

EU draft directive on seasonal work will lead to wage dumping

The EU Commission recently presented a draft law that can lead to wage and social dumping throughout the European Union. It particularly concerns workers in the agriculture, construction and tourism industries. At present, workers from outside the EU can stay for three months without applying for a working permit (provided they fulfil the visa requirements). In the future they could stay for nine months per calendar year, according to the proposal from the Commission.

The risk of wage dumping is overwhelming, as the proposal does not make clear which rules are to be followed with regard to these seasonal workers. It will also make trade union work in supporting this vulnerable group infinitely more difficult.

Many of those coming to Ireland work in agriculture, construction, and tourism. But the basic principle must be that all who work in Ireland should have the same rights, irrespective of from where they come. There is no reason why a foreign worker should earn less or have worse working conditions than Irish workers.

In its present state, the proposed directive not only opens up the possibility of wage and social dumping but also shows very clearly that the Commission has not paid any regard to the aftermath of the Laval case. Instead it follows the lead of the European Court of Justice in further strengthening the present imbalance in the European labour market.

We cannot allow the exploitation of labour, which also makes trade union work more difficult. We request, therefore, that the Government make it clear that it rejects this directive in its entirety. It can show that it takes the trade union worries about wage and social dumping seriously.

The problem with the new directive is that it is not clear which rules should be implemented for seasonal workers. The working periods could stretch out up to nine months during a twelve-month period, for a maximum of four to five years. Ruthless employers will exploit these low-paid workers in order to fulfil their labour needs. Neither does the proposed directive give a clear definition of what seasonal work is; instead it opens up the possibility of very wide interpretation of what kind of professional categories could be included. In reality, a great number of professions might be affected by this proposal. In addition, these are workers who could be posted here without their wages being set by collective agreements or other rules that aim to secure equal treatment of the posted workers.

Such a directive not only affects foreign workers, giving them less pay and worse conditions, but also risks destroying compliant employers who try to run their businesses according to standards normally acceptable to Irish trade unions. Already we see the problems emerging in the electrical contracting industry, where unscrupulous employers seek to smash the registered employment agreement that guarantees minimum rates to workers in that industry.

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