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Leinster House,
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Submission to “Special Committee on Covid-19 Response”

A Cháirde,

Responding to the invitation to make written submission to the Special Committee on Covid-19 Response, we enclose the Independent Workers Union’s submission on issues relating to the meat industry. It discusses the issues of social distancing and other protocols in the meat factories, the living arrangements of staff, testing and tracing of staff and close contacts and positive tests protocols.

The Independent Workers Union was formed in 2002. Its formation was necessary so as to expand membership in order to maintain the viability of its embryonic organisation – the Cork Operative Butchers Society. The latter organisation dates from 1916 and was licensed as a Trade Union under the Trade Union Act 1941.

The members of the IWU have never felt the necessity to be part of any umbrella group, thus maintaining its “Independent” status.

Membership is presently a little over 1,000 with around 500 of these being part of the Cork Operative Butchers Society Branch of the organisation.

The Cork Operative Butchers Society members are to be found in Meat Factories, Abattoirs and in Retail settings. i.e. Supermarket meat counters, Shops and Stalls.

For the purpose of our Submission to the “Special Committee on Covid-19 Response”, we shall confine our comments to the meat factory situations where we have concerns for our members.

Most of our members in these factories are non-Irish workers. The principal countries of origin of these workers being Poland, Slovakia, Hungary, Romania, Moldova, Brazil and East Timor. These workers are generally employed, not directly by the factories, but by employment Agencies, The agencies provide accommodation for these workers and arrange transport from accommodation to and from employment.

It is the areas of Accommodation and Transport where we are concerned about the transfer of Covid -19. In our view, the houses which our members rent are overcrowded and in the event of one of the tenants testing positive for the virus, self-isolation would prove difficult.

Our members, generally travel to and from work by car, with four or five passengers in each vehicle.

As the places of accommodation are several miles from the factories, walking or cycling are not feasible alternatives.

As agency workers join our Union we have noticed that the primary demand they express is to be directly employed by the factory that hires them through the agency.

For the benefit of the members of the Committee, we attach the observations of our union representatives regarding problems our members working as agency employees experience.

We hope that these observations and the views expressed above will be of some help to the Committee in curtailing the virus and in assisting their views on safety for those meat factory workers, who choose to make a living for themselves in this country.

Sinne Le Meas,

Daniel Snihur (Polish Representative)

Nora Labo (Romanian Representative)

Independent Workers Union – Submission to the Special Committee on Covid-19 Response

A. Introduction

1. The Independent Workers Union, through its Cork Operative Butchers Society branch, has a strong member base in the meat industry, and at present has numerous members in several meat plants around Munster. Throughout the recent pandemic period, our representatives have been in constant contact with our members working in these plants, assisting them in workplace, housing, medical and legal issues. The fact that the union has Polish and Romanian-speaking representatives has allowed us to directly communicate with a large number of workers who were otherwise very isolated and vulnerable, due to their lack of fluency in English. The union was able to intervene on behalf of the workers in many crises during the past months, and also learn about many cases of abuse and irregularities happening in their workplaces.
2. The following report is a summary of these recent findings, and how they connect with wider, long-term issues in the meat industry, disproportionately affecting foreign workers, which form the majority of the workforce in all the plants where our union is present. It is our opinion that the public health disaster that occurred in meat plants this year is only the natural reflection of the industry's chronic mistreatment of workers: unsafe and exhausting working conditions, insufficient pay, disregard for the workers' dignity, intimidation of unionised workers, unsuitable housing, illegal contracts which deprive workers of their rights, and many more. Some of these problems stem directly from the internal functioning of meat plants, others are caused by the unscrupulous work placement agencies through which many meat plant workers are employed. All of this will be detailed below.

