

Manager’s Comments on the Draft Zero Hours Policy and Guidance and responses.

1	Comment	
	<p>I think that the Code of Practice should include variable hours in its title.</p>	<p>Currently: Zero Hours Policy and Guidance</p>
	<p>I support your proposal to all the document a Code of Practice and not a policy. In certain circumstances the Code of Practice cannot be adhered to and if it was a policy that could create unnecessary problems for all concerned.</p>	<p>Response: The majority feedback has been that the document should be described as a policy rather than a code of practice. The term ‘Zero Hours’ covers variable as well as ‘casual’ contractual arrangements. My advice would be to adopt the current title.</p> <p>Response: The majority feedback has been that the document should be described as a policy rather than a code of practice. It will be a decision for CJCC as to whether the document is a policy or a code of practice.</p>
	<p>Not comfortable with the statement that zero hours contracts should primarily be used where there is an immediate short term need to cover services. Would this mean, for example, that we would have to give contracted hours to most of our bar staff? The pattern and requirements vary considerably that it would not be practical.</p>	<p>Response: Where there is an ongoing need for hours, but where the hours are irregular, then annualised hours could be considered.</p>
	<p>The difference between workers and employees should be explained.</p>	<p>Suggested: The policy will be amended to read: Staff engaged on ‘Casual’ agreements are considered to be workers (i.e. non-employees) while those engaged on ‘Variable Hours’ contracts are considered employees.</p>

	<p>Annual Leave - in certain circumstance this is paid to the employee.</p>	<p>Response:</p> <p>Effectively all staff on zero hours contracts receive payment for accrued annual leave.</p>
	<p>Sickness Absence - does this not only apply when an employee agrees to work and cannot because they are sick, an employee would not record all sickness.</p>	<p>Response:</p> <p>Employees on zero hours contracts accrue sick pay entitlements. As with all employees, appropriate fit notes are required if the employee continues to be absent after the period of self-certification has expired. Failure to do so may mean that sick pay is withheld. Furthermore, sickness absence should be managed in accordance with Council policies.</p>
	<p>Expectations for Availability - need to be careful with the wording of this section. An employee on a zero hours contract is not necessarily available to work at all times, it may be in addition to their main job and this should be recognised in this statement.</p>	<p>Response:</p> <p>The policy has been amended to recognise 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.”</p>
	<p>EPDs - are postal EPDs acceptable?</p>	<p>Response:</p> <p>No. EPDs should be conducted in person with every employee.</p>
<p>2</p>	<p>I don't have any suggested amendments to the latest draft, which I think covers all the points, but I appreciate the Unison point that "Code of Practice" sounds optional rather than "Policy".</p>	<p>Response:</p> <p>The majority feedback has been that the document should be described as a policy rather than a code of practice. It will be a decision for CJCC as to whether the document is a policy or a code of practice.</p>

	Possibly something to cover the very front end of the recruitment and subsequent interview where the requirement of the service and the variable contract is clear to the applicant i.e. that their availability needs to be suitable and sufficient for us to employ for that specific role.	Response: Noted
	A minimum period of notice can only be achieved if staff wanting time off give adequate notice – I think this is far too rigid but better to simply say that advance notice will always be given when the Council is able to do so. We are trying to create a flexible workforce situation.	Response: Noted
3	Mandatory training – think we need to consider carefully what roles – eg an aerobics instructor is delivering a single focussed service one hour per week – do we really expect them to go through all mandatory training – and what if they cannot attend the mandatory training due to other work elsewhere? I assume Unison would accept that if they do not attend mandatory training they could be terminated – but what if we didn't want to terminate them or take other action because they do a good job teaching for that one hour – potentially doesn't seem too equitable – and gives us business risk.	Response: As representatives of the Council all employees are expected to attend training which has been deemed to be mandatory. Failure to do so should be managed in the same way as staff with contracted hours.
	Also need to guard against a variable suddenly saying – oh im only available for daytime Monday to Friday – I don't want evenings and weekendsor we get someone who works regularly on the nice shifts but never available for the unsocial shifts – what about the variable who says – sorry ive got a season ticket for CFC now so I cant come Saturdays – but the full timer wanting holiday with a season ticket has to come ??	Response: Availability of employees will change over time as will the needs of the service. Both should be periodically reviewed in order that services can be delivered.
4	I am inclined to resist the notion that reviews should be held at least six monthly rather than e.g. annually. I think one needs to have accumulated 12 months experience before one can judge if an annualised hours contract is likely to be more appropriate.	Response: Noted
5	This all looks fit for purpose and gives me some comfort we are treating staff fairly and in line with employment policies and requirements.	Comment: Noted