



## **Consortium for the Regional Support for Women in Disadvantaged and Rural Areas**

### **Response to: Zero Hour Contracts Bill Consultation**

**Issued by: Jemma Dolan MLA**

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**Foyle Women's  
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# **Women's Regional Consortium: Working to Support Women in Rural Communities and Disadvantaged Urban Areas**

## **1. Introduction**

**1.1** This response has been undertaken collaboratively by the members of the Consortium for the Regional Support for Women in Disadvantaged and Rural Areas (hereafter, either the Women's Regional Consortium or simply the Consortium), which is funded by the Department for Communities and the Department of Agriculture, Environment and Rural Affairs.

**1.2** The Women's Regional Consortium consists of seven established women's sector organisations that are committed to working in partnership with each other, government, statutory organisations and women's organisations, centres and groups in disadvantaged and rural areas, to ensure that organisations working for women are given the best possible support in the work they do in tackling disadvantage and social exclusion.<sup>1</sup> The seven groups are as follows:

- ♀ Training for Women Network (TWN) – Project lead
- ♀ Women's Resource and Development Agency (WRDA)
- ♀ Women's Support Network (WSN)
- ♀ Northern Ireland's Rural Women's Network (NIRWN)
- ♀ Women's TEC
- ♀ Women's Centre Derry
- ♀ Foyle Women's Information Network (FWIN)

**1.3** The Consortium is the established link and strategic partner between government and statutory agencies and women in disadvantaged and rural areas, including all

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<sup>1</sup> Sections 1.2-1.3 represent the official description of the Consortium's work, as agreed and authored by its seven partner organisation

groups, centres and organisations delivering essential frontline services, advice and support. The Consortium ensures that there is a continuous two-way flow of information between government and the sector. It also ensures that organisations/centres and groups are made aware of consultations, government planning and policy implementation. In turn, the Consortium ascertains the views, needs and aspirations of women in disadvantaged and rural areas and takes these views forward to influence policy development and future government planning, which ultimately results in the empowerment of local women in disadvantaged and rurally isolated communities.

**1.4** The Women's Regional Consortium appreciates the opportunity to respond to the Zero Hour Contracts Bill Consultation issued by Jemma Dolan, MLA. Zero hours contracts are a particular issue for women and we welcome the opportunity to comment on the specific questions within the consultation but also to provide some more detailed information on the issues which women face in the Northern Ireland labour market with regards to precarious working and low pay.

## **2.0 General Comments**

There is a commitment in the New Decade, New Approach agreement *“that the Executive should move to ban zero hours contracts.”*<sup>2</sup> The Consortium is pleased to see this consultation being taken forwards as a step towards meeting this commitment. We believe that the banning of Zero Hours Contracts is necessary because of the lack of security these type of contacts offer employees (many of whom are women) which can result in difficult working environments and irregular incomes.

Figures for Northern Ireland show that there are relatively small numbers of people on zero hours contracts. Latest figures show that 1.4% of people in employment reported that they were on a zero hours contract in Northern Ireland amounting to

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<sup>2</sup> New Decade, New Approach, January 2020, Page 41  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/856998/2020-01-08\\_a\\_new\\_decade\\_a\\_new\\_approach.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade_a_new_approach.pdf)

12,000 people.<sup>3</sup> While it is important to ban these type of contracts it does not deal with other issues in the labour market such as precarious and involuntary part-time work which give rise to many of the same impacts for employees.

Precarious employment is characterised by work that is unprotected, unstable and increasingly unable to sustain individuals and families and where the future of work is uncertain with workers facing the ever-present possibility of job loss. Some 6% of the Northern Ireland workforce is employed in temporary, non-permanent arrangements and 11.4% of the workforce is self-employed without employees.<sup>4</sup> Women are more likely to be in insecure work than men. Women are more likely to work in temporary employment with approximately 27,700 women in temporary employment compared to approximately 18,000 men. This is particularly noticeable in part-time roles with the majority of part-time temporary employees being women (68%) compared to men (32%).<sup>5</sup>

Underemployment refers to employees who would like to work more hours either in their current job, a supplementary job or in a new job. The number of underemployed in Northern Ireland was estimated at 48,000 in 2019, equivalent to 6.8% of all employees aged 16-64. Underemployment rates for women are higher (7.1%) than underemployment rates for men (6.5%).<sup>6</sup>