B. Health and safety measures taken by the meat plants during the Covid-19 pandemic

3. In two large meat plants where our union has a strong presence, there were very few official cases of Covid-19. This might give a superficially positive impression of these employers' efforts to care for their staff, but by examining the situation more closely we can understand why this is not the case. While sometimes the companies' response was efficient in terms of public health, most measures were taken with no consideration for workers' dignity and without any consultation with the workforce. For instance, 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 other workplaces, similar changes were made with no consultation, often in ways which were counterproductive and disrespectful to the workers. More adapted measures with a higher rate of compliance could have surely been found had the workers been consulted on the changes in their work conditions.
4. In another meat plant where the union membership is presently growing, as soon as the media coverage of the virus increased, the management called a meeting with each department's staff. The workers were informed that restrictions will be implemented and that the management will then be actively informing all staff of all infections, changes to conditions, etc. The Supervisors then started handing out contact tracing forms and filling out these forms during shifts – the form asked for example whether the worker lives with anyone else working in the factory and whether people commute to work together.

No further communication followed. The workers themselves were finding out about infections within the different departments.

In mid-May, the management started carrying out tests, people were however told to continue working together and that they will be receiving a text message should their test result be negative or a phone call should it be positive, however, workers could not have their phone with them at work due to policy, but even if they did, there is no phone reception at the factory premises. After two days of working together, crowding in the canteen and locker rooms which the workers say are the bottlenecks when it comes to social distancing, some 100 people turned out to have tested positive and were told to self-isolate at home for a fortnight. Other workers who tested negative but lived together in shared accommodation with the workers who tested positive, continued working, even though the management had the contact tracing forms and knew which address was self-isolating. On the other hand, some workers who tested negative, but worked on a station together with colleagues who tested positive, were told to stay at home, even though the workers who tested positive had close contact with a large number of other workers throughout those few days. After two weeks passed, the workers who were told to self-quarantine despite testing negative were told not to come back working due to HSE guidelines, even though other workers who tested positive, had already come back to work.

The staff of this particular factory, but also the staff of other factories, often point to these irregularities and strange choices by the management being a result of the management's focus mainly on keeping the same, or in a lot of cases, increasing the production levels, despite infections and lower staff attendance, and not on protecting the workers' health and safety. For instance, the workers point to the fact that in order to maintain social distancing, the production line speed should have been slightly lowered so that one person should operate a given machine/station to reduce overcrowding. They also point to the fact that only in mid-May the management of the factory decided to close off some of the lockers in the locker rooms to lower the number of people standing next to each other.

The masks were introduced also only in mid-May, previously only a small number of individual workers were wearing their own masks. The masks introduced in mid-May are single-use masks to be worn for the duration of the whole shift. The canteen tables were also changed in mid-May from four to two-person tables.

Finally, the workers point to the implementation of scattered break times where the office staff were to take their breaks last, however, they largely ignored these break times and the staff started to also ignore them.

5. Despite the existence of a workers' health and safety committee in one of these factories, which the union helped to create, the committee was never consulted as to the suitability of these measures. The plant's management never allowed the health and safety committee to convene throughout the pandemic, despite a prior existing agreement which would have seen it meet every month, and despite certain workers' repeated requests.
6. From what we have heard from many of our members, the meat plants' main concern in adopting these measures was their reputation, not their employees' safety. Indeed, in many cases, the plants' management or the work placement agencies acted in ways contrary to their workers' best interest. This will be made clearer in the following three sections.

C. Pay and work conditions during Covid-19 pandemic

7. During this period, cleaners' workloads almost doubled in several meat plants, due to an increased need for disinfection. However, while the cleaning staff had to perform increasingly more tasks during one shift, no extra staff was hired, and their pay remained the same. Often a cleaner's responsibilities would be increased from one day to the next,

with notice via text message the evening before the next shift, without regard to whether it was realistically possible to squeeze in even more work during the same hours.

8. In general, the pay is extremely low in the meat processing sector and workloads very high. In the plants where our union is involved, most workers are on a minimum wage, even after many years of service. Often no overtime premium is paid, even when such a premium is specified in workers' contracts, despite people regularly working 50+ hour weeks. Not only the cleaners but also the rest of the production staff experienced increased workloads during the pandemic. When some workers got sick and the plants had trouble hiring (a chronic problem, which worsened during the lockdown as it was more difficult to source foreign labour), the remaining workers had to do extra work with no extra pay. The meat plants and the agencies repeatedly refused to award a premium for the risks the workers took during the pandemic, even though production volume was at an all-time high in all the factories we monitored. These risks were real, as the distance between workers on the production line was not adjusted to reflect social distancing requirements, and the perspex screens could only help so much in crowded workplaces where person to person interaction remained inevitable and even increased proportionally to the higher production volume.

