



Zero Hours Policy

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Preface

Chesterfield Borough Council is committed to the fair treatment of its workforce regardless of the different contractual arrangements that they are engaged on.

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SECTION 1: Policy for Variable / Zero Hours

The term 'variable hours' or 'zero hours' refers to a contract of employment where the Council is not obliged to provide a minimum number of working hours and where the employee is not obliged to accept any hours that are offered.

Chesterfield Borough Council recognises the valuable role played by employees on variable hours contracts in delivering a wide range of services. The flexibility provided by these staff is essential in ensuring that service delivery is maintained at the highest possible standards. Variable hours contracts also allow flexible employment opportunities for people wanting to work around their personal circumstances.

Zero hours contracts should primarily be used where there is an immediate short term need to cover services. Where there is a recognised and ongoing requirement for work, then some form of contracted hours should be established.

The Council is committed to ensuring that variable hours staff are not exploited as a result of their zero hours status. This will be achieved through:

1. Engaging staff on the same terms and conditions as employees with contracted hours.
2. Regular reviews (at least once per annum) on the use of zero hours staff to determine whether a contracted position is required.
3. Not implementing exclusivity clauses within contracts which prevent zero hours staff working for other employers.

Scope

The Council recognises that there are variations of 'zero hours' contracts which have different employment statuses. Staff engaged on 'Casual' agreements are considered to be workers (i.e. non-employees) while those engaged on 'Variable Hours' contracts are considered employees.

Workers are not considered employees of the Council and will therefore not accrue continuous service. In addition, incremental progression through pay scales will not be achieved. Instead 'casual workers' will remain at the base spinal column point of the appropriate pay grade.

This Policy will apply to all established and temporary employees employed by Chesterfield Borough Council. However, the principles of fairness will apply to all workers irrespective of their employment status.

Alternatives to variable hours contracts

Before taking on additional zero hours staff, managers should conduct a review in order to determine whether a contracted position is required. Where it has been identified that a

contractual hours post is appropriate, managers may seek to establish one or more of the following contracts on a permanent or fixed term basis: -

1. Full-time contract – where there is an ongoing requirement of 37 hours per week and where the role would ideally be filled by one person.
2. Part-time contract – where there is an ongoing requirement of less than 37 hours per week or where the role would ideally be filled by more than one person. Filling a post with two or more part-time contracts may help provide flexibility for occasional cover during periods of sickness and annual leave through the use of additional hours. However, managers should continue to review the use of additional hours in case there is a need for further contractual hours to be established.
3. Annualised hours contract – where there is an ongoing requirement for work but where this requirement follows a pattern of peaks and troughs. The use of annualised hours may allow managers to issue contractual hours while maintaining the flexibility to cover peaks in demand.

SECTION 2: General Terms and Conditions – Guidance

Employees on variable hours contracts will be engaged on the same main terms and conditions of employment as those employees with contracted hours.

Continuous Service

Employees on variable hours contracts will accrue service with Chesterfield Borough Council. This service will commence from the date of the first shift (including induction / training) completed by the employee.

Annual Leave

Staff working on a variable hours contract shall have their annual leave calculated every 13 weeks in arrears. The allowance will be given and taken in hours.

Sickness Absence

Employees on variable hours contracts should adhere to the Council's Managing Attendance Policy.

Variable hours staff who cannot attend work due to sickness should follow the same local reporting procedures as those employees with contracted hours. All employees are required to attend return to work interviews following every period of absence due to sickness. Periods of absence up to seven days may be self-certificated. Absences longer than 7 days will require an appropriate Fit-Note.

Variable hours staff will receive a payment based on the average earnings in the 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned. Entitlements to sick pay are dependent on the length of accrued continuous service.

Expectations for conduct

Employees on variable hours contracts must adhere to all of the Council's policies and procedures.

Expectations for availability

Employees on variable hours contracts benefit from the same terms and conditions as those employees on contractual hours. These benefits include the accrual of continuous local government service and incremental progression through pay scales. In return for these benefits, there is an expectation that employees will regularly be available to work shifts when offered.

The Council recognises that employees on zero hours contracts may have other work commitments. The zero hours contract with the Council may be in addition to other full-time work. It should be acknowledged that the needs of the service and circumstances of employees will change over time. However, where there is evidence that an employee regularly refuses or is unavailable to work then a decision may be made to terminate the contract of employment in accordance with the Council's Disciplinary and Dismissals Policy and Procedures.

Induction / Training

It is a mandatory requirement for all employees to attend the Council's corporate induction programme. The Council recognises that employees on variable hours contracts may have other commitments which prevent them from attending the usual induction programme during normal office hours. Employees on variable hours contracts will be invited to attend a shortened version of the full induction programme and will be paid at the appropriate rate for attending. Similar arrangements should be put in place where there is a corporate mandatory requirement for all employees to attend a particular training course.

Employee Performance Development (EPD)

Line managers should follow the same process for completing EPDs as they would for those employees with contracted hours. However, where appropriate, managers may choose to conduct EDPs as a group or team. If this is the case, then employees will also have the option to have an EPD on an individual basis if they wish to do so.

Allocation of shifts

Fairness and transparency should apply when allocating available shifts to employees on variable hours contracts. Managers should be aware of employees' 'protected characteristics' (e.g. age, ethnicity, race, gender, gender reassignment and marriage and civil partnership, disability, religious and belief, sexual orientation or political allegiance) and be mindful of the Council's Equality, Diversity and Social Inclusion Policy when developing rotas for work.

The Council recognises that often the need to utilise employees on zero hours contracts is as a result of an unplanned shortage in available staff. Failure to cover a shift may have serious impact on the Council's ability to deliver services and meet customer expectations. During such situations there may be an urgency to ensure that a particular shift is covered and that service delivery is guaranteed. Where this is the case, managers should continue to apply the principals of fairness and transparency.

Managers should balance the need to reward staff who are regularly available to cover shifts and the need to avoid favouritism of individuals. Regular reviews of employee availability may help when managers are required to cover shifts at short notice. Furthermore, regular use of all available staff will help to maintain skills and knowledge as well as commitment to the organisation.

Notice for shifts

Employees on variable hours contracts should be given as much notice as possible where managers are aware of planned absences such as annual leave and training. This will help to ensure that shifts are covered and reduce the need to contact staff at short notice.

Where less than 24 hours' notice has been given to attend a shift, then this should be taken into account when considering the employees' overall availability to work.