Involuntary part-time employment consists of workers who fail to find full-time jobs. Involuntary part-time employment constituted 10.5% of all part-time employees and part-time self-employed workers. There were more women (486,000) who were in involuntary part-time employment than men (395,000) with trends in involuntary part-

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<sup>3</sup> EMP17: People in employment on zero hours contracts, Office for National Statistics, August 2020  
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/emp17peopleinemploymentonzerohourscontracts>

<sup>4</sup> 'Insecure and Uncertain': Precarious Work in the Republic of Ireland & Northern Ireland, Irish Congress of Trade Unions Briefing, Winter 2017  
[https://www.ictu.ie/download/pdf/precarious\\_work\\_final\\_dec\\_2017.pdf](https://www.ictu.ie/download/pdf/precarious_work_final_dec_2017.pdf)

<sup>5</sup> 'Insecure and Uncertain': Precarious Work in the Republic of Ireland & Northern Ireland, Irish Congress of Trade Unions Briefing, Winter 2017  
[https://www.ictu.ie/download/pdf/precarious\\_work\\_final\\_dec\\_2017.pdf](https://www.ictu.ie/download/pdf/precarious_work_final_dec_2017.pdf)

<sup>6</sup> Underemployment in Northern Ireland, NISRA, October 2020  
<https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/underemployment-topic-paper-2019.pdf>

time employment showing consistently higher levels for women for more than a decade.<sup>7</sup>

Research by the Women's Regional Consortium on In-Work Poverty<sup>8</sup> found links between precarity of employment, particularly zero hours contracts, and in-work poverty. Participants in this research underlined the need for stability and security in employment and legislative action prohibiting such contracts. In terms of addressing in-work poverty this research called for work that pays for disadvantaged women so that employment provides a genuine living wage indexed to the actual cost of living.

Systemic and structural inequalities across the labour market mean that women are overrepresented in lower paid and precarious jobs and are more likely to work part-time. This ensures that not only women suffer the consequences of these type of working arrangements but so do their families and communities. We believe that much more needs to be done to protect women, their families and communities from precarious work and that banning zero hours contracts while important and symbolic will only be one part of this wider process.

### *Statistics and Research on Zero Hours Contracts*

Statistics show that people on zero hours contracts are more likely to be young, part-time, women or in full-time education when compared with other people in employment.<sup>9</sup> Single parents (who are mostly women) are twice as likely to have a zero-hours contract as other family types.<sup>10</sup> On average, someone on a zero hours contract usually works 25 hours a week.<sup>11</sup> Just over one-fifth of people (21.4%) on a

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<sup>7</sup> Labour market economic commentary: January 2019, Office for National Statistics, January 2019  
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articles/labourmarketeconomiccommentary/january2019>

<sup>8</sup> In-work Poverty: Women's Perspectives, Women's Regional Consortium, 2018  
[InWorkPoverty.pdf \(womensregionalconsortiumni.org.uk\)](http://InWorkPoverty.pdf(womensregionalconsortiumni.org.uk))

<sup>9</sup> EMP17: People in employment on zero hours contracts, Office for National Statistics, August 2020  
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/emp17peopleinemploymentonzerohourscontracts>

<sup>10</sup> Caring without sharing, Gingerbread, November 2020  
<https://www.gingerbread.org.uk/wp-content/uploads/2020/11/Gingerbread-Caringwithoutsharing-v3.pdf>

<sup>11</sup> EMP17: People in employment on zero hours contracts, Office for National Statistics, August 2020, Table 8, Hours Worked  
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/emp17peopleinemploymentonzerohourscontracts>

zero hours contract want more hours, with most wanting them in their current job as opposed to a different job that offers more hours.<sup>12</sup>

An analysis of the type of people who report they are employed on a zero hours contract highlights a number of important characteristics of the type of people on zero hours contracts:

- There are more women employed on zero hours contracts (3.6%) than men (2.8%)<sup>13</sup>
- People who report being on a zero hours contract are more likely to be younger – 9.9% are aged 16 to 24 years, 2.5% are aged 25 to 34, 1.7% are aged 35 to 49, 2.4% are aged 50 to 64 and 6.2% are aged 65+<sup>14</sup>
- 19.3% of people on zero hours contracts are in full-time education compared with 1.9% of other people in employment not on a zero hours contract<sup>15</sup>
- 65% of people on zero hours contracts are working part-time when compared with 24% of people who are in part-time employment not on a zero hours contract.<sup>16</sup> This has implications for women who are more likely to work part-time than men - in Northern Ireland 79% of all part-time employees are women.<sup>17</sup>
- 22.6% of people in employment on a zero hours contract are in the accommodation and food industry, 19.7% are in health and social work, 15.9% are in transport, arts, entertainment and recreation and other service activities and 11.3% are in wholesale and retail. <sup>18</sup> These figures also have implications for women who are more likely to be involved in these sectors particularly in retail, health and care work and the service sector.

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<sup>12</sup> Ibid, Table 14, Looking for more hours

<sup>13</sup> Ibid, Table 3, Gender

<sup>14</sup> Ibid, Table 2, Age

<sup>15</sup> Ibid, Table 11, Educational Status

<sup>16</sup> Ibid, Table 5, Full or part-time

<sup>17</sup> Women in Northern Ireland 2020, NISRA, June 2020

[Women in NI 2020\\_0.pdf \(nisra.gov.uk\)](#)

<sup>18</sup> EMP17: People in employment on zero hours contracts, Office for National Statistics, August 2020, Table 6, Industry  
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/dataset/emp17peopleinemploymentonzerohourscontracts>

Research by the TUC<sup>19</sup> showed that most people on zero hours contracts are not on them by choice. Two-thirds of zero-hours workers (66%) want jobs with guaranteed hours and only 25% say they prefer being on zero hours contracts. This research also showed that the main reason people are on zero hours contracts is because it is the only type of work available to them. Most zero hours contract workers (59%) want more hours and the majority (54%) say they find it difficult to pay bills because they can't get enough work.

### *Covid19 Pandemic*

The Covid19 pandemic has highlighted that many essential workers are among some of the lowest paid and facing the most precarious forms of employment. In many cases these low paid but essential workers are female and this is the driving force behind the persistent gender inequalities in our labour market.<sup>20</sup> This is particularly evident in the health and social care sector where women make up the majority of the workforce (in Northern Ireland 79% of all Health and Social Care staff are women).<sup>21</sup> Zero hours contracts are widely used in the care sector (19.7% of people on a zero hours contract are employed in the Health and social work industry).<sup>22</sup>

The pandemic has shown the need to recognise the vital role that essential workers have played during this crisis and there have been calls to end the scourge of low pay and precarious work that pervades these sectors in particular.<sup>23</sup>

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<sup>19</sup> Great jobs with guaranteed hours, TUC, December 2017  
[great-jobs-with-guaranteed-hours\\_0.pdf \(tuc.org.uk\)](https://www.tuc.org.uk/great-jobs-with-guaranteed-hours_0.pdf)

<sup>20</sup> No Going Back, Irish Congress of Trade Unions, May 2020  
[https://www.ictu.ie/download/pdf/no\\_going\\_back\\_final\\_document\\_may\\_2020.pdf](https://www.ictu.ie/download/pdf/no_going_back_final_document_may_2020.pdf)

<sup>21</sup> Covid-19 Feminist Recovery Plan, Women's Policy Group Northern Ireland, July 2020  
[covid-19 feminist recovery plan \(wrda.net\)](https://www.wrda.net/covid-19-feminist-recovery-plan)

<sup>22</sup> MP17: People in employment on zero hours contracts, Office for National Statistics, August 2020, Table 6, Industry  
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/emp17peopleinemploymentonzerohourscontracts>

<sup>23</sup> No Going Back, Irish Congress of Trade Unions, May 2020  
[https://www.ictu.ie/download/pdf/no\\_going\\_back\\_final\\_document\\_may\\_2020.pdf](https://www.ictu.ie/download/pdf/no_going_back_final_document_may_2020.pdf)

There is a fear that ongoing economic uncertainty as a result of the pandemic could mean that more businesses will use zero hours contracts and other forms of precarious working to create greater flexibility in their workforce.

