



Opening Statement to the Joint Committee on Tourism, Culture, Arts, Sports, and Media

Government and Culture Issues at RTÉ

Wednesday 24th April 2024

Chairperson and Members of the Committee

1. SIPTU welcomes the opportunity to appear before the Committee this afternoon to set out our views on the implementation of RTÉ's strategic vision "*A New Direction for RTÉ*" and RTÉ's misclassification of workers' employment status and its impact.
2. SIPTU is the largest trade union in Ireland and represents the largest and most diverse membership within RTÉ, including workers in Administration, Operational, Technical and Directing Grades, Musicians, and Actor members of Irish Equity, which is an affiliate of SIPTU. An extremely large proportion of our members earn less than the average industrial wage.
3. The current crisis in RTÉ, brought about by the revelations in the summer of 2023, posed serious questions about RTÉ in terms of trust, corporate governance, corporate culture, and transparency. For several years our members have had deep misgivings relating to the governance of RTÉ. They have had to deal with various crises that resulted in job losses and pay cuts while being informed by management that everyone in the organisation would be treated the same. We cannot overstate the sense of betrayal our members felt when the disclosures in 2023 revealed that not everyone was treated the same. Not everyone felt the pain of pay cuts and other changes.
4. Our members are proud of the work they do in RTÉ, the national broadcaster. SIPTU and its members support the requirement for a Public Service Broadcaster for the benefit of democracy and our society. As stakeholders our members must be part of any discussion that can improve this service for the people of our country.

5. In November 2023 our members read about the RTÉ management's strategic vision plan, "*A New Direction for RTÉ*" in the media. Once again, our members found out about their future through leaks in the media before being told directly by their employer. The announcement of 400 job losses sent shockwaves across RTÉ and rumours spread like wildfire about where these job losses would be. Our members have gone through previous change plans before, and the cuts always seem to impact our membership probably more so than any of the other union members.
6. Since that announcement, there has been no information or detail as to where these 400 job losses are to come from. Our members were told that 168 of the 400 job losses will come from natural wastage, retirements etc. The Director General has stated publicly that News and Current Affairs will not be affected by these job losses. But he has not indicated if any other areas will not be affected, which would suggest that the bulk of these 400 job losses would more than likely come from operational areas, most of the workers in these areas are SIPTU members.
7. Our Irish Equity members in Fair City, have been dealing with suggestions that the production would be outsourced to an independent production company. While that has not happened, they have been informed that there will be no filming in July and August of this year. This is happening so that management can use the technical staff to cover the 2024 European Football Championship, the Paris Olympic Games, and the GAA Championship, all of which require huge resources.
8. This is a new development that has never happened previously, even though RTÉ has broadcasted these major sporting events before. The national broadcaster has a duty, under its public service broadcasting remit, to produce drama like Fair City. Our members in Irish Equity are

extremely disappointed and distressed with this reduction in filming and they believe that RTÉ management consider them second-class employees and expendable if savings need to be made. It could seem to an outside observer that when money needs to be saved, Fair City and drama are easy targets.

9. The RTÉ Concert Orchestra is central to RTÉ fulfilling its public service broadcasting remit. The orchestra is a vital part of the arts, music, and education ecosystem in Ireland. The RTÉ National Symphony Orchestra was transferred from RTÉ to the remit of the National Concert Hall in 2022 and is now known as the National Symphony Orchestra. Our members in the RTÉ Concert Orchestra are extremely concerned about their future.
10. The orchestra performed to over 69,000 live audience members last year, as well as many hundreds of thousands of listeners of the orchestra's broadcasts in Ireland, across the EU as part of the EBU broadcast network and worldwide on radio, television, and online. The orchestra works with both young and established Irish and international artists of the highest quality. It is a significant cultural asset in Ireland, and its place in RTÉ's future strategic planning should be of great importance.
11. RTÉ has been moving slowly into the 21st Century. New technology has been embraced by our members and the results in output to the public has been noticeable. New studios, production models and investments have all been welcomed enthusiastically, however it is quite clear that RTÉ and our members need more. Our members tell us that Nuacht studios across the organisation are falling apart, and it is an extremely difficult and stressful situation to work in.

- 12.** There are concerns about the vague references in “*A New Direction for RTÉ*” to automation and Artificial Intelligence and how that could affect staffing levels going forward. While our members welcome investment in technology and skills, there is no detail regarding what that means for the workers in those areas. All they do know is that “*A New Direction for RTÉ*” states there will be a 20% reduction in headcount. But as to who or where and what impact it will have on workers, there are no details. There is also a reference of a 50% increase in commissioning spend by 2028 of independent productions, as part of a hybrid-production model. Again, we have no information on what that means for our members in RTÉ.
- 13.** Our members welcome the opportunity to address other concerns that they all recognise within the organisation, including slow, backdated administrative processes, poor governance and concentration on commercial activities as opposed to Public Service Broadcasting.
- 14.** It is extremely difficult to engage constructively with an employer who launches an ambiguous document labelled a strategic vision for the future with no real detail on where these 400 job losses will come from, nor how they will be achieved, and nothing on what could be the implications on the lives of the workers that are left behind.
- 15.** These are real, genuine concerns for our members. We have a real opportunity, if management engage constructively, to get this right and address these problems within RTÉ. SIPTU and our members, believe that this can only be done with proper engagement and not by setting up multiple working groups which don’t fully address the issues and have little or no ability to affect real change in the culture, corporate governance, transparency that is needed in RTÉ and above all else rebuild trust in the national broadcaster.

