



**Joint Oireachtas Committee on Tourism,
Culture, Arts, Sports and Media**

24th April 2024

Introduction: The National Union of Journalists welcomes the opportunity to address the Joint Committee on Tourism, Culture, Arts, Sports and Media on governance and culture issues in RTÉ.

The purpose of the opening submission is to provide a background to the NUJ's role within RTÉ.

The National Union of Journalists is the voice for journalism and journalists in the UK and Ireland. Founded in 1907 the union represents workers in broadcasting, newspapers, news agencies, magazines, book publishing, public relations, photography, videography, and digital media.

The Irish Executive Council (IEC) of the NUJ has responsibility for implementing union policy in Ireland. Policy is formulated at the union's delegate conferences.

The Cathaoirleach of the IEC is Cearbhaill O Siochain, Dublin Broadcasting branch. Séamus Dooley, Assistant General Secretary, acts as Irish Secretary and has direct line responsibility for management of the union in Ireland and is spokesperson on matters of policy. He has specific industrial responsibility for RTÉ.

Emma O'Kelly is Chair of Dublin Broadcasting branch. Dublin Broadcasting branch represents journalists in RTÉ and in the independent commercial broadcasting sector in the greater Dublin area.

Day to day responsibility for union matters in the public service broadcaster rests with the RTÉ subbranch which is chaired by Trevor Keegan. Emma O'Kelly and Trevor are joint Vice Chairs of the RTÉ Group of Unions.

Context: The Committee has devoted considerable amount of time over the past 12 months to the existential crisis at RTÉ.

That crisis has had a profound impact on the organisation and, like our sister unions in the RTÉ Group of Unions the NUJ is acutely aware of the anger and unhappiness of staff within RTÉ.

We acknowledge the concerns of committee members at the litany of corporate governance failures and share the deep sense of disappointment and anger at the behaviour of those in leadership positions who betrayed the trust placed in them.

It has been a significant challenge for RTÉ staff to continue working against a backdrop of unending unfolding scandals and controversies. Our members should not be penalised for actions and inactions of the Executive Board or previous management teams.

We welcome the committee's focus on RTÉ's Strategic Vision, published in November 2023 and look forward to engaging with the committee on the policy statement presented by the Director General, "A new direction for RTÉ."

The crisis is multifaceted and in engaging with Oireachtas members we wish to stress that successive governments have failed to address the critical issue of the funding of public service broadcasting in Ireland.

Funding: The NUJ has long believed that the current funding model for public service broadcasting is not fit for purpose.

For many years trade unions and various bodies advocated reform of the license fee system, including improvements to the collection system.

It is worth noting that the warnings contained in the RTÉ strategy 2024 were ignored by government.

The statement specifically stated: “Ireland’s TV Licence system is irrevocably broken and is no longer capable of properly supporting public service broadcasting: or Ireland’s broader audio-visual and creative sectors.”

The strategy stated that Ireland has one of the highest evasion rates in Europe – 13%, representing a loss of c €25million in public service funding.

It is clear to all that the system is outmoded, and it must be replaced as a matter of urgency.

The public reaction to the crisis at RTÉ reflected an ability on the part of viewers and listeners to differentiate between RTÉ as a corporate entity and the work of those who deliver quality public service broadcasting daily.

The decline in the license fee has been a reaction against egregious behaviour on the part of a small minority whose actions have threatened the future of RTÉ and with it the security and welfare of our members.

The future of public service broadcasting is vital to our democracy, and it is important that we move beyond the politics of the latest revelation to course a chart for RTÉ predicated on the values of truth, trust, and transparency.

Reviews: The NUJ welcomed the appointment of two expert advisory groups by the Minister for Tourism, Culture, Arts, Gaeltacht, Sports and Media on July 4th, 2023, to examine;

- a Review of Governance and Culture; and
- a Review of Contractor Fees, Human Resources (HR) and other matters.

The reviews were to be completed within a six-month timeframe.

The NUJ is concerned at the delay in publishing the reports. We note that the Review of Contractor Fees, Human Resources (HR) and other matters has been submitted to the Department since February.

The NUJ calls for immediate publication of this report. It is in the interest of workers in RTÉ that the recommendations of the HR Review are published and considered as a matter of urgency.

If the Review of Corporate Governance and Culture is not available for publication the HR report should be published separately.

From a trade union perspective, the HR Review has a direct relevance to the working environment, the terms and conditions of employment, the gender pay gap, the use of casual, irregular contracts, the unequal treatment of workers, recruitment, and career development as well as diversity and inclusion.

The management culture within RTÉ is a topic which straddles both Expert Groups and we look forward to publication of the Governance and Culture report in an expeditious manner.

The failure of successive governments to reform the funding of public service broadcasting has been a major contributory factor to the fiscal crisis in RTÉ.

In terms of corporate governance, the NUJ had highlighted the scandal of excessive executive pay, the lack of transparency in relations to allowances and benefits, the culture of entitlement and high levels of inequality across the organisation.

HR practices and procedures in RTÉ must be based on respect for individuals and for collective agreements.

Departure from the core principles contained in our two major agreements, Transformation and Guiding Principles, which provide the framework for industrial relations within RTÉ, has contributed to the unstable relationship between management and workers.

This is despite the operation of the Industrial Relations Tribunal, recognised as a model of best practice.

In charting a new direction for RTÉ it is vital that the organisation re-commits to the values enshrined in the collective agreements including the explicit commitment to retention of full-time staff and the provision of sufficient resources to deliver quality public service programming.

Changes which impact on terms and conditions of employment will have to be negotiated in the context of collective agreements.