### *Review of Modern Working Practices*

A Review of Modern Working Practices published in 2017<sup>24</sup> was based on the ambition that *“all work in the UK economy should be fair and decent with realistic scope for development and fulfilment.”* The Review highlighted the issue of flexibility that is often suggested for the use of zero or short-hours contracts. The Review said that *“government must take steps to ensure that flexibility does not benefit the employer at the unreasonable expense of the worker, and that flexibility is genuinely a mutually beneficial arrangement”*. The Review said that while some people may be happy with zero or nominal-hours contracts for many, particularly those who cannot find other employment, they are a problem as they make it difficult for people to manage their financial obligations.

### *Low Pay in Northern Ireland*

There are clear links between these forms of casual employment and low pay.<sup>25</sup> The region with the highest proportion of jobs paid below the Living Wage in April 2020 was Northern Ireland (25.3%). Women are significantly more affected by low pay than men with more women earning less than the Living Wage in the UK (23.8% compared to 16.6%). Part-time jobs (35.9% or 2.8 million jobs) were much more likely to be paid below the Living Wage in April 2020 than full-time jobs (14%).<sup>26</sup> In its analysis of the latest data on low pay in Northern Ireland the Nevin Economic Research Institute described it as *“starkly pervasive across our labour market”* and highlighted that younger workers and part-time workers are particularly likely to be low paid. It also highlighted that whilst females are more likely to be low paid than

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<sup>24</sup> Good work: The Taylor Review of Modern Working Practices, July 2017  
[Good work: the Taylor review of modern working practices - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/625222/good-work-the-taylor-review-of-modern-working-practices.pdf)

<sup>25</sup> The Decent Jobs Deficit, TUC, December 2014  
[DecentJobsDeficitReport\\_0.pdf \(tuc.org.uk\)](https://www.tuc.org.uk/media/1234567/DecentJobsDeficitReport_0.pdf)

<sup>26</sup> Employee jobs paid below the Living Wage: 2020, Living Wage Foundation, November 2020  
<https://www.livingwage.org.uk/employee-jobs-paid-below-living-wage-2020>

males this increased prevalence is not as high in Northern Ireland as it is in other UK regions.<sup>27</sup>

### *Learning from other Countries*

Most EU countries outlaw zero hours contracts, heavily restrict them, or do not see them widely used. The UK is one of around half a dozen European countries where zero hours contracts are both legal and fairly common.<sup>28</sup>

The Employment (Miscellaneous Provisions) Act 2018 which came into force in the Republic of Ireland in March 2019 prohibited zero hours contracts with some exceptions, eg, work done in emergency situations and short-term relief to cover routine absences.

This legislation provided new protections for a range of employees working in precarious employment. An employee under a zero-hours contract who works less than 25% of their potential hours in any week should be compensated. The level of compensation depends on whether the employee got some work or none at all. Where an employee's current employment contract does not accurately reflect the average hours per week that they actually work over a 12-month period, they are entitled to a banded contract. A banded contract gives employees the right to work an average of the hours in their specified band for 12 months. There are 8 bands covering a certain number of hours per week (for example, 6-11 or 11-16 hours per week).<sup>29</sup>

It is important to take any learning from the Republic of Ireland's experience in banning zero hours contracts and in the protections afforded to employees in this type of precarious work to determine if these new laws are working effectively and providing sufficient protections to all employees.

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<sup>27</sup> <https://www.nerinstitute.net/blog/low-pay-northern-ireland-update>

<sup>28</sup> <https://fullfact.org/law/zero-hours-contracts-uk-europe/>

<sup>29</sup> [https://www.citizensinformation.ie/en/employment/employment\\_rights\\_and\\_conditions/contracts\\_of\\_employment/contracts\\_without\\_specific\\_working\\_hours\\_zero\\_hours\\_contracts.html](https://www.citizensinformation.ie/en/employment/employment_rights_and_conditions/contracts_of_employment/contracts_without_specific_working_hours_zero_hours_contracts.html)

### *Other Actions to tackle Precarious Employment*

As previously stated banning zero hours contracts is only one step in a wider process to deal with the issue of precarious employment which is prevalent in Northern Ireland. This is a particular issue for women and there needs to be a range of approaches to tackling the gender segregated labour market which leaves women particularly vulnerable to this type of insecure work. This must involve improving pay and working conditions in precarious sectors, tackling gender stereotypes that embed gender segregation, addressing the lack of affordable, accessible childcare and increasing investment in undervalued sectors such as care.

