who had symptoms but took whatever they felt was necessary in order to make sure no one was aware they had symptoms.

**Mr. Philip Carroll:** That may well be the case. I am not aware it is the case.

**Deputy Colm Burke:** Does Mr. Carroll not agree, then, that this may be arising because people did not have enough supports?

**Mr. Philip Carroll:** Of course, there is an issue of personal responsibility in all situations with which we have all been asked to comply. In response to the Deputy's question, in such circumstances it was always made clear by plant management, as part of the protocols on self-isolation, what rights individuals who complied with the requirement to self-isolate had where they had symptoms.

**Deputy Colm Burke:** Was that information given to them in the languages they were used to?

**Mr. Philip Carroll:** Yes, insofar as I am aware, it was given to them in a multitude of languages.

**Deputy Colm Burke:** Not at the very early stage.

**Mr. Philip Carroll:** Probably at the early stages. If the Deputy had ever been to a meat plant, he would find health and safety rules in probably about ten or 15 different languages posted on all the walls wherever required. There is nothing new in dealing with multiple languages and providing information to staff in that context.

**Chairman:** I have one quick follow-up question. Do the rights workers have in the event they are sick typically include sick pay as part of their contracts?

**Mr. Cormac Healy:** It has been suggested that language is a major barrier. As the chairman has said, once somebody comes in and is working in a plant, he or she first has to go through training etc.-----

**Chairman:** No. My question was, do they have sick pay?

**Mr. Cormac Healy:** In some companies there is a sick pay scheme and in others there is not. That is common across the economy.

**Chairman:** Within the meat industry, would Mr. Healy say the majority of its members or the majority of plants pay sick pay?

**Mr. Cormac Healy:** It is a matter for the individuals. Some of them have it and some of them do not. Equally, however, all the rights, and all the various Government measures in terms of the pandemic such as the payments and entitlements were all briefed in the languages-----

**Chairman:** I will ask the same question a third time. Do the majority of Meat Industry Ireland's members and the majority of plants represented by Meat Industry Ireland pay sick pay?

**Mr. Cormac Healy:** Some of them have sick pay schemes and some of them do not.

**Chairman:** That was the third time I asked the question and the third time Mr. Healy said that some do and some do not. I asked whether the majority do so but I will move on if he does not want to answer the question.

**Deputy Duncan Smith:** I thank the witnesses for their attendance. I want to return to their rationale for not engaging with the unions which, frankly, I find incredible in the current climate. I want to point to Meat Industry Ireland's opening statement where it refers to the reason high-level clusters occurred and states that there was uncertainty as to why large clusters occurred. Mr. Carroll stated this "is recognised as being a complex multifactorial problem with no clear and distinct conclusions". That, quite frankly, is a cop-out because Mr. Carroll answers later on in his statement that they have been able to keep plants relatively Covid-free by instigating, among other things, the work safety protocols which are quite rigorous. The driving force behind the work safety protocols is the Irish Congress of Trade Unions and senior union officials who work on a strategic level - Mr. Carroll seems to be offering himself up here as the strategic mind or brains behind this industry. Why would Meat Industry Ireland not then, as a simple matter of good faith, engage with the unit of civil society that has kept so many of its workers safe and healthy over the past few weeks?

**Mr. Cormac Healy:** I will take that question. First, I would say to the Deputy that there has been engagement by Meat Industry Ireland in those particular protocols the Deputy mentioned that were developed in conjunction with ICTU, the Construction Industry Federation and IBEC.

The meat sector-specific guidance was developed in conjunction with the Department of Agriculture, Food and the Marine and the national outbreak control team. Further to correspondence from SIPTU, to which we responded, we indicated that while principally the matters of pay and conditions - because it had raised other issues - are dealt with not by us but by individual companies, we nevertheless were open to discussion.

**Deputy Duncan Smith:** Okay. Will Mr. Healy agree to meet SIPTU, for example - yes or no? Will Mr. Healy agree to the invitation it has extended?

**Mr. Cormac Healy:** I have written to SIPTU-----

**Deputy Duncan Smith:** Will Mr. Healy meet its representatives?

**Mr. Cormac Healy:** -----and indicated an openness.

**Deputy Duncan Smith:** Is that a "yes"? Will Mr. Healy meet them?

**Mr. Cormac Healy:** Yes.

**Deputy Duncan Smith:** I thank Mr. Healy for confirming that.

**Mr. Cormac Healy:** We indicated that.

**Deputy Duncan Smith:** I will present how Meat Industry Ireland is being viewed. We have had no other industries in here like the meat industry over the last number of weeks. This is not our first session on the meat industry. It has been discussed in questions to the Minister

for Agriculture, Food and the Marine. There are huge questions about the industry which Meat Industry Ireland represents and many people out there see Meat Industry Ireland as the bad guys here. That is the reality of it. In order to tackle that, it would be a good step for Meat Industry Ireland to meet with SIPTU - I am glad to hear that Mr. Healy has indicated he will - but also organisations such as the Migrant Rights Centre Ireland.

The first line of Meat Industry Ireland's submission states that its sector "accounted for almost €4 billion of food exports". That is a huge amount of money. It almost comes across like a boast. I am not sure it is meant to be. It comes across as though they are saying theirs is a huge industry and they bring in all this money. Many of us in this Chamber and throughout the country have massive concerns about how their workers are being treated and where that money is going because it does not seem to be going into the pockets of the skilled knifemen Meat Industry Ireland presents here which it had to go out and attract into the country. I am not sure Meat Industry Ireland has attracted them with big contracts and wages commensurate to their skills. There is a huge body of work that needs to be done by Mr. Carroll's organisation to win the trust of the Irish people in relation to how Meat Industry Ireland is treating its workers. I want to ask one final question. Is there any sense among Meat Industry Ireland when it is having internal meetings that it has let its workers down?

**Mr. Philip Carroll:** I find that extraordinary. First of all, the Deputy is conflating a number of issues here.

First of all, we have an industry that, as the Deputy says, produces and exports volumes of meat products of the order of €4 billion or thereabouts. We compete in an exceptionally difficult environment right across the globe. We meet all of the standards that are required in dealing with our workforce. We are subject to Workplace Relations Commission, WRC, inspections on all of the plants. Regarding those inspections, there is also a discussion with representatives of unions, where they exist in plants, and worker representatives in other plants. It is similarly the case with the HSA. When it does an inspection in meat plants, its representatives also speak to workers and that is done independently of plant management.

In creating some sort of artificial divide in what he has said, the Deputy has not produced any evidence. He is suggesting things that are simply not the case. There may well be another forum in which the Deputy believes it would be necessary to look at these matters, and that is entirely an issue for him. However, conflating issues concerning employment contracts and other issues here is not a realistic approach to trying to establish precisely why we have had these large outbreaks. We have them, by the way, only in six or seven plants.