D. Lack of access to health care. Connection to work placement agency practices

9. An alarming issue for many workers during the pandemic has been their lack of access to health care. Most workers we know find it hard to get proper medical attention, due to their limited knowledge of English and also due to the lack of time to see a doctor, resulting from the exhausting pace of their work and the high number of hours worked per week.
10. However, this state of affairs is made worse by one work placement agency's illegal employment practices. This agency used to employ most Romanian workers in one meat plant in West Cork until last year, when thanks to unionised workers' sustained action, the factory ended its collaboration with the agency. The same agency is still the direct employer of the majority of the workforce in another meat plant we work in. All in all, we have documented about a hundred different workers who were denied basic employment rights by this agency. We suspect many more workers in the meat sector are concerned throughout Ireland. I will briefly detail this agency's practices in order to highlight how it has deprived workers of social security and access to health care.
11. This agency, originally a British company which now has branches in many European countries, recruits mostly Eastern European workers (from Romania, Poland, Croatia and Slovakia), promising them secure, permanent employment in Ireland, with the suggestion that, if they do well at work, they will eventually be directly employed by the factory. In fact this never happens, and direct employment is the fundamental demand of all the unionised meat workers: they correctly identify the agency as the main facilitator of the abuses they suffer.
12. Because the meatpacking sector has a lot of trouble recruiting, Eastern Europeans are often tricked into working in these plants – for several people I've talked to, they had been promised easier and cleaner jobs by the agency back in their home countries, and were only told they'd be working in the slaughterhouse once they had moved to Ireland and spent all their savings relocating. The Polish or Slovak workers, once employed by the agency, receive a contract qualifying them as temporary workers, with an unspecified wage ("will depend on what similar workers are paid"), unspecified work location, and unspecified work hours. Even after ten or thirteen years of working and living in the same place in Ireland, their contracts stay the same, which makes it hard for them to directly challenge

fluctuations in pay or work conditions with their managers. In virtually every case, those who work through this agency are paid less than those who are directly employed in the factories, even though this is illegal.

13. However, if the workers come from Romania, then the agency forces them to accept another agreement, a fraudulent contract, which practically transforms EU citizens into undocumented migrants. Simply put, all Romanians employed through this agency are forced to agree to the agency opening a company in each person's name in Poland, and their work in the factories is remunerated through these sham companies as if each worker were an independent contractor self-employed in Poland. When some workers complained about this obviously illegal scheme, they were told this was the only way to get the job (even though some of their colleagues of other nationalities were employed differently). Even those workers who never signed the paperwork found out that a company had been opened in Poland in their name. This resulted in hundreds of people living for years in Ireland with no social security and no legal existence, as they were insured in Poland and all their contributions were paid there. When people got fired, they could not get unemployment benefit; they never had paid holidays as they were "self-employed"; they had no medical insurance; no right to pensions, maternity leave, illness benefit etc. To add insult to injury, while being self-employed in Poland people were charged huge "accountancy fees" by the agency every month, even though no accounting services were ever provided or required. Some factory owners were aware of the scheme for years, and when people protested, they were told that this arrangement was the best, tax-wise, for both the factories and the agency, so they should give up any hope to see it change.
14. It is clear how this scheme puts workers in a very vulnerable position. Most of our Romanian members who are employed through this agency have no social security, as for the past years their PRSI contributions were not paid. Even though, very recently, most of them have been given Irish contracts instead of the Polish ones, following a WRC investigation into one worker's case, which subsequently triggered worker protests, all their years of work in Ireland have not contributed towards social security, so now they are entitled to as much as a person who has just arrived in the country. Most of these workers only acquired a PPS number very recently, despite having been in full employment in Ireland for many years. They have no right to illness benefit because they haven't accumulated enough stamps. Our union has filed more than 400 complaints to the WRC on behalf of these agency workers, which have not yet been heard due to the closure of the WRC during the pandemic.
15. When some of them got ill during the pandemic, they had no GPs, due to the reasons mentioned above. The union had a very hard time finding GPs who were willing to handle new patients, even just to certify them for the Covid-19 Illness Benefit or to order tests for those suspected of Covid. Most local GPs would only take their existing patients, despite official HSE guidelines which instructed doctors to handle any patient requiring attention in relation to Covid. This was made worse by some employers' efforts to dissimulate Covid clusters, by preventing workers from getting tested or obtaining the Covid-19 Illness Benefit they were entitled to. In one situation, a meat plant owner and the employment agency worked hand in hand to achieve this, while putting workers at risk.

