



## Belfast City Council

<b>Report to:</b>	Strategic Policy and Resources Committee
<b>Subject:</b>	Public consultation on zero hours contracts
<b>Date:</b>	19 September 2014
<b>Reporting Officer:</b>	Jill Minne, Director of Organisational Development, ext 6039

<b>1.0</b>	<b>Relevant Background Information</b>
1.1	The Department of Employment and Learning (DEL) has published a public consultation paper relating to zero hours contracts, with a particular emphasis on their use by small and medium-sized enterprises (SMEs).
1.2	The Minister for Employment and Learning made a statement in the Assembly on 23 June 2014 to announce the launch of the consultation which will seek evidence on the use of zero hours contracts and invite views on a range of potential actions that the Department could take to ensure that zero hours contracts occupy a positive space in the NI labour market.
1.3	The closing date for responses to the consultation is 29 September 2014. Any draft response approved by Strategic Policy and Resources Committee will be submitted by this date as a draft response to be ratified by Council on 1 October 2014.

<b>2.0</b>	<b>Key issues</b>
2.1	The Council does not engage anyone on a zero hours contract but does, engage 'casual' workers to cover short-term, ad-hoc or unplanned work; to help during busy times; or to cover short-term sickness, leave or specialist assignments in its front-line, customer facing job roles. The Council's casual workers are formally recruited in line with the LGSC's Code of Procedures on Recruitment and Selection Procedures on the basis of merit. In addition, there is no obligation either on the Council to offer work or on the 'casual' worker to accept such work. The 'casual' worker is not subject to any detriment should she or he be unable to accept the work and there is provision for our casual workers to indicate the days and times when they will be available for work.
2.2	In essence, the Council's proposed view expressed within the response to the DEL consultation documentation is that: <ul style="list-style-type: none"><li>• where used responsibly, zero hours contracts can support business flexibility to create employment opportunities, particularly in SMEs</li><li>• zero hours contracts, may be open to abuse by employers therefore any changes to legislation regarding their use should provide sufficient protection to individuals</li><li>• zero hours contracts in which employees are subject to detriment if they decline work, are not reasonable and should not be used</li><li>• exclusivity clauses, (clauses prohibiting workers from taking up other employment) if used in zero hours contracts, must be justified by an employer by a legitimate business reason</li></ul>

	<ul style="list-style-type: none"> <li>• the use of exclusivity clauses should be restricted</li> <li>• the Council would welcome a legal definition of a zero hours contract, as well as more detailed guidance for employers and individuals, including model clauses for zero hours contracts to support employers and in particular SMEs</li> </ul>
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<b>3.0</b>	<b>Resource Implications</b>
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3.1	<u>Financial</u> There are no financial implications contained in this report.
3.2	<u>Human Resources</u> There are no HR implications contained in this report.
3.3	<u>Asset and Other Implications</u> There are no Asset or Other implications contained in this report.

<b>4.0</b>	<b>Recommendations</b>
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4.1	Members are asked to agree the Council's response to DEL's public consultation on zero hours' contracts attached at Appendix one.
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<b>5.0</b>	<b>Abbreviations</b>
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5.1	DEL – Department of Employment and Learning SMEs – Small and medium-sized enterprises LGSC – Local Government Staff Commission JNCC – Joint Negotiating Consultative Committee CMT – Corporate Management Team
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<b>6.0</b>	<b>Documents attached</b>
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6.1	Appendix 1 – the Council's draft response to DEL's consultation on zero hours contracts.
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