**Deputy Duncan Smith:** I am running out of time here.

**Mr. Philip Carroll:** Those outbreaks have been significant and far too many, and there is no question about that. At no point, however, was there any sense of there being a lapse in the responsibility we have for the care and protection of staff. It was quite the opposite. Having initiated about 60 different actions to protect staff and the environment in which they work, we set about that very early and very comprehensively.

**Chairman:** I ask Deputy Smith to be brief, because we are way over time.

**Deputy Duncan Smith:** I will be brief. I am not trying to create any artificial divide. I am just trying to bridge the massive gap in information that exists between submissions from Mr. Carroll's side and those submissions we are getting from the MRCI. I thank the witnesses.

**Chairman:** Deputy Carroll MacNeill has given Deputy Cairns five minutes of her time. I call Deputy Cairns, who has ten minutes.

**Deputy Holly Cairns:** I am relatively new to the House, so I am not sure if it is appropriate to state that I am a beef farmer.

**Chairman:** I have discussed this with Deputy Cairns before. I am also a beef farmer and I do not think that is a conflict of interest for either of us. Inevitably, beef farmers have relatively few places to sell their product, other than to members of Meat Industry Ireland.

**Deputy Holly Cairns:** That is the situation. Mr. Carroll stated that he found the public opinion extraordinary, based on what Deputy Duncan Smith said here. The clustered outbreaks in his industry, however, are what has brought Mr. Carroll and his organisation before this committee. Before the pandemic, the large meat processing plants were most recently associated with-----

**Mr. Philip Carroll:** Excuse me, but we are finding it very difficult to hear Deputy Cairns.

**Deputy Holly Cairns:** I will sit forward. I was saying that Mr. Carroll stated that he found the opinion Deputy Duncan Smith gave extraordinary, but the clusters and outbreaks in Mr. Carroll's industry have brought him and his organisation before this committee today. Before the pandemic, large meat processing plants were most recently associated with protests by farmers. For me, and many others, these two things are intrinsically linked. They speak to how industrial-scale meat processing treats people, workers and small suppliers.

Farmers receive prices so low that they are forced to protest repeatedly to save their family farms, while workers, especially the most vulnerable, are left open to infection. Principles of fairness and equity seem to be lacking. It is not too much to expect that farmers get a fair price and that workers have safe working conditions. During the week, the German agriculture minister pointed out that low prices do not fit with sustainability. She linked low prices with pressures on animal welfare, working conditions in meat processing plants and farmers' incomes. It is obvious that there are clear parallels to be drawn. It is large-scale meat plants that are the issue. It is not migrant workers, farmers or small abattoirs, which do not seem to be having the same problems. It seems that the industrialisation of the sector and its practices has increased the vulnerabilities of many stakeholders.

Mr. Carroll's opening statement provided plenty of context, but was short on accepting any responsibility. What responsibility should the owners of Ireland's meat processing plants take for the mass outbreaks among their workers? What are Mr. Carroll's thoughts regarding a task force being established to review the sector? His opening statement mentioned the uncertainty regarding the exact reasons for the cluster of outbreaks in some meat plants. Media reports, submissions to the committee and statements from workers' representatives raise numerous issues, however. This is against the backdrop of farmers getting low prices, as I mentioned.

I will be seeking that a task force be established to examine the terms and conditions that workers have in this sector and to examine State funding. Will Mr. Carroll and his organisation support that? I have more questions to follow.

**Mr. Philip Carroll:** I am surprised Deputy Cairns is conflating issues that have emerged in the recent past in terms of relationships with farming organisations and returns in the market with a much more serious situation of the presence of Covid-19, in our environment and our communities, and, unfortunately, in meat plants.

On the issue around farmers' incomes and about the trading crisis, I agree with some of the points the Deputy made about the returns that come to the sector. They should be stronger for both processors and farmers, but we have been in a deep process since last September with the meat market task force in dealing with a range of issues that were identified as needing attention, including wider levels of transparency. We are going through that process now. We have had around five meetings of the meat market task force, including one two weeks ago, and we are moving through that process very well.

I would also point out, and I said it earlier, that we had a different market situation at the beginning of this crisis. We are nowhere near the end of that because we do not have the markets available to us currently that we would ordinarily have had were it not for Covid-19. We are in a difficult situation yet we are performing extremely well, at the European average in terms of prices, so I think I can leave that aside because it is being dealt with in another forum.

With regard to the point the Deputy made about large-scale plants, we do not have large-scale plants. We have 40 plants in this country for a small population of animals overall. They are not large industrial-scale plants, as the Deputy would like to describe them.

**Deputy Holly Cairns:** Will Mr. Carroll answer the questions? Will I ask them again?

**Mr. Philip Carroll:** I am sorry. I thought I was picking up on the points Deputy Cairns had raised. I am willing to finish out on the rest of them if she wishes.

**Deputy Holly Cairns:** I will go back to those questions quickly. What responsibility should owners of Ireland's meat processing plants take for the outbreaks? Will Mr. Carroll support the committee seeking a task force to examine the terms and conditions for workers in the sector?

**Mr. Philip Carroll:** I did not respond to the other two points Deputy Cairns made so I will respond to those now. In terms of the Covid-19 outbreak we have had a task force, the national outbreak control team, NOCT, with experts, virologists, epidemiologists and people who understand how clusters form and how one can mitigate those. We have engaged thoroughly, although not directly with the NOCT. At every single factory site where we have had significant clusters management has been deep in discussion and co-operation with the NOCT. That is what needs to be done, it is the right direction in which to go and we are happy with that. As far as a task force is concerned, I do not see the merit, but if that emerges from the committee's deliberations, we will look at that closely.

As far as responsibility for outbreaks is concerned, I have tried to indicate on a number of occasions, and we have put it clearly in our submission and in my opening statement, that we made clear right from the beginning - in fact, a number of weeks before the lockdown commenced and before the first positive Covid-19 case had taken place in Ireland - that we had developed a set of protocols that applied in every single establishment. There has been no perfect solution in any environment to preventing the spread of Covid-19. This came at us out of the blue, as it came at the rest of our community out of the blue. We, as a sector, would not have had the expertise to deal with that. The HSE produced its set of protocols on 15 May 2020, but two months before that we had a substantial set of protocols already in place. They were not expanded to any great degree on 15 May. In other words, that suggests the things we had done were the proper measures to put in place.

**Deputy Holly Cairns:** Mr. Carroll spoke briefly on the meat industry's position on unannounced inspections but more on the HSA's response. This sector is now under greater scrutiny.