E. Employers' efforts to dissimulate Covid clusters

16. In one West Cork meat plant, at the height of the pandemic, workers were sent home on suspicions of Covid through discretionary decisions of the plant owner. No doctor was consulted, only the veterinary technicians who work in the factory. The owner would tell

workers to go home and self-isolate for two weeks whenever he considered they looked suspiciously ill, or when they lived in shared accommodation with other workers who had been sent home. However, these decisions were quite arbitrary and in one case a worker was told to self-isolate after spraining his ankle in a fall. Nevertheless, when workers were sent home in these circumstances, they were told by their direct employer (the agency discussed above) and by the factory owner that under no circumstances should they apply for the Covid-19 illness benefit, even though they were confined to their homes for medical reasons.

17. In the case of people who were ill, after sending them home neither the agency nor the plant owner provided any assistance in getting tested, getting medically certified, facilitating translation so that people could communicate with a doctor etc. In two separate cases, in this factory, two clusters of people sharing accommodation (some ill, some in close contact with them) were sent home and left to fend for themselves. They speak no English, had no supplies, and live in remote areas. The agency threatened them that if they were seen on the streets the Gardai would be called and they would get sent back to their countries. However, no help was given to even provide them with supplies during self-isolation. These people live in accommodation provided by the work agency, but which belongs to the factory owner. During their self-isolation both the agency and the factory owner inspected the property, just to make sure the workers weren't going outside and repeating the threats of what would happen if they did. But not once during these inspections were any supplies brought, nor was a translator, a doctor, tests or any practical help or advice. The workers did not know who to contact, as they had no GP due to the agency not having paid any PRSI contributions for them for years. Finally, the union managed to find a solution, but this was made difficult by the employer's threats against the workers during this very difficult time.
18. In fact, from the beginning, both the agency and the plant owner told the self-isolating groups that they could only apply for Pandemic Unemployment Benefit, not the Covid-19 Illness Benefit payment. In the case of the first cluster, this happened at the beginning of the pandemic when there was quite a big difference between the Pandemic Unemployment Benefit (which was still €203/week) and the Covid-19 Illness Benefit. However, money was not the main issue for the workers concerned, but rather the incessant harassment and intimidation aimed at discouraging them from getting the medical attention they required and the social security they were entitled to. In both instances, the agency pressured all the employees concerned, in writing, to apply for the unemployment and not the illness benefit, or else face disciplinary action or dismissal. When the union advised otherwise, the workers were told that if they kept asking for help from their union in this situation they would be dismissed. It is important to note that in the case of this meat plant, the employment agency and the factory owner work very closely together, and thus there is reason to suspect that their conduct was an attempt to prevent these Covid-19 clusters from showing up in the national statistics, even if it meant denying their employees their rights.

F. Housing situation and its consequences during the pandemic

19. An ongoing issue for many of the union members is their housing situation. Many workers live in overcrowded accommodation, maintained to a very poor standard by their landlords. As housing directly affects a person's own safety and comfort, it was also an important influence on how the Covid-19 pandemic affected workers in the meat sector. The problem of inadequate housing was even worse for those workers living in accommodation provided by the agency which employs them. It is worth providing more detail on workers' regular living arrangements, so as to understand how they could have such catastrophic health consequences during the past months.