Trade Unions have called for changes to existing models of economic development that focus on cost reduction, low pay and precariousness with a *“high-road model based on high productivity well-paid jobs with a fair share of income for workers, a right to collective bargaining.”*<sup>30</sup>

## **3.0 Specific Comments**

### **1. Do you agree that Zero Hour Contracts should be banned from the Labour Market?**

☒ **Yes**

☐ **No**

☐ **Unsure**

Please see comments in Section 2.0 that while we agree that zero hours contracts should be banned from the labour market that this is only one step in addressing the issue of precarious work in Northern Ireland which is a particular issue for women.

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<sup>30</sup> No Going Back, Irish Congress of Trade Unions, May 2020  
[https://www.ictu.ie/download/pdf/no\\_going\\_back\\_final\\_document\\_may\\_2020.pdf](https://www.ictu.ie/download/pdf/no_going_back_final_document_may_2020.pdf)

**2. Do you agree that banning zero hour contracts would give workers greater financial certainty?**

☒ **Yes**

☐ **No**

☐ **Unsure**

It has been acknowledged by this consultation and wider in the Review of Modern Working Practices referenced in Section 2.0 that zero hours contracts make it difficult for these workers to manage their finances and make financial decisions such as getting a loan or mortgage.

Banning zero hours contracts would give those on these contracts greater financial certainty but only if it is replaced by something which provides some level of certainty over working hours and income.

There are wider issues with other forms of precarious work which lead to the same issues over financial insecurity (as outlined in Section 2.0). Banning zero hours contracts will not remove financial uncertainty for the many women who are underemployed, involuntarily part-time or in other forms of precarious work. This is an area which also bears attention and requires action to ensure that all workers are protected and can achieve greater financial certainty.

**3. Do you believe that the prevalence of precarious working arrangements such as zero hour contracts discourages people from seeking work and contributes to Economic Inactivity?**

☐ **Yes**

☐ **No**

☒ **Unsure**

We are unsure of whether banning zero hours contracts will contribute in any substantial way to economic activity levels particularly for women.

Women make up half of the working age population however a third of working age women are not in the labour force described as 'economically

inactive'. Over the last fifteen years economic inactivity in Northern Ireland has been consistently higher than the UK average currently 26.8% compared to 20.9% in the UK. Northern Ireland has the highest economic inactivity rate of the 12 UK regions. Of the economically inactive 42% were male and 58% were female. Over the past ten years there has consistently been more economically inactive women than men.<sup>31</sup> Family and home commitments are the main reason for economic inactivity for women, and the least likely reason for men, showing the very real impact of providing care on women's lives.

As stated women are economically inactive mostly through home and family commitments. There are many aspects to this – lack of affordable, accessible childcare, transport or help with other unpaid care which are often the major barriers to work. It is not just simply about the type of work contracts that are available although it may well form part of the problem for women. The most substantial issue for women is that they do not have the right infrastructure or support in place to enable them to work no matter what form the job might take.

However, we do acknowledge that issues around zero hours contracts could contribute to economic inactivity and there are clear issues around access to childcare for workers employed on these contracts particularly for lone parents. Being called upon to work with little notice makes organising childcare difficult or impossible particularly for those with more formal childcare arrangements where notice must be given in advance or there is a need to use regular hours of childcare to hold a childcare place.

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<sup>31</sup> Northern Ireland Labour Market Report, NISRA, November 2020  
[Labour Market Report – November 2020 | Northern Ireland Statistics and Research Agency \(nisra.gov.uk\)](#)

4. **Do you agree that under Zero Hour Contracts, workers are disadvantaged in their ability to choose the shifts that they wish to work?**

☒ **Yes**

☐ **No**

☐ **Unsure**

This issue was acknowledged in the Review of Modern Working Practices referenced in Section 2.0 which stated that flexibility around these contracts must be genuinely mutually beneficial to both employers and employees. However, in reality these contracts often provide flexibility for employers but not for workers.