Given the recommendation made here earlier today by Ms Edel McGinley, director of Migrant Rights Centre Ireland, I hope MII would welcome measures that could increase transparency and address public concern. Does the delegation support unannounced labour and health and safety inspections, and not just veterinary inspections, by State authorities? If the inspectors cannot have immediate access to the factory, does the delegation believe a penalty should be imposed?

**Mr. Cormac Healy:** We have already said in public that we do not have an issue with unannounced HSA inspections. They were determined to be announced at this point in time. We cannot get away from the implication in some of what has been said that there has been no control, oversight or verification. It is important, and we should not ignore the fact, that right from the beginning of this process we have engaged with inspectors from the Department of Agriculture, Food and the Marine and veterinary authorities, both at national and local level. They have also verified the type of measures in place. We should not leave people with the impression that there has not been ongoing verification. We can focus on whether HSA inspections are announced or unannounced and, as I said, we are open to that.

**Deputy Holly Cairns:** I just needed clarification that MII would welcome unannounced inspections. I thank Mr. Healy. That is perfect. There are time constraints so I shall move on.

Workers have consistently told journalists that they are frightened to talk about conditions in the sector and have kept their anonymity in media reports for fear of retribution. What does that say about the industry? Does MII support workers speaking out about their situation? Does MII accept the testimony of workers who told various media outlets that some meat plants did not fully implement the HSE guidelines from the start of the Covid-19 crisis when they were alerted to it? Workers allege that even after they asked managers for PPE, they were not given protection. Does MII accept those statements?

**Mr. Cormac Healy:** Does the Deputy accept the statements of the agencies and authorities that have inspected and found that measures are in place? While I do not know the individuals or the plants they speak of, I do know that on a number of occasions both the national outbreak control team and the HSE, where it has been involved with plants at local level, expressed satisfaction and agreement with the level of co-operation and the measures that were in place in plants.

**Deputy Holly Cairns:** I accept that a lot of the measures are in place now. My question related to when the crisis-----

**Mr. Cormac Healy:** That is what I accept too, Deputy.

**Deputy Holly Cairns:** It has been stated that in all of the meat factories represented by MII, these measures are in place and being adhered to. I ask Mr. Healy to clarify how PPE is being issued to workers and paid for. It would be good to know how regularly workers are issued with fresh PPE.

**Mr. Cormac Healy:** It depends on the PPE. In a case of visors versus masks, the latter must be replaced daily or on a shift basis. Visors, which are a different type of PPE, are not replaced as frequently. The industry has provided staff with the necessary protective equipment. It has done this for some time and will continue to do it. The overall suite of measures that are in place in the industry now must be maintained. There cannot be any room for any stepping back from that. I have no fear that there will be any stepping back from it.

**Deputy Holly Cairns:** Is the PPE paid for by the individual meat plants?

**Mr. Cormac Healy:** As I understand it, absolutely, yes. It is important to understand that it is not just a question of PPE. A huge amount of investment has gone into various measures. People in many parts of life, including employers and business owners, have had to do this. Unfortunately, they will have to continue to do so until we reach the end of the pandemic. There has been investment in a huge number of areas, such as changing canteens and layouts, bringing in additional canteen capacity and acquiring temperature checking equipment. A wide range of measures of that nature have been invested in, and will continue to be invested in over the weeks and months ahead.

**Chairman:** I thank Deputy Cairns. If there is time at the end I will invite speakers to come in again. I call Deputy Bríd Smith from Solidarity-People Before Profit.

**Deputy Bríd Smith:** I have to start by congratulating IBEC on its submission. It is not often we get to read such a fine work of fiction at these committee meetings. It really does read like a different world. The world that the industry representatives live in is a world where the meat industry did everything right, at the right time and in the right way. It is a world where there were no issues to do with health and safety at the plants and where there was a perfect community with happy workers and empathetic employers. That is something of a mystery to us because all the other evidence we have heard, including from MRCI, ICTU and SIPTU, the workers union, shows us that those workers inhabit a different kind of world.

On 1 May and 2 May, *The Guardian*, a reputable newspaper, did a series of articles on the outbreaks at Irish meat plants because it was quite stark. If the first case came to the attention of the meat plants on 17 March and the protocols were not imposed on meat plants until 19 May or 20 May, that gives a good six to eight weeks in which there was a spike in the outbreak of coronavirus in the meat plants. Up to 1,000 workers were infected. How do the industry representatives explain that? If everything was hunky-dory and done right there has to be some explanation. The representatives referred to the provision of masks and PPE, and social distancing. Yet, according to that newspaper report and what we hear from the horse's mouth, that is, from the migrant workers in the plants, they did not have PPE, there was no social distancing and they were not provided with gloves or masks. The industry representatives insist that was the case. Either it is fiction or the representatives are being totally defensive, like Lady Macbeth, of whom it was said "Methinks she doth protest too much". I think the latter is the case.

I assume IBEC believes in science. I assume IBEC employs people to research the industries it looks after. If so, can the witnesses tell me whether organisation has examined any of the science and research done across the world in respect of meat plants? Studies have been done by Johns Hopkins University and University of California, Davis as well as in the Netherlands and Germany. They are interesting but it is no mystery why meat plants are particularly susceptible. If IBEC had read those studies carried out by scientists they would understand clearly. Those familiar with the meat industry - I assume the meat industry representatives are - would know that low temperatures allow the virus to stay viable outside the body for longer, increasing the survival of the virus in the air. That increases the risk of infection in meat plants. Social and economic factors also apply. They are by nature exhausting, dangerous, labour-intensive jobs done primarily by underpaid migrant workers. Of necessity, many of them live in multi-generational homes or overcrowded housing environments. All of these create a perfect storm for the spread of the virus.

If the meat industry representatives have not read those studies, they must still be wonder-

ing why in hell this happened. They seem to think they did everything right, at the right time, all the time and everywhere, yet 1,000 workers across the industry became infected. Do the representatives ever ask themselves those questions and look for answers? It does not strike me that they are looking for answers. I believe they are trying to cover up. All the answers before the committee amount to denial, denial, denial instead of acknowledging that they had a problem, agreeing to look at where the problem came from and doing everything to address it; I am unsure whether they have done everything.

I have a couple of simple questions about what is being done. I understand that 20% of the workforce referred to earlier who come here on employment permits come in through agencies. Has MII spoken to those agencies about the accommodation in which those workers live? Has the organisation urged them, proposed to them, helped them or told them to do something to rectify the overcrowded multigenerational accommodation where they live? It is often in isolated rural areas. Can the MII representatives answer the question asked of them earlier? Do the majority of the 50 large-scale meat plants operate a sick pay scheme for these workers?

