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Newsletter

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ZERO HOURS CONTRACTS AND EXCLUSIVITY CLAUSES

The subject of zero-hours contracts has featured heavily in the news recently, with a number of leading high street retailers, leisure centres, hotels, pubs, restaurants and care providers employing staff under these terms.

Estimates of the number of people employed under these arrangements vary enormously. The Office for National Statistics states that about 250,000 individuals work under zero-hours contracts, equating to about one per cent of the working population. However, the Chartered Institute of Personnel and Development estimates that the real number is closer to one million people, including as many as 150,000 domestic care workers. What is clear is the number of staff on zero-hours contracts has been rising steadily since 2004.

Zero-hours contracts have been used for many years by the NHS which has “bank staff” whom they call in when required. The term “zero hours” usually refers to casual work. The worker may be on call for when the employer needs them. The employer does not have to offer them work; when it does, it is dependent on the arrangement as to whether the worker has to accept the job.

Employers who do not guarantee staff any hours of work, but prevent them from working for another employer, could face legal ramifications now under a provision in the Small Business, Enterprise and Employment Act.

The ban on the use of exclusivity clauses in zero-hours contracts, which was first proposed by the outgoing coalition government, comes into force after a lengthy public consultation. Previous employers were not prohibited from seeking exclusivity from an individual as this was considered a contractual matter between the employer and individual.

However, after 83 per cent of respondents to the government’s consultation voted in favour of a ban on exclusivity clauses, it is now a legal offence to prevent staff on zero-hour contracts from seeking other employment. It was believed that banning these clauses will give working people the freedom to take other work opportunities and more control over their work hours and income, however it has been debated that any further regulation must not damage a flexible labour market, which is an important success story of the economy.



If you need help reviewing your zero hours contracts please contact Trivolution.

www.trivolution.co.uk

DEVELOPING A TRAINING PLAN FOR LEGAL COMPLIANCE

Most employers understand that good employee training is essential for an organisation's success. Training topics may include general skills such as literacy, technical skills, orientation about the organisation, as well as programs designed to prevent lawsuits, audits, and fines, such as sexual harassment training, safety training, and ethics training.

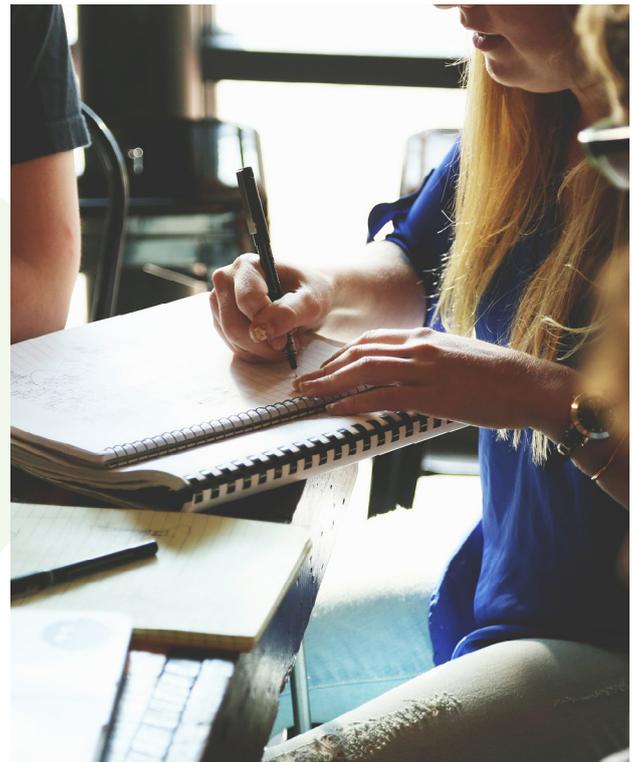
Employee training was once considered an optional benefit, an "extra" that only the most forward-looking employers provided to the most promising employees. Even now, when the economy turns downward, employee training is often the first to go, viewed not as an investment but as an expense to be disposed of in tough times. Today, more and more employers understand that, far from being a frill, good employee training is necessary to a company's success. H&S law requires training in on specific health and safety-related topics. Its worth noting that in addition to meeting legal requirements, employers know that an intelligent, well-trained workforce is central to worker productivity and well-being. Employers with high employee turnover tend to train less and spend less on training than other businesses. It is viewed that training is linked to long-term employment and is an important factor in successful performance, productivity, and morale.

Legal responsibilities of employers

Health and safety law states that organisations must:

- assess risks to employees, customers, partners and any other people who could be affected by their activities;
- arrange for the effective planning, organisation, control, monitoring and review of preventive and protective measures;
- have a written health and safety policy if they employ five or more people;
- ensure they have access to competent health and safety advice;
- consult employees about their risks at work and current preventive and protective measures.

Failure to comply with these requirements can have serious consequences - for both organisations and individuals. Sanctions include fines, imprisonment and disqualification.



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