

**QUESTIONS UNDER STANDING ORDER 20**

**Cllr Paul Stone has asked for responses to a number of questions under Standing Order 20 on the matter of zero hours contracts.**

**Cllr Graham King, Executive Member for Governance and Organisational Development, has provided written responses to these questions.**

**1. Is it true, that in October 2014, Chesterfield Borough Council were using 218 Zero Hour contracts?**

This answer was provided in response to an earlier question raised by Cllr Paul Stone and based on the numbers in October 2014. The figures were also provided in the Equality Impact Assessment (EIA) appended to the Council's new Zero Hours Policy, which was presented to the Employment & General Committee on 3 November 2014.

A copy of the Policy and EIA are attached for ease of reference.

As at 17 December 2014, there are 183 staff employed in 222 zero hours contract roles. Many of these staff already fulfil full or part time roles with the Council and other local employers, and choose to work on zero hours contracts at our cultural venues and sports facilities to supplement their income. 29 of the 183 staff hold two or more roles. And 30 of the staff are employed as fitness instructors where the flexibility offered by zero hours contracts supports the peripatetic nature of their roles.

**2. Will staff be treated any differently, because they are unable to work outside of their contracted hours, due to other employment?**

Employees on zero hours contracts have the same rights and terms and conditions as those employed on contracted 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. A 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

the personal 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.

See also Section 2 of the attached Policy.

### **3. Do staff have the right to compensation if shifts are cancelled at short notice?**

Generally if a shift has to be cancelled then as much notice is given as possible. It is rare that the Council cancels the shift of a zero hours contracted employee at short notice but if this was to happen, then in the first instance, the employee would be offered an alternative shift.

### **4. Do staff have the right to request a contract with a 'minimum amount of work' after six months of employment?**

No, there is no right to request 'a minimum number of hours' contract after six months. If there is a vacancy for a fixed hours role, then zero hours contracted employee(s) are routinely given the first opportunity to apply for the role. This has happened recently in the sports and leisure service.

### **5. Do staff have an automatic right to a fixed-hours contract after 12 months?**

There is no automatic right to a fixed hours contract after 12 months. If a vacancy for a fixed hours role arises, then again zero hours contracted employees will be given the first opportunity to apply for the position.

### **6. When managers are covering hours with staff on zero hour contracts, how are hours distributed fairly between the staff?**

Section 2 of the policy refers to the allocation of shifts:

Fairness and transparency should apply when allocating available shifts to employees on zero 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 a 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 principles 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.

**7. What methods are in place to balance the unfair distribution of hours, between male and female staff?**

There is no evidence that there is an unfair distribution of hours and the response at Q6 above provides guidance on the allocation of hours. There are currently slightly more females than males on zero hours contracts, reference to which is made in the attached EIA.

**8. How many part and full time posts have been created at the leisure centres, for staff who were previously employed on zero hour contracts?**

When contracted hours posts become vacant, these are advertised internally first to give zero hours contracted employees the first opportunity to apply.

In addition, there has recently been a review of zero hours posts and 5 new posts created with annualised hours totalling 90 hours per week. This provides employees with a guaranteed number of hours per year, whilst still enabling the flexibility required for the delivery of the service.

**9. Have any 'contracted hours' posts within the last 2 years been replaced by zero hour contracts?**

No. Any 'contracted hours' posts that become vacant are always filled on a like for like basis.