**Mr. Philip Carroll:** The Deputy accuses us of denial, denial, denial. I believe we have made it clear in our submission, again this afternoon in our statement and in response to comments-----

**Deputy Bríd Smith:** I am talking about the work of fiction.

**Chairman:** Sorry, allow them to respond, please.

**Mr. Philip Carroll:** What we have attempted, at least, to make clear is that we do have a problem with the fact that we have had 1,100 positive cases of Covid-19 in plants. That is not a badge of honour or something with which we could in any way be satisfied. We have made it clear that any case is one too many. We make no bones about the fact that we have sought perfection where none can exist. That is the case not only in meat plants, but in wider society and every other situation in which there have been big clusters. That is a problem. We understand that there are indications of certain factors that may influence spread. The Deputy mentioned low temperatures, cooling systems and so on. We have recently heard that aerosols could accelerate spread in closed environments but others, such as the WHO say that may not be the case. That is why we are engaged in looking at the factors that could contribute to the spread of the virus in plants. We are working towards carrying out research that would compare situations in which there are large clusters in plants and situations in which there are very few cases. This will try to identify the defining issues between one and the other. We are not saying that this has never happened to us; we are saying that it has happened and that we do not want it to happen again. We are willing to look at all of the factors that could have contributed to it. I will ask my colleague to talk about the issue of permits.

**Mr. Joe Ryan:** With regard to the Deputy's query on the employment permits scheme and agencies, I am not sure which agencies she is referring to. It is ultimately our members who make applications for employment permits and our members who employ the workers should the permits be granted. Under the scheme, employers are required to assist in the sourcing of accommodation for those workers who come in on employment permits. It is not mandatory that accommodation be availed of. Nobody is tied to that accommodation. Many do choose, after a certain period, to source their own accommodation with friends and colleagues.

**Chairman:** We are nearly out of time but do the representatives want to avail of the opportunity to answer the Deputy's question about sick pay?

**Mr. Cormac Healy:** I did not mean to frustrate the Deputy but I said earlier-----

**Chairman:** Some do and some do not.

**Mr. Cormac Healy:** I do not know what the overall percentages are across the industry. Some provide sick pay and some do not. I accept that.

**Chairman:** I believe members are asking because a lack of sick pay would incentivise workers to take paracetamol given they are on low pay and, if they are not entitled to sick pay, desperate to get to work. It was suggested in a previous session that workers may take paracetamol to lower their temperature because they are in such a precarious position that they feel they have no alternative but to do so if they are to earn money, which is why they migrated to Ireland in the first place. That is the reason I asked the question.

**Deputy Bríd Smith:** With respect, I would also expect an employers' representative organisation whose members operate 50 large meats plants to know that information. If I asked a trade union, it would know who had sick pay and who did not. I am absolutely shocked that MII does not know how many of its members have such a scheme.

**Deputy Matt Shanahan:** I welcome the contributors. Apropos of the previous conversations, I have sympathy for the people involved on all sides, including the farmers who are trying to get a price for their product and the processors who are competing internationally. I worked in the meat processing industry for five years so I have a good idea of some the challenges, not least those relating to employees.

I refer to some of the points that have come up. With regard to compliance and contact tracing, it has been said that 90% of contacts of positive cases in the meat industry have been traced whereas the figure is 70% in the general community. Will the witnesses outline why they believe 90% is the figure? Why is it so skewed so high in comparison to the community figure?

**Mr. Cormac Healy:** The HSE provided the full details on this, as it has full oversight of the matter. Of cases in the meat industry, the HSE stated there was 100% contact tracing within meat plants and 90% beyond that, which is high. This relates to a number of Deputies' questions. The use of contact logs was one of the early actions. It was within the broader advice that comprehensive contact logs be kept.

Where there were developing issues in a plant, local HSE teams were involved, there was immediate and direct engagement with the site and all of the information in question was sought and delivered. We are grateful for the work that was done at local level by the HSE. A significant effort was made to contain situations. The contact logs were handed to the HSE. I do not know any more beyond that. The comprehensive contact logs were at the core of the contact tracing.

**Deputy Matt Shanahan:** I thank Mr. Healy. We have heard that approximately 20% of the national workforce comes from outside the EU. I do not know whether EU workers are subject to agency contracts, although some might find their way to meat processors via agencies. This matter was raised during our earlier debate. It appears that those on agency contracts are on particularly low wages. In my experience of the industry, a large bonus element is built in to try to shore up productivity every week. In light of a question asked by another Deputy, has the MII considered the matter of agency contracts and is there scope to determine what percentage agencies are taking off the top of the pay of workers who have been contracted to the industry?

**Mr. Cormac Healy:** Workers taken on through agencies may have been an aspect of the sector in the past, but they are certainly not now. If there is any agency work, it is a very low percentage of overall employment within the meat sector. It is an extremely small amount. There is direct labour now. For permitted workers, direct applications must be submitted by the employers. Hiring through agencies may have been an aspect of the past, but it is certainly not the situation in the industry now. It may be a feature in other countries, as mentioned.

It has been stated that this sector is operating at minimum wage. It is important to point out that is not the case. The minimum wage is not the prevailing situation across the industry. It accounts for a proportion, particularly at commencement, but wage rates progress upwards. Depending on skill levels and time in the job, many people have progressed well beyond that level. Stating that the minimum wage is the prevailing pay rate in the industry is incorrect.

**Deputy Matt Shanahan:** Mr. Healy spoke about permits and stated that plants had no input into them because they were basically set up by the Department. Would the industry support a change in a permit's status that would allow a worker to move more quickly, for example, after three months or some other duration under a year? This would allow the industry to target for recruitment workers with permits in other sectors, such as the hospitality sector.

**Mr. Cormac Healy:** It is something that has to be considered. The rules as set out allow the person who has been taken on under a permit to move employment after a year. One of the points that should be considered is that many of the economy's individual sectors avail of employees with employment permits. They are looking to recruit people with some experience, background or specialty in their respective areas. It might not always be the case that an employer could get someone from another sector. For example, we have worked with the Department of Business, Enterprise and Innovation on defining some roles. There is a strict quota around those roles because a particular type of person is being sought. However, that is a matter for a different forum. It is something that can be looked at. There are those complicating issues as well, or sector-specific issues, that might not lend themselves to recruiting from a different sector.

**Deputy Richard O'Donoghue:** At the start of the session the witnesses were asked about agencies. The first speaker said he did not know what agencies we were referring to, and now Mr. Healy has said there are very few agency workers. Some 30% of the workforce are Irish. Another 50% are from the EU and when added to the Irish that gives us 80%, and 20% of workers are migrants. There were 1,100 outbreaks in the meat sector. How many of those 1,100 cases related to migrants?