20. For instance, the agency discussed above (which falsely declared workers as independent contractors) also provides accommodation to many of its employees, sometimes for years. The properties are rented at prices higher than average and often belong to the factory owners, who rent them to the agency, which in turn sublets them to the agency workers employed in the factory so that most of the money they earn goes back to their employers in one shape or another. The workers' rent and bills are directly taken from their wages, and they are never presented with any proof of the cost of the utilities. Even when people live for years in agency accommodation, their rental contracts give them no rights. The contracts they are provided with, state that they can be evicted within 48 hours for any reason and that they are not allowed visitors in their home. Throughout this pandemic period, when all evictions were suspended, the agency has been evicting workers on a whim, especially in a bid to intimidate those who have unionised. The conflation of landlord and employer in one entity puts the workers in an extremely vulnerable position: if they lose their job, they also lose their house and vice-versa; often surprise inspections of the house will result in disciplinary measures at work, or trouble at work will lead to homelessness.
21. In the case of one West Cork meat plant, both this agency and the factory owner were moving people around from one agency house to another throughout the lockdown, in total disregard for social distancing guidelines. It is, of course, irresponsible to forcibly shift people from one shared living unit to another in a period of heightened epidemiological risk. People who had lived in one place for years were told from one day to the next that they'd have to leave the house, with no reason given, just because the factory owner had decided to use their house as accommodation for new workers he was planning to hire. There is also strong reason to believe that the eviction or forcible relocation of some of our union members were also meant to intimidate those workers who had been most vocal against the abuses they suffer at work. One worker was evicted with no notice from agency accommodation (belonging to the factory owner), and when he protested the agency repeatedly tried to pressure him to go back home to Romania. Unfortunately, sometimes these intimidation tactics work, as two workers who were evicted from one house decided to leave the country rather than put up any longer with the agency's bullying.
22. Additionally, many workers living in accommodation provided by their employment agency have insisted on the link between their poor living conditions and their susceptibility to disease. For instance, two workers who showed symptoms of Covid and lived in an agency house told us that their general health condition and immunity had worsened since they had started living there, as there was no hot water throughout the winter, the window to a bedroom wouldn't close, and the electrical wiring was faulty, thus making the use of radiators hazardous. As such, the six people in this house had constantly suffered from colds and flu throughout the cold season.
23. In the case of workers who were sent home to self-isolate on suspicions of Covid, they still had to share the bathroom and cooking facilities with other workers in the same houses. Their employers made no effort and showed no interest in helping the healthy workers effectively avoid contagion in their homes, even though the overcrowding of these houses was chiefly the responsibility of the agency which rents them to its employees.

G. Other serious issues

24. Though not directly related to the Covid-19 pandemic, we would like to briefly mention a few other significant problems affecting workers in the meat processing sector. Irish meat plants have recently been in the limelight for their insufficient efforts to protect their

workforce from the new coronavirus, but the reality is that workers' health, in general, is not taken seriously enough in this sector. There is a huge body of research showing that the meatpacking industry has one of the highest rates of work injuries all over the world, not just in Ireland, and there are many medical conditions directly associated with the heavy lifting and repetitive strain specific to the production line (for instance, carpal tunnel syndrome or hernias). Our union has knowledge of dozens of young men who now have long-term disabilities due to injuries or work-related illnesses, sometimes after only a few years of employment in the meat plants.