- 16.** The issue of RTÉ not employing workers correctly is an issue going back over many years that has been raised by the RTÉ Group of Unions, (TUG), at all levels including at previous Oireachtas Committees.
- 17.** Despite concerns being raised by the TUG for many years about the way RTÉ hire their employees, RTÉ continued with these practices which has resulted in members being disadvantaged financially, in their careers and in their work life balance. For years RTÉ hired freelancers and contractors when it would have been more appropriate to hire full time employees, and appearing to end contracts to ensure workers could not achieve employment status.
- 18.** In November 2017, RTÉ made a commitment to examine its freelance/contractor contractual engagements. RTÉ engaged the law firm Eversheds Sutherland for this process and a report was issued in June 2018.
- 19.** This exercise identified inconsistencies in certain roles where some individuals were hired as employees and others as independent contractors. The Report included the following finding from a total of 433 contractors reviewed, 106 were assessed as having “*attributes akin to employment*” and required individual review regarding their employment status.
- 20.** The Report included the following recommendations:
- a) RTÉ should introduce an overarching policy and process with regard to the engagement of freelancers.
 - b) RTÉ should develop clear guidelines as to when and how to engage a contractor or employee; and

- c) RTÉ should review the contractor population as prioritised and apply the new policy accordingly.

We do not know whether this ever happened.

21. The RTÉ employees identified by the Eversheds process as having had their employment status misclassified have a claim for the retrospection of entitlements for pension contributions, annual leave, public holidays, privilege days, shift premia, sick pay, maternity leave, paternity leave and contracts of less than 44 Hours.

22. Scope is currently examining in the region of 690 employees' historical employee status, with the majority of those being found to have employed incorrectly. We are led to believe that RTÉ have set aside a sum of money to meet its liabilities to Revenue, however, many members also have claims for additional losses.

23. Our members have an expectation that their claims will be met. This whole fiasco is down to RTÉ's mismanagement when it came to hiring workers. RTÉ have fought hard to ignore these claims, and when finally, they were forced to deal with them, refused to accept the full totality of our members' claims and refused to include any mention of their pension liabilities. This in effect means that our members and their families will be disadvantaged for the rest of their lives.

24. There are also a large number of RTÉ employees who had their employment regularised prior to Eversheds process, so they were never included in the figures outlined in the Eversheds process and as such excluded from any offer for the retrospection of losses as outlined above which was made to employees covered by the Eversheds process. These employees have been

left in limbo because they were not part of the Eversheds process, yet they incurred the same losses as the employees under the Eversheds process, and their claim has never been addressed.

25. SIPTU are currently representing members in the Workplace Relations Commission regarding their claims for the losses incurred and are still incurring because of RTÉ management's misclassification of their employment status.

26. Employment status is an issue that is still on-going in RTÉ. There are people currently employed in RTÉ on rolling contracts and it is a struggle to get these workers regularised. These workers are afraid to challenge RTÉ management over this as they are concerned that their contract will be terminated, and they would lose any chance of getting employment within RTÉ. This is a culture that has existed for years and continues to exist.

27. Fair City Actors have only recently become RTÉ employees, but do not have a contract of indefinite duration, despite some of them working in the drama for over 20 years. Media reports last year stated that RTÉ settled a claim by several Actors from Fair City on their claim for contract of indefinite duration. This practice of settling claims with a secrecy clause leads to division and creates a difficult environment for colleagues working together.

28. Fair City actors must agree to RTÉ having "First Call" when it comes to them being available for work outside of RTÉ. This means that an actor must seek permission before accepting any other offer of work and this is done with the Executive Producer. The Executive Producer confirms if it is appropriate for the actor to accept such an engagement and the actor must accept the Executive Producer's decision as final. There is no appeal. It is

difficult not to see this as an example of how actors are controlled by RTÉ. Our members have raised concerns about a culture of fear, and if they raise a concern, there could be consequences.

29. This whole fiasco is a problem of RTÉ's managements making, it is another example of mismanagement which is currently affecting the funding of the organisation. Since the controversies last year nearly 140,000 fewer household paid the licence fee. There could also be additional costs due to misclassification of employment status claims.

30. We believe it is likely to be the workers in RTÉ who will end up paying that price, whether through proposed job losses, that are outlined in "*A New Direction for RTÉ*" or stagnant terms and conditions for years to come. Our members should not have to pay for the catalogue of mismanagement, poor corporate governance, or the payment of golden handshakes. They are angry that this saga continues to erode public trust in a key national institution. They want to get back to a full focus on producing high-quality public broadcasting.

31. The uncertainty must end. What our members expect is full transparency and the creation of an action plan for the national broadcaster which places a commitment to public service at its centre and not just a "slash and burn" plan that threatens to reduce staffing levels and terms and conditions of employment.

32. Chairperson, SIPTU thanks you and the members of the committee for their attention, and for the opportunity to set out our views on both the Implementation of RTE's Strategic Vision "*A New Direction*" and RTE's misclassification of workers' employment status and its impact.