**Mr. Cormac Healy:** I do not know. I do not have a breakdown of the figures in those categories.

**Deputy Richard O'Donoghue:** Mr. Healy should know because it is his job to know. The witnesses have come in with their statistics, and we heard statistics earlier from Ms Edel McGinley that completely contradict every single thing the representatives of Meat Industry Ireland have said here today. The witnesses have stonewalled and gone around in circles.

I am from a farming background myself and now I am in the construction sector. I have seen cases myself where migrant workers in meat factories were living ten to a house. When five came in from their shift, the other five left. They were sleeping on floors. Not only that, they were sharing the same footwear they wore in the factory to try to make sure that the footwear would last because they could not afford to replace it. That is because they were brought

in here by agencies. The witnesses do not have the facts for me today on the agencies. Neither do they have the facts and figures on how many of the 1,100 cases of Covid-19 in meat plants were among non-EU migrants, EU migrants or Irish workers. It is their job to have the figures here today for me. I do not accept what they said about previous misconduct meted out to farmers by the industry.

**Chairman:** In fairness, we are talking about meat plant workers, although I accept that the farming issue is important.

**Deputy Richard O'Donoghue:** I understand, but it is a process and I am disgusted with the way farmers were treated. I am also disgusted with the way a lot of the employees in the meat sector are being treated. It is the job of the witnesses to know about the agencies and how many of the workers are on contracts. It is their job to know whether they have a safe place to live and if they are coming back into a safe environment with the proper PPE in place. We also got reports that some factories told some workers that it was their responsibility to provide their own PPE. There are a lot of questions to be answered. I have listened to everyone who has spoken today. The witnesses from MII have gone around in circles. They have not answered one question properly. They just kicked it down the road. They need to find out the facts about how the meat industry is run, where the employees are coming from, how many are with agencies, and how many are living in a safe environment in order that they can work in a safe workplace. I want the witnesses to contact me and other members with the proper statistics relating to the meat industry and in response to the questions I have asked. I want the information in writing. The witnesses can respond to me now but I want a formal response in writing with a breakdown of the 1,100 cases and I want to know how many workers are still employed by agencies.

**Chairman:** Is that of the 1,100 who became ill or more broadly?

**Deputy Richard O'Donoghue:** More broadly. I want a full breakdown.

**Chairman:** Could I ask the witnesses to provide that in writing? I appreciate that they have said they do not have that information today but would they provide it to us perhaps within ten working days? Is that an unreasonable request?

**Mr. Philip Carroll:** The first thing and the main thing that has concerned us from the beginning is the fact of having cases at all. We have been concerned about the people who work in plants, wherever they come from, be it Ireland, Europe or other countries. We have been concerned only with the fact of them having the virus and how we mitigate that.

A sweeping statement has been made by the Deputy that we have stonewalled and have not answered any questions here. That is completely unfair because we have answered about 75 questions and we have answered them all within the knowledge that we have of the circumstances of Covid outbreaks in meat plants. The Deputy has thrown out a few issues we could not possibly have anticipated when he talks about particular circumstances - I suspect he refers to a particular circumstance - where he has discovered multiple people living in a house. Interestingly enough, if he was listening this morning the MRCI spoke of research they had done. That research was around a tiny, almost infinitesimal, proportion of workers in the industry but they made a point on housing that the Deputy might want to hear - they had no evidence from those they researched that people live with coworkers. That was generally the position they adopted. We have made it very clear that workers choose where they want to live. We are mandated by the permit system to ensure that accommodation is available but there is no requirement that workers have to live in that accommodation.

**Chairman:** Mr. Carroll has made that very clear and he has kindly agreed to provide the answers Deputy O'Donoghue has sought.

**Mr. Philip Carroll:** I have not. I did not answer that question yet.

**Chairman:** Nor could Mr. Carroll be expected to have every answer here today.

**Mr. Philip Carroll:** We will discuss it with our members. We do not have that information available to us but we will strive to get that for the committee.

**Chairman:** I wish to ask a specific question before coming to Deputy Farrell, who has sat here very patiently throughout. Does MII or its members involve themselves in the organisation of accommodation for their workers?

**Mr. Joe Ryan:** Accommodation is not part of the general employment arrangements in the sector. However, under the employment permits scheme, where we have a limited quota of permits, there is a requirement to assist in the sourcing of accommodation. That is subsequently verified by WRC inspections. No one is tied to the accommodation and many choose to move on.

I would like to answer the questions on agencies as well because there has been discussion on that in respect of the employment permits system. With regard to the applications companies make for employment permits, which relate to a small percentage of the overall workforce, a detailed application goes in with supporting documentation, including a direct employment contract with the company that makes the application. Before any application is approved, that contract is reviewed as part of the Department of Business, Enterprise and Innovation review process. Thereafter, it is verified through on-site inspections by the WRC. Agencies are not involved in that process whatsoever.

**Chairman:** Is payment for that accommodation deducted at source from workers?

**Mr. Joe Ryan:** At any one time, the number of workers for whom accommodation is sourced is very small because people do-----

**Chairman:** Is payment for the accommodation deducted at source?

**Mr. Joe Ryan:** A smaller subset of that is those where accommodation may be deducted but-----

**Chairman:** It is sometimes done, but Mr. Ryan says it is----

**Mr. Joe Ryan:** -----with the full approval of the worker, as would any other deductions for sports and social and other such activities.

**Chairman:** Deductions for accommodation are unusual in most sectors.

**Mr. Joe Ryan:** As I said, it is in a very small number of cases.

**Chairman:** I thank Mr. Ryan. I wish to give the floor to Deputy Mairéad Farrell, who has been more than patient.

**Deputy Mairéad Farrell:** Gabhaim buíochas leis an gCathaoirleach agus leis na finnétithe as teacht os comhair an choiste seo.

No one can claim that they did not know about this issue because it was raised by ICTU and the unions in early March. The Government was well aware of it. SIPTU wrote to the then Minister for Agriculture, Food and the Marine, Deputy Creed, on 3 April to warn him of their concerns in this sector if health and safety was not correctly implemented. It contacted the HSA on 28 April to ask for inspections. My Sinn Féin colleague, Deputy Stanley, also wrote to the then Minister on 30 April to highlight concerns. Given that all of these sections knew of the potential dangers to those who work in the meat processing factories, I find it baffling that this was allowed to happen both on a Government level and on a HSA level. Is it MII's view that if these warnings had been taken seriously by all agencies at the beginning, this would have limited the number of cases?

**Mr. Cormac Healy:** The point we made earlier is that nobody had all of the answers or even has all of the answers about Covid-19. We put before the committee points and facts showing that the members we work with put measures in place. We should not forget the reality that when one looks across the whole industry, one will see that in some plants there were no cases, in some plants there were very few cases and in a limited number of plants there were quite a few cases. Questions have rightly been asked as to what more can be learned or focused on from those cases, but substantial measures were put in place from the very beginning.