This lack of flexibility for workers can cause major disadvantage for workers particularly for women and may mean that many will lose out on working hours or be forced to stop working. As previously outlined these type of contracts make it very difficult for workers in terms of managing childcare and household budgeting which in many cases is left to women to manage.

5. **Do you agree that the banning of zero hour contracts will have a positive impact on Equality and Section 75 groups accessing decent and secure work?**

☒ **Yes**

☐ **No**

☐ **Unsure**

As previously outlined in Section 2.0 zero hours contracts affect women and young people disproportionately so banning their use is likely to have a positive impact on Equality and Section 75 groups accessing decent and secure work. However, we would question whether this will have significant positive impacts given that the number of people on these contracts are relatively small. Banning these contracts is only one step in a wider process to deal with the issue of precarious employment which is prevalent in Northern Ireland.

**6. Do you agree that there is merit in standardising legislation across the island of Ireland to deal with zero hour contracts?**

☒ **Yes**

☐ **No**

☐ **Unsure**

We agree that there is merit in standardising legislation across the island of Ireland to deal with zero hour contracts. This is very important particularly in relation to border areas where at least 18,000 workers and 5,200 students cross the border every day to work or study.<sup>32</sup> It is therefore important to have a consistent approach on this issue given that so many people have the possibility of working between Northern Ireland and the Republic of Ireland. It is also important that there is no diminution of rights as a result of Brexit.

Standardising the approach to dealing with issues such as this makes sense. It makes sense for increasing knowledge and information about rights in this area and for ensuring compliance with the legislation. Access to information and support is key in asserting employment rights and ensuring a consistency of approach can only help with this. Having different systems of rights across the border will only lead to confusion and complications and may mean that workers are more likely to be exploited by unscrupulous employers who take advantage of differences in legislative provision.

**7. Do you agree that this proposal is a good way to end and replace the use of zero hour contracts?**

☒ **Yes**

☐ **No**

☐ **Unsure**

As previously stated banning the use of zero hours contracts is one step in a wider process of addressing the issue of precarious work in Northern Ireland.

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<sup>32</sup> [Border People - The Centre for Cross Border Studies](#)

While introducing a system of banded hours gives more certainty to those workers currently on zero hours contracts it will not definitively address some of the most precarious work in Northern Ireland which affects women and young people disproportionately.

**8. Do you agree that Banded Hour Contracts should be available to both workers and employees?**

☒ **Yes**

☐ **No**

☐ **Unsure**

RaISe research<sup>33</sup> highlights the differences between workers and employees including the fact that workers have fewer protections in employment law than employees. We believe that all people employed on zero hours contracts should be protected from this type of precarious working arrangement regardless of their status so we agree that banded hour contracts should be available to both workers and employees.

**9. Do you agree that these Bands and the hours contained in them can provide workers with greater transparency and certainty regarding their working hours?**

☒ **Yes**

☐ **No**

☐ **Unsure**

Banded hours contracts are more secure than zero hour contracts although still fall short of the usual employment contract where workers are paid a fixed fee for working fixed hours. These type of contracts will give more certainty to workers regarding guaranteed hours and income. However, introducing

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<sup>33</sup> Private Member's Bill: Zero Hours Contracts, RaISe, NIAR 171-2020, July 2020  
<http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2017-2022/2020/finance/6220.pdf>

banded hours contracts alone will not be sufficient to address the increasingly pervasive issue of precarious working.

The Irish Human Rights and Equality Commission in their observations on the Employment (Miscellaneous Provisions) Bill 2017<sup>34</sup> detailed some shortcomings with banded hours mechanisms. This included issues around lack of enforcement around breaches of the system, interactions with social welfare systems and the following significant disadvantage which was noted by the RalSe research<sup>35</sup> as *“perhaps the most challenging issue”* is the threat to the income of a worker. *“If the number of hours that a worker has been providing are at or near the upper limit of a band and if the relevant band is sufficiently wide, then the number of hours at the lower limit can result in a significant reduction in income. The underlying problem is not the particular bands in the Bill. Significant pay cuts would be possible with any scheme of bands unless the widths of the bands are very narrow.”* These issues should warrant important consideration within this consultation.