25. In many plants, there is no concern for workers' long term health, as they are seen as a disposable workforce, and once they get ill they are expected and pressured to go back to their home countries and stop bothering their employers with their problems. Task rotation, which would support the workers' well-being, is unknown of, and workloads are often excessive, a situation which was exacerbated by the staff shortages during the pandemic. The mandatory 11 hour rest period between two consecutive shifts is often not respected, and workers do not get enough breaks when there are orders to fulfil. Very quickly, a worker's right hand will stop working after 6000 identical movements for ten hours every single day; their back will give in after lifting 40 kg crates day in, day out. When a worker is good at a certain task (or simply willing to do undesirable work that others refuse), they will be assigned to it until his body stops working. In one chicken plant, the six men in the killing area have to kill 45000 chickens a day. One of them was told he'd only do this job for a week while replacing a colleague – in the meantime, the colleague never came back and he's been doing it for two years. It is clear that exhaustion from overwork likely played a part in so many meat plant workers getting sick from Covid-19, as tiredness directly affects the body's capacity to fight infection.
26. When workers get ill and disabled, they are punished for being less efficient. Their injuries also indirectly lead to disciplinary action, as management holds them to unattainable standards: for instance, in one plant, they have to bring medical certificates within 24 hours of any absence, even though management knows that many of them speak no English and need translation to go to the doctor (if they even have a GP). These workplace rules, while always enforced with the veneer of accountability, often appear to be part of a strategy to coax inconvenient workers into leaving the company and hopefully the country. At work, management systematically denies and cast doubt on worker complaints and experiences, down to their perception of their own bodies. For instance, in one plant a worker broke his finger at work, in full view of all his colleagues. When he went to work the next day to claim the sick leave he was entitled to, his manager, who had seen the incident, claimed he had broken his finger at home. The speed of the production lines is surreptitiously increased and the workers are accused of being too slow – only to be slowed down again when there's an inspection. The quotas agreed upon are slyly doubled: a butcher might know his daily quota is 240 crates of chickens, but from one day to the next the crates he receives will be packed with 40kg of meat instead of the normal 25kg. We have heard several accounts of workers collapsing in tears at work due to the unbearable workload.
27. When workers get a diagnosis from medical specialists, the company doctors claim they have no disability, against all medical evidence; when workers require a job which would put less strain on an injured body part, the managers claim there are no such roles, even when the workers specifically identify them. The general phenomenon observed in many injury-related work conflicts is that the plants' management constantly simulates concern for their workers' health, all while postponing any reasonable adjustments, casting doubt on all workers' accounts and documentation, endlessly tergiversating their return to work and

thus effectively pushing desperate and injured workers into accepting meagre settlements and leaving the country.

28. Other long-term issues which often comes to the union's attention are the intimidation and harassment that workers are subjected to at work, especially when they join a union. Some instances of this have been described in the above sections. We have also seen cases of workers who become active in the union being re-assigned to more difficult jobs; or the factory might refuse to employ any of their relatives (which might expose the workers to a backlash in their social circles). When workers begin to unionise, sometimes the managers will try to convince or force them to join a different union, one that they already know is not active in the meat sector or not present in the area, and will thus pose no threat. Some factories, when the majority of the workforce has unionised, will simply try to recruit new people from different countries altogether. Thus, one plant now refuses to employ any new Romanian workers and instead is only trying to hire Brazilians, hoping the different nationalities won't organise together. Sometimes the management in certain plants has used "divide and conquer" tactics, manipulating the workers into believing they have no common ground with those from other countries than their own. This is achieved through splitting the workforce into teams according to language, by purposely circulating false rumours that some nationalities receive preferential treatment, and by presenting new waves of immigrants as a threat to the older immigrants. It is of course in the workers' best interest to be part of a union, and strong union membership can only have a positive impact on work conditions and health and safety standards. Thus, union-busting tactics put workers at risk in the long term.

H. Concluding remarks

29. It is our hope that this report will draw attention to the chronic and widespread mistreatment of workers in the meatpacking industry. We would like to emphasise again how the high number of Covid-19 clusters in meat plants in recent months was far more than the accidental consequence of unforeseeable events, but the logical result of wider, already existing issues. For the future, we would recommend the following measures (by no means exhaustive), in order to improve workers' conditions:
- That workers' health and safety committees be consulted on all matters concerning employees health and safety, and that such democratically elected committees be organised in all meat plants, if not yet present.
 - Better regulate agency employment in Ireland, and more effectively enforce existing regulations, so that workers are not denied access to basic employment rights and social security.
 - Ensure that all workers employed in the meat industry have access to health care and social security, this access being understood to include basic rights, social security contributions and access to translation if necessary.
 - Ensure that workers living in employer-provided accommodation have the same basic rights and legal protection as regular tenants, especially regarding evictions and decent living conditions.
 - Carry out surprise inspections in meat plants, as from workers' accounts it emerges that the production line is running much slower than usual during an inspection. The possibility for union representatives to take part in workplace inspections would be a significant gain for workers' safety.