I am aware that as the Deputy says, SIPTU wrote to the then Minister in April because it provided the letter to some of the companies. It related to supports for the broader overall meat and dairy sector and acknowledged that work was being done at that time in the industry. Both employees and employers were doing everything possible to comply with the measures but it has been a graduation also with the measures. Thankfully we find ourselves today in a situation where we have no active cases at the moment. We have a robust set of measures that will continue and will be maintained. That is still an important point - we can go back and back but that is where we are today. We have robust measures that will be continued in the weeks and months ahead.

**Deputy Mairéad Farrell:** Mr. Healy said that there were substantial measures from early on. Mr. Carroll told Deputy Bríd Smith that it was not perfect. We need to realise that this was disastrous for the people who worked there and were affected by this. We are talking about 1,100 people being infected with Covid-19, a disease that has caused a global pandemic. To say that substantial measures were taken from early on and that it was not perfect does not cover the gravity of the situation for the people who work in this sector. I want to look at what is happening now because we are concerned about a potential second wave and all those things. I would like clarity on whether all factories are now taking workers' temperatures. How many times per day are they being checked? How many workers, if any, are being sent home on a daily basis due to temperature issues?

**Mr. Cormac Healy:** By and large temperature checking is now a feature of the industry. I do not think every single plant has temperature checking but the vast majority do. It is one measure in a suite. Temperature checking at the entry point alone would not do anything for the industry overall but it is a measure. I think it is part of the guidance from the HSE now as part of a suite of recommended measures. The vast majority of meat processing facilities with which we are familiar are doing temperature checks. I believe temperature checking is done in the morning on entry into the facility and there have been incidences over the last weeks where people have been recommended not to come in, to go home and isolate and contact the health services. The cut-off point as set out by the HSE is 37.5°C. That is picking up some cases but it is not the only measure being used. Simply checking someone's temperature on the way in

and having nothing else inside the plant would not suffice. It is about all the measures across the board. Some have said temperature checking gives a false sense of security because when people pass it they think they are okay. It has to include all the other facilities and measures throughout the plant. That is one of the overall set of measures in place at the moment.

**Deputy Mairéad Farrell:** Temperature checking is a measure that has been implemented around the world. I will go back to something previous speakers have raised. I was talking to people who work in these factories before coming to this meeting and there is a high level of concern due to the lack of sick leave. While it may be provided in certain factories, other factories do not provide sick leave. If someone is in a precarious situation and is on a low income it is just not financially realistic to be taking sick days when one is unsure if one is even sick. There is a concern that Panadol is being taken by some people before going into work. Is that something the witnesses have come across or raised with factories?

**Mr. Cormac Healy:** I have heard the issue around Panadol and so on mentioned in the media. The main point is that it is not in a plant's interest for anybody to come in who has symptoms or is feeling sick. The main mitigating measure is to keep this virus outside the workplace. We have seen clearly in some situations that it can spread if it does get in. The main aim is to keep it out and therefore it is in no employer or management's interest to have anybody coming into work who is in any way feeling symptoms. That has to be the way we move forward on this. Keeping it out of any plant is first and foremost the prime measure of controlling the spread of this disease.

**Deputy Mairéad Farrell:** I think we would all agree on that. This shows the importance of people having paid sick leave and I hope MII's members and all workplaces take note of that.

Another matter that was brought to my attention was the filling out of questionnaires before going into work to show that one is not sick. One report showed there were ten key languages spoken by people whose English was not that good. Are these questionnaires available in different languages? Of course, there is also the issue of low literacy within those languages as well.

The data breach was outrageous. Can the witnesses name any other industry where that happened?

**Mr. Cormac Healy:** I am not aware of other instances but, as the chairman said earlier, it was not our industry. It was not something management had pursued or looked for and they were not the ones who issued the information. I cannot answer for other sectors.

I will hand over to my colleague on the questionnaire but I will make one point on it. While the questionnaire is about the questions and checking with the individual in the morning, it is also about awareness. That was one of the recommendations. It is about constant awareness and focusing on it. Inasmuch as the questionnaires are about assessing whether the employee has symptoms, it is also to reinforce in the back of people's minds that it is still an issue and they still have to work with the procedures once they go into the site.

**Mr. Joe Ryan:** To add to that, the questionnaires are available in all relevant languages. The reality of day-to-day operations in plants prior to Covid was that they already had the structures and capability to communicate with staff in all of the relevant languages on site. They do so on a normal day-to-day basis with regard to food safety and health and safety. This includes the Covid-19 pre-screening questionnaires.

**Deputy Mairéad Farrell:** I will definitely welcome what the witnesses come back with on the agencies because there seems to be a huge amount of confusion. Do the agencies have a role in health and safety? They have a huge role in bringing people to these workplaces and getting them the jobs. Do they put the employees in touch with local GPs?

**Mr. Joe Ryan:** The Deputy is right that there is a lot of confusion about agencies and a claim has been made that all those who come in through the employment permit scheme do so through agencies but they do not. They are directly employed by the companies and agencies have no role whatsoever in this aspect of employment. With regard to the wider agency workers from Europe, the numbers are minimal and in the vast majority of cases, staff are employed directly by companies. It follows through from the employment permit scheme that any company that avails of such permits is audited, and rightly so, by the Workplace Relations Commission. When it is on site visiting companies, it is to verify compliance with employment permit legislation, as well as aspects of regular employment law.

**Chairman:** I also look forward to receiving the information requested by Deputy O'Donoghue and I thank the witnesses for agreeing to provide it. Earlier, Mr. Ryan correctly pointed out that after a year, workers on a work permit can move to another area of employment. Does he accept that where they can move is very circumscribed? It has to be an area where there is a skills shortage, the employees have to satisfy all of the tests, it costs €1,000 for a new permit, there is an issue about who will pay the €1,000 and it takes three or four months. If these are migrants from third countries not in the European Union, there may be a great reluctance to move or even seek to move.

**Mr. Joe Ryan:** With regard to people transferring to other companies or sectors after a certain period, the Chairman is right to point out that, as we have spoken about earlier, they are eligible under the current employment permit system to transfer employers after-----

**Chairman:** If they can wait four months.

**Mr. Joe Ryan:** The Chairman mentioned the fee of €1,000 for an application. In all cases, this is paid by employers who are looking to recruit individuals. With regard to potential changes to the employment permit set-up, as we have indicated this is a matter for a different forum and the experts in that area but any changes made should apply across the board. There are challenges, as my colleague said earlier, with regard to the skill sets in certain sectors.

**Chairman:** There are. Migrant Rights Centre Ireland would dispute that the €1,000 is paid by the employer in all circumstances. The evidence of its representatives earlier today was the opposite of that.