**10. Do you agree that twelve months service is a sufficient qualification period for the worker to be able to request a Banded Hours Contract?**

☒ **Yes**

☐ **No**

☐ **Unsure**

This time frame is set to ensure that a worker does not get a right to increased hours on the basis of a short-term situation, such a seasonal busy period.

There may be the potential to reduce this time frame in sectors where seasonal working is not an issue.

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<sup>34</sup> Observations on the Employment (Miscellaneous Provisions) Bill 2017, Irish Human Rights and Equality Commission, February 2018  
<https://www.ihrec.ie/app/uploads/2018/02/Observations-on-the-Employment-Miscellaneous-Provisions-Bill-2017-.pdf>

<sup>35</sup> Private Member’s Bill: Zero Hours Contracts, RalSe, NIAR 171-2020, July 2020  
<http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2017-2022/2020/finance/6220.pdf>

**11. Do you agree that the worker should begin working on a Banded Hour Contract within one month of the request being made?**

☒ **Yes**

☐ **No**

☐ **Unsure**

We can see no reason for a delay in a worker beginning work on a banded hour contract following their request considering that before making the request they will have been working similar or the same hours to those reflected in the banded hour contract. This time frame would give the employer sufficient time to amend the workers contract and for the worker to be informed of these arrangements.

**12. Do you agree that the Labour Relations Agency should be tasked with monitoring the enforcement of banded hour contracts?**

☒ **Yes**

☐ **No**

☐ **Unsure**

**13. Do you agree that this Bill will help to deliver on this commitment?**

*Note: In the New Decade, New Approach Agreement it had been agreed that the "Executive should move to ban zero-hour contracts."*

☒ **Yes**

☐ **No**

☐ **Unsure**

Yes, this Bill would help to deliver on the New Decade, New Approach (NDNA) commitment to ban zero-hour contracts. There are other important commitments within NDNA in relation to workers' rights and these must also be implemented without delay: *"There will be an enhanced focus within the Programme for Government on creating good jobs and protecting workers*

*rights. The parties agree that access to good jobs, where workers have a voice that provides a level of autonomy, a decent income, security of tenure, satisfying work in the right quantities and decent working conditions, should be integral to public policy given how this contributes to better health and wellbeing by tackling inequalities, building self-efficacy and combating poverty.”*<sup>36</sup>

**14. Do you believe that the zero hour’s contracts bill should also include provisions to ban Exclusivity Clauses?**

☒ **Yes**

☐ **No**

☐ **Unsure**

We agree with the banning of exclusivity clauses in the Bill. These clauses allow the employer to prevent workers from working for another employer which we believe is unfair and to the detriment of workers. These clauses simply reinforce the concerns over one-sided flexibility in these type of contracts which is heavily weighted towards employers.

**15. Do you agree that banning zero hour contracts from the Labour Market is important to our economic recovery?**

☒ **Yes**

☐ **No**

☐ **Unsure**

As previously stated the removal of zero hours contracts is only part of a wider process needed to address the issue of precarious working in the labour market. Addressing the issues around precarious working in its totality will be important to economic recovery.

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<sup>36</sup> New Decade, New Approach, January 2020  
[2020-01-08\\_a\\_new\\_decade\\_a\\_new\\_approach.pdf \(publishing.service.gov.uk\)](#)

The Covid19 pandemic has highlighted many longstanding issues and inequalities within the labour market particularly for women. Women have already had to pay the price for the previous recession through a decade of welfare reform and austerity cuts that have had disproportionate impacts on them. Research by the House of Commons Library<sup>37</sup> shows that 86% of the savings to the Treasury through tax and benefit changes since 2010 will have come from women. It must not be the case that women pay the price for this recession as a result of the pandemic. The pandemic has brought into sharp focus the need to value workers, particularly essential workers, like the many women who provide care work and who suffer from low-paid and precarious working conditions. This will involve doing much more to address the issues of long standing structural inequality in the labour market which leaves women vulnerable to this type of working practice.