RTÉ Strategic Vision: The publication of RTÉ's strategic vision "A new direction for RTÉ" in November 2023 was a significant development following a period of turbulence within the organisation.

We welcome commitments to governance and cultural change made by the current Director General and look forward to working with the Leadership Team in creating a new culture.

In acknowledging the collaborative approach of the Director General, the NUJ has major concerns at the premise on which the strategy is predicated.

The key elements of the strategy are.

- RTÉ will be a more streamlined, modern and simpler organisation, with fewer employees, reduced overheads and updated technology.

- We will commission significantly more content from independent production companies across Ireland and increase support to the creative economy, aiming to increase our overall investment by 50%.
- We will operate two production centres, expanding in Cork and reducing Dublin, diversifying employment and the content produced and commissioned.
- We will invest to deliver better connections with audiences on RTÉ Player, a new audio app and an expanded RTÉ News app, personalising and showcasing our high quality and impactful content.
- We will prioritise delivery of our live and on-demand content via our digital products, reducing the cost of traditional broadcast distribution. We will therefore close the 'time shift' television channels RTÉ One +1 and RTÉ2 +1.
- We will also close RTÉ Radio 1 Extra, RTÉ 2XM, RTÉ Pulse and RTÉjr Radio, offering on-demand playlists and podcasts via our new app.
- We will be a better custodian of public funding with a new Corporate Governance framework to uphold the highest standards of transparency and accountability.

From an NUJ perspective we would be concerned at any attempt to move RTÉ in the direction of a publisher-broadcaster, like Channel 4 in the UK.

Ireland's primary national public service broadcaster occupies a special place on the media landscape, to borrow a phrase used by NUJ member John Bowman RTÉ is both "Window and Mirror", telling the stories of the nation, curating national conversations, commemorating, celebrating, and challenging.

RTÉ is at the heart of Ireland's creative economy.

The NUJ is concerned that in seeking to secure support for funding RTÉ has published a strategy which threatens to undermine the ability of the organisation to maintain the tradition of excellence of which workers are justifiably proud.

We do not accept that the appropriate response to a crisis caused by a combination of mismanagement and lack of government support for funding is a reduction in staffing and the privatisation of significant elements of service delivery.

The level of job losses envisaged cannot be achieved without having a negative impact on editorial output.

We welcome the commitment to updated technology. Many members work in unacceptable conditions, in buildings unfit for purpose.

Central to the creative economy is the maintenance of quality employment. The NUJ is fearful of the consequences of outsourcing of core functions of public service broadcasting.

A vibrant independent sector can exist alongside and complement public service broadcasting.

Despite the work of sister unions, precarious employment is a feature of many parts of the independent media sector.

Current industrial relations legislation is entirely inadequate and offers no protection to workers in companies where workers are denied the right to collective representation.

The strategy promises that RTÉ “will evolve in response to changing expectations from society and audiences.”

In applauding the commitment, the NUJ does not accept that it is either necessary or desirable to reduce the workforce by 20% (400 jobs) or external commissions by 50%.

There has been no consultation with the NUJ or the Trade Union Group on how the objectives can be achieved in the context of our collective agreements.

Future funding of RTÉ should not be dependent on a programme of outsourcing.

The NUJ believes that where work is outsourced public procurement rules should apply. Respect for employment rights, industrial relations norms and the Codes of Practice of the WRC are fundamental.

We welcome the commitment to prioritise the Irish language. The first step in meeting that commitment would be the immediate end of the two tier pay structure at RTÉ Raidió na Gaeltacht, where journalists are paid significantly less than their comparators working in the English language on RTÉ Radio 1.

Additional points on Strategy

Employment Contracts: We note the committee’s interest in the procedures and process relating to the misclassification of workers’ employment status and impacts thereof.

The NUJ and sister unions have a long history of opposing bogus self-employment contracts. The NUJ, TUG and the ICTU have highlighted the issue of bogus self-employment and the implications for misclassified workers over many years,

The NUJ raised the urgent need to address bogus self-employed contracts as a priority at their first meeting on her appointment with the current Director of HR and with Ms Dee Forbes on her appointment as DG, following on from concerns raised by the Trade Union Group in 2008.

The Evershed legal review of contracts was management’s response to the consistent pressure from trade unions to address the issue of misclassification.

The TUG secured an appeals mechanism under the auspices of an independent senior counsel.

The NUJ also worked within the TUG to secure an independent process to seek an industrial relations mechanism to deal with the issue of retrospection. It included an individual adjudication process.

The right to refer cases to third parties and to seek legal redress was not compromised by these procedures.

The Irish Secretary of the NUJ Séamus Dooley took part in an ICTU delegation which addressed the Joint Committee on Employment and Social Protection on 31st January 2019 and outlines concerns at bogus self-employment within the media sector.

It is instructive to look at the issues raised by the ICTU delegation at that meeting:
[Joint Committee on Employment Affairs and Social Protection debate - Thursday, 31 Jan 2019 \(oireachtas.ie\)](#)

The issue of enforced self-employed contracts has long been a major concern to the NUJ. Bogus self-employment contracts do not exist in a vacuum and are reflective of an approach which seeks to minimise employment rights through use of casual irregular contracts, a heavy reliance on fixed term contracts and the engagement of highly paid on-air presenters as sole traders.

Bogus self-employment was forced upon many workers who had no alternative but to accept the false premise that they were not employees.

One of our key concerns about RTÉ's new strategy is that it is also predicated on reducing employment numbers, on outsourcing core functions and privatising vital elements of public service broadcasting.

The NUJ does not believe that this strategy is the appropriate basis for insuring the continued existence and enhancement of RTÉ.