Have Meat Industry Ireland's members availed of the temporary wage subsidy scheme since its introduction? If so, do the witnesses have any idea of the number of employees employed under the temporary wage subsidy scheme since its introduction to date?

**Mr. Cormac Healy:** Certainly a proportion of processors, not across the board and it probably depended on various sectors, were in the temporary wage subsidy scheme. I know that just from speaking to them. Individual companies participated in the temporary wage support scheme. Certainly, a number of companies in the processing sector did because they met the requirements and, as the chairman said earlier, one of the biggest issues, and in the beef sector it probably had the greatest impact because of its reliance on food services, was the overnight close-down of the food service sector and that market channel, which accounts for 30% of the

beef exported from Ireland. That was gone overnight, effectively, as the virus swept across Europe and country after country brought in lockdown. That remains the case as far as food services are concerned. It was one of the biggest factors in production. Questions were asked earlier about production levels. On the beef side, production levels fell quite significantly in April and into early May. They have been recovering since, thankfully, but in April and into May there was certainly a significant reduction in throughput and processing activity on the beef side, principally because of the lack of that food service market channel, which accounted for 30% of output.

**Chairman:** Mr. Healy talked about a 30% reduction in some instances. What proportion of the workforce in the meat plants would he say were employed under the temporary wage subsidy scheme?

**Mr. Cormac Healy:** I do not know. It is not a figure I have-----

**Chairman:** Perhaps it is a figure on which Mr. Healy could consult with his members and which he could provide to the committee, again within ten working days or, if that is an unreasonable period, perhaps even 20. We are heading into the summer recess. Very little happens in this House during August, unlike perhaps in the business community. Perhaps Mr. Healy could get the figure?

**Mr. Cormac Healy:** I will try to do that. As I said, it was individual companies that applied for that.

**Chairman:** I have to put it to Mr. Healy that notwithstanding that-----

**Mr. Cormac Healy:** The figures will be published in time anyway, so yes, I can try to assist on that.

**Chairman:** Kill figures published by the Department of Agriculture, Food and the Marine in any given week this year were no lower than 5% lower than the same time last year.

**Mr. Cormac Healy:** Sorry, Chairman. Is that production?

**Chairman:** These are the kill figures produced by the Department of Agriculture, Food and the Marine. In week 23 the figure was 72,000 this year as opposed to 76,000 last year. The following week it was 76,000 this year as opposed to 80,000 last year. In another week it was 79,000 this year as opposed to 83,000 last year. The fall-off in kill is relatively low compared with last year. I accept a different type of animal might have been killed. It might be less geared towards a premium market. However, the industry was still killing substantial numbers of cattle while the State was perhaps paying large sums of money under the temporary Covid wage subsidy scheme. I would be very interested in the figures Mr. Healy might be able to provide to us in this regard.

**Mr. Cormac Healy:** I do not know which figures the Chairman is referring to but-----

**Chairman:** They are from the website of the Department of Agriculture, Food and the Marine.

**Mr. Cormac Healy:** -----the weekly national cattle-----

**Chairman:** Yes, the kill figures.

**Mr. Cormac Healy:** -----slaughtering figures, as reported by the Department in early March probably would have been in the region of 35,000 to 70,000 head per week across the country. Those figures dropped rapidly and, I think, reached approximately 25,000 head per week for quite a number of weeks before starting to increase again. I am not sure which figures the Chairman has, but those are the Department's weekly cattle slaughtering figures.

**Chairman:** I may have misread them, but they are the figures I was looking at. I may have been looking at a cumulative figure but I do not think the drop-off was as dramatic as one might have expected. There was a beef intervention scheme ongoing as well. Was that used by the Irish sector?

**Mr. Cormac Healy:** The Chairman is right that there was a beef private storage scheme. No, I think there was an application for perhaps 20 tonnes. It was a scheme of 25,000 tonnes announced by the European Commission but we had made the point throughout that the scheme would not work and was not suitable. We are going into other areas now, but the scheme was structured such that almost the entire carcass needed to be put into it, whereas there was probably an outlet for some of the cuts from the animal into retail or whatever else. However, the scheme required everything to be put into it. It was also at aid rates that were not significant because once one goes in there, one freezes it down and it devalues. For that reason, it was not really picked up across Europe. Actually, I saw today that overall measure has been closed by the European Commission. I am happy to come back on those figures if there is any misunderstanding.

**Chairman:** No, I can give them to Mr. Healy. The cumulative beef kill, including the week commencing 29 June 2020, is 906,174 and last year's figure, including the week commencing 1 July 2019, is 939,100. That is a reduction but it is a 5% reduction.

**Mr. Cormac Healy:** Yes, accepted, that is cumulative and I will happily go through those figures. From mid-April to mid-May, or perhaps early April to mid-May, one saw a rapid reduction in cattle numbers processed in the country. Generally, the weekly figure is 30,000 or 35,000. It would have been at levels of 35,000 or 37,000 and fell to 25,000 for quite a number of weeks. I am sure those weekly figures will show up there. They are as published, as the Chairman says, by the Department of Agriculture, Food and the Marine. There was a significant fall-off.

**Chairman:** They have already been accounted for. Anyway, we can park that. Deputies O'Donoghue and Shanahan both have brief questions to ask.

**Deputy Richard O'Donoghue:** To make it formal, I propose that the witnesses provide the following information in the format I seek. I want a breakdown of the 1,100 cases that broke out. I want it done on the basis of the 30% of Irish, 50% of EU and 20% of migrant.

**Chairman:** Of the cases, the Deputy wants to know how many were Irish, how many were EU nationals and how many were third country nationals.

**Deputy Richard O'Donoghue:** I also want a breakdown throughout the country where the pockets or outbreaks were. There are only 50 outlets and I want a map to show where the outbreaks were.

Lastly, I also want a breakdown on the number of those cases who were able to avail of the Covid payment on the same basis - Irish, EU nationals and migrants - because I believe that many of the migrants may be on self-employed plans which might not be covered in this

country.

**Chairman:** The Deputy refers to the temporary wage subsidy scheme.

**Deputy Richard O'Donoghue:** On the temporary wage subsidy scheme, I want to know how many of them were able to do so, in the percentages, as I have given. I would like to have that seconded.

**Chairman:** Are the representatives of Meat Industry Ireland in a position to provide that? They have already agreed kindly to provide the information with regard to the unfortunate people who contracted Covid-19, whether they were of Irish nationality, non-Irish but EU nationality, or third country nationality. Is it possible to receive a breakdown from its members on whether the wage subsidy scheme was paid in respect of Irish nationals, non-Irish EU nationals and third country nationals? Is that something that could be provided? This is about the State's response. It would be useful to know what exactly the State temporary wage subsidy scheme is being used to subsidise.