**16. Do you agree that the provision of banded hour contracts can have wider economic benefits, such as increasing consumer spending?**

☒ **Yes**

☐ **No**

☐ **Unsure**

The provision of banded hour contracts will provide more financial security for workers on zero hours contracts. This may result in increases in consumer spending because jobs and income are more secure. However, as outlined in Section 2.0 this will only impact on a relatively small number of workers and issues of low pay and precarious working are much wider issues which need to be addressed. One of the most obvious negative effects of low pay is a lack of consumer spending which restricts economic growth and recovery. It is therefore vitally important that the issue of low pay is addressed in order to make a significant difference to consumer spending. This is particularly the

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<sup>37</sup> Estimating the gender impact of tax and benefit changes, Richard Cracknell, Richard Keen, Commons Briefing Papers SN06758, December 2017  
<http://researchbriefings.files.parliament.uk/documents/SN06758/SN06758.pdf>

case for women and part-time workers who are significantly impacted by low pay.

- 17. Do you agree that the removal of zero hour contracts can prevent unscrupulous employers from undercutting other employers providing good quality jobs in the Labour Market?**

☒ **Yes**

☐ **No**

☐ **Unsure**

We agree that the removal of zero hour contracts will make some reductions in the numbers of unscrupulous employers undercutting other employers providing good quality jobs however this is only a small part of the answer to this issue. Low pay is a major issue in Northern Ireland as the region with the highest proportion of jobs paid below the Living Wage at 25.3%. Women are significantly more affected by low pay than men and those working part-time are also more likely to be low paid.

As stated throughout this consultation response there is a wider need to address the issue of low paid and precarious work in the labour market not just in terms of zero hours contracts.

- 18. Do you agree that the banning of zero hour contracts would have a positive impact in terms of tackling low pay?**

☒ **Yes**

☐ **No**

☐ **Unsure**

As previously stated in Question 18 banning zero hours contracts is only part of a wider process of tackling low pay and precarious working. Low pay has been described by the Nevin Economic Institute as “*starkly pervasive*” in Northern Ireland and the figures for the numbers of employees in Northern Ireland paid below the Living Wage are much higher than those for Scotland,

Wales and England. Low pay is clearly an issue that requires urgent attention in Northern Ireland but given only a relatively small proportion of workers are on zero hours contracts then this is only a small part of a much bigger picture to tackle the issue of low pay. Given that low pay is a particular issue for women and part-time workers there is a need for strong gender pay gap regulations alongside measures to increase pay transparency and address the growing pay gaps between part-time and full-time work.

**19. Do you think that a provision should be included in this bill to compensate workers in the situation which is set out above?**

☒ **Yes**

☐ **No**

☐ **Unsure**

We agree with the need to provide compensation to workers where an employer calls them into work but then decides they are not needed. This will help to provide some recompense for the out of pocket expenses that many of these workers are likely to incur as a result such as transport and childcare costs.

**20. Given the issues discussed in this Consultation do you believe that the Banded Hours Contracts will generally have a positive impact on the lives of workers and their families?**

☒ **Yes**

☐ **No**

☐ **Unsure**

While we agree that banded hours contracts will generally have a positive impact on the lives of workers and their families providing much needed certainty of hours and income this is only one step in addressing the wider issue of precarious work in Northern Ireland.

As we have highlighted through Section 2.0 and throughout this document there is real need to address the wider issues around all types of precarious working and low-pay which affect women and young people disproportionately.

We also want to raise the issue highlighted in the RaISe research around the potential threat to income inherent in the hourly bands system which requires additional consideration as part of this consultation. The scenario included in the research paper highlights this issue clearly: *“An individual has been employed under a ZHC and has typically worked on average 34 hours a week. A new “banded hours system” is introduced and the individual is employed on a new contract within a new band. The new band is between 25 to 35 hours. The individual could have their hours reduced to 25 hours per week, and still be employed on the “correct” band. Consequently, that person would be financially worse off.”*<sup>38</sup>

**21. If you do not agree with the proposal, please comment below:**

**a) Please outline your objections to the proposal.**

**b) What alternative proposal in respect of reform of zero hours contracts would you propose, and why?**

**c) Is there any additional element which, if added to the proposal, would cause you to agree with this proposal?**

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<sup>38</sup> Private Member’s Bill: Zero Hours Contracts, RaISe, NIAR 171-2020, July 2020  
<http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2017-2022/2020/finance/6220.pdf>