**Mr. Philip Carroll:** Is the Chairman putting that to me?

**Chairman:** I am, if Mr. Carroll wishes to answer that.

**Mr. Philip Carroll:** We have been asked for a lot of information.

**Chairman:** I appreciate that.

**Mr. Philip Carroll:** As I said in an earlier intervention, we never looked at the issue in the specifics. We were more concerned with individuals contracting Covid in plants. However, we have been asked for the information. We will examine whether there is an availability of that information without commitment to giving it at this stage, because I simply do not know whether we have that information available to us.

**Chairman:** There is one last point that I wish to make. Does Deputy Shanahan have another point?

**Deputy Matt Shanahan:** Obviously, we have had a wide-ranging discussion. In terms of what the meat industry wanted to come in and speak about and what it has been asked about, we have digressed. In terms of the employment, the three main areas that have come up are the issues of the agencies, the permits and the sick pay. The sick pay issue is an employee welfare issue and I hope it will be possible for MII to come back to us on that matter. I am interested in one other point and that is the future. Regarding the national outbreak control team, there is a protocol to engage in the event of a further outbreak or additional clusters in meat factories. Are the witnesses and their organisation happy that they are on top of that protocol and that if an outbreak were to occur tomorrow that the meat industry could get it nailed down within 24 or 48 hours?

**Mr. Philip Carroll:** We are very satisfied that is the case. I want to put on the record before we finish that we are grateful for the engagement of all the State agencies. I refer to the HSE, in particular, regarding the establishment of the national outbreak control group. That was an important development and it was of great assistance to the companies, particularly those that had larger-scale outbreaks.

We will continue to work with those groups. Can anybody be certain in any walk of life, however, of being completely on top of any further outbreak that might occur? I do not think so.

As far as we are concerned, though, we are far more confident in our capability, the resources available to us now and in all the measures we have taken. We now have a better understanding of the problems we face and we are much strengthened in the artillery we have available to us in defending the position we want to defend - that of having zero cases in future.

**Chairman:** I thank Mr. Carroll and what he said is noted and understood. Turning to one other issue, Mr. Healy agreed that MII would meet with SIPTU in response to the line of questioning from Deputy Duncan Smith. Equally and correctly, Mr. Healy pointed out that MII is a representative body of several different firms. It seems, however, that several reports, including one from the European Federation of Food, Agriculture and Tourism Trade Unions, to which SIPTU is affiliated, on outbreaks of Covid-19 in several countries, certainly not by any stretch limited to Ireland, refer to access for trade unions to sites in Ireland as being extremely challenging. Ms McGinley of Migrant Rights Centre Ireland spoke about workers being afraid to be seen to be joining trade unions, talking to trade unions or talking to the MRCI or anybody about their rights. While the MII might be prepared to talk to trade unions, will its members be willing to allow trade unions into their workplaces?

**Mr. Cormac Healy:** Trade union involvement in the meat industry has existed for many years. Contrary to that point, the point we had made to SIPTU was that MII as an organisation and representative body, in respect of the areas we have worked on, has not been and is not involved in employment and labour matters and that those issues are best dealt with at local level. I know, however, that where there is union involvement in plants and companies that they have been engaged and working with management. One of the Deputies referred to a letter from one of the unions to the Minister. There have been letters in more recent times in support of measures that have been in place. Our members have engagement with unions at local level and that was the point I was making to SIPTU at the time. I refer to that being the main focus of attention.

**Chairman:** Mr. Healy and MII would not agree with the general line that access to sites for trade unions is extremely challenging. Mr. Healy would disagree with that point.

**Mr. Cormac Healy:** Yes, and I do not know where that fits in all of this either. I do not agree with that point because, as I stated, there has been union involvement in the meat industry for many years. The extent of that involvement may, however, vary over time, as it does across the economy.

**Chairman:** An independent trade union, primarily based in the south of the country, made a similar submission. From reading its submission, it would seem that union is of the view, and it may of course be wrong and Mr. Healy and MII are perfectly entitled to dispute this, that trade union membership and activism is not something welcomed on the floors of premises owned by members of MII. Again, Mr. Healy is welcome to dispute that suggestion.

**Mr. Cormac Healy:** I absolutely dispute that suggestion. The point is that in terms of the Special Committee on Covid-19 Response and the industry's response to it, the focus is primarily on ensuring we get to the situation we are now where there are zero cases and we maintain that. While we are moving onto other areas, but that is the position of members and what they have worked on and engaged in.

**Chairman:** I do not wish to stray from our terms of reference, but the central accusation here today is that the terms and conditions around sick pay and working conditions for workers, in particular migrant workers, are such that required them to work in dangerous circumstances

which resulted in them contracting Covid-19. That is what we are investigating so that is how this whole issue of trade union membership links to the issue of Covid-19 response. It is not as separate and divorced as might appear in the first instance.

**Mr. Philip Carroll:** Everybody has said right across the board, and I am talking about the experts, that Covid-19 is an insidious and indiscriminate virus. It does not discriminate between people who are on modest levels of pay and people who are on high levels of pay. It does not discriminate across nationalities or across borders. To suggest, for example, that there are issues around health and safety in plants when health and safety is inspected in the normal course, without announcement in advance, by a State authority needs to be refuted because it is simply not the case.

**Chairman:** What needs to be refuted? I am anxious to-----

**Mr. Philip Carroll:** The fact that suggestions are being made - you said it yourself, Chairman - about the standard of health and safety in plants. The standard of health and safety in plants is regulated by the Health and Safety Authority, HSA, a State body, independent of the plants and on a regular basis.

**Chairman:** I invited Mr. Carroll to respond to that and I thank him for doing so. Did the witnesses say the accommodation workers live in is inspected by the Workplace Relations Commission, WRC? Obviously, workplace environments, etc., and the terms and conditions under which people work can be inspected, but did one of you say that the accommodation is inspected by the WRC?

**Mr. Joe Ryan:** I will answer that, Chairman. I did not say that. I said in the context of the employment permit system one of the requirements is that assistance is provided in sourcing accommodation. That accommodation is not mandatory, it does have to be availed of and people often move on, but it is part of the requirements of the permit system that assistance is given in sourcing it. It is that element that is inspected by the WRC, to the best of my knowledge.

**Chairman:** I thank the witnesses very much for answering all of the many questions that were put to them here today. I adjourn the Special Committee on Covid-19 Response until next Tuesday morning. I thank the three witnesses for coming in on a Friday afternoon and answering so many questions, and also for undertaking to answer more questions in the coming two weeks.

The committee adjourned at 4.40 p.m. until 9 a.m. on Tuesday, 14 July 2020.