

TUC

Changing the world
of work for good

The Great Jobs Agenda – Guaranteed Hours

A TUC guide for trade union activists

**Part of the TUC
Great Jobs Agenda**

The Great Jobs Agenda

Introduction

Work is an important part of our lives for most of us. On average we spend around one-third of our waking hours working, although some of us spend a lot more.

That is why people want to work in good jobs that they feel are rewarding. They want respect, decent pay, secure employment, hours that suit them, a safe workplace, basic standards of employment, job satisfaction and the ability to achieve their potential. They also want a voice in their workplace.

Yet millions of us work in jobs that are the exact opposite of that. Bad jobs lead to ill-health, depression and anxiety, low self-esteem, and can leave people exhausted and unmotivated.

Bad jobs also effect not only the worker but their family. Millions of children live in poverty because of their parent's low pay, or rarely see a parent because of the hours they are forced to work.

That is why the TUC wants to end these bad jobs and instead promote "Great Jobs" - ones that promote good physical and mental health, and where workers feel listened to and valued.

The TUC wants the Government to pass a "Great Jobs Act" that gives all workers:

- A voice at work
- Fair and decent pay
- Guaranteed hours

- Fair treatment and respect
- A healthy workplace
- Access to learning and progression.

But while we want action from the Government on these issues, there is also a lot that union workplace representatives can do to try to ensure that their employer takes action to support the TUC Great Jobs Agenda".

This guide suggests a few actions that you can take in your workplace to help achieve one of these important issues that the TUC wants to achieve – guaranteed hours.

Everyone at work deserves a great job. A great job is one where the worker is paid and treated fairly. And it's one where workers get opportunities to progress, to learn and to have a voice on what matters.

That's why we've created the Great Jobs Agenda. The agenda will give the trade union movement a common set of bargaining asks in workplaces. And it sets out what we want the government to do to ensure that every worker has a great job with fair pay, regular hours and the opportunity to progress.

Frances O'Grady, TUC General Secretary

Guaranteed hours

Introduction

Knowing which hours you are going to work and how much pay you will take home each week is crucial.

But too many people aren't guaranteed hours at work and some get little notice of their shifts – making it difficult to plan their lives outside work. This is particularly a problem for working parents.

Many in insecure work also struggle to make ends meet. In a recent poll for the TUC, 54% of workers on zero-hours contracts said they had difficulties managing their household bills because don't get enough hours, and 38% said they wouldn't be able to cope with an unexpected bill of £500.

The best way to improve working conditions for workers in insecure employment is for unions to recruit and organise workers in insecure work. Unions can make sure that people benefit from effective representation at work, can enforce their hard-won employment rights and can organise collectively to negotiate better pay and working conditions.

The TUC great jobs agenda has also identified steps that employers can take to end job insecurity. These include:

- Reporting on the use of zero-hours and short-hours contracts and agency workers and explaining why such jobs are needed.
- Avoiding the use of zero-hours and very short-hours contracts and giving those

who want them guaranteed hours contracts

- Agreeing a minimum notice period for allocating and changing shifts.
- Ensuring everyone, including those on zero-hours contracts and agency workers, enjoy workplace rights.

1. Finding out about insecure jobs in your workplace

In recent years, some employers have tried to reduce wages and avoid their tax and employment responsibilities by replacing permanent employment with insecure jobs.

By 2017, at least one in ten people in the UK were in insecure work. These jobs are often low paid, give no guaranteed hours and mean that people lose out on basic rights.

Unions are campaigning so that job insecurity becomes a thing of the past.

A good starting point for reps is to find out how many and what types of insecure contracts are used in your workplace and why.

If your employer recognises your union for collective bargaining, you have a right to ask for information about the workforce and their pay and conditions - to assist in collective bargaining.

If you work in the public sector you may also be able to access this information by making a freedom of information request.

What you can do

- Ask the employer to give you regular updates about the numbers of zero-hours and short-hours contract workers and agency workers, where they work and the type of jobs they do.
- Ask the employer to provide information about the pay rates and other terms and conditions of employment provided to those on zero-hours contracts, freelancers and agency workers.
- Ask the employer to explain why they use insecure contracts and whether they would be willing to offer permanent employment instead.
- Use the information to develop a plan to recruit and organise those in insecure work. For example, identify reps who work in the same team as zero-hours contract and agency workers. Where possible assist and support such groups to self-organise.
- Use the information to build a campaign for guaranteed hours contracts in your workplace (see below).

For more information on unions' rights to disclosure of information for the purposes of collective bargaining see the ACAS code on disclosure of information to trade unions for collective bargaining purposes.

If your employer refuses to provide this information it is possible to complain to the Central Arbitration Committee.

2. Better access to guaranteed hours

Official statistics show that in 2017 there were around 900,000 people on zero-hours contracts in the UK. Many of these workers face great uncertainty about how many hours they will work or what wages they will take home each month.

But zero-hours workers are not the only ones who aren't guaranteed enough work to make ends meet. Many working in retail and hospitality have contracts giving them just 5, 8 or 10 hours a week. Often they will get to work more than this, but any extra hours are not guaranteed.

Employers claim such contracts provide workers with flexibility, especially working parents. But a recent poll showed that the vast majority of workers on zero-hours contracts are not there by choice, it's the only option available to them.

Sixty-six per cent of zero-hours workers would prefer a guaranteed hours contract. Only 25 per cent want to stay on a zero-hours contract.

In response, many unions are campaigning for and seeking to negotiate contracts which offer decent hours and regular income for members.

Before beginning negotiations with the employer, it's important to gather evidence, identify the issues which most affect members and other workers and work with them to build a evidence based campaign.

What you can do:

- Survey your members and other workers to find out what issues are important to them.
- Consider organising an open meeting for members and non-members, to

demonstrate that the union is taking action on the issues which affect them. This could provide a good recruitment and organising opportunity.

- Construct a claim to put to the employer, based on what workers want. This might include asking the managers to agree:
 - Zero-hours contracts and agency workers will not be used in place of permanent contracts.
 - Where those on zero-hours or short hours contracts work regularly, they should be offered contracts which guarantee their normal working hours.
- Unions should also highlight the benefits for employers, to help build the case for more secure employment. For example:
 - Using zero-hours contracts means that customers and the public will not benefit from continuous service. Many insecure workers will be looking for other jobs and tend to move jobs more regularly. This can affect the quality of services provided.
 - Using agency workers and zero-hours contracts could have a negative effect on team working as individuals may not regularly work together.
 - Increased job security can boost staff morale, meaning they will be more committed to their work and more willing to make extra effort. They are also less likely to look for another job.

3. Ensuring work is allocated fairly

Too often those on zero-hours and short-hours contracts can be offered work at the last minute, and have it taken away just as quickly.

According to a poll for the TUC, almost three-quarters (73 per cent) of zero-hours contract workers have been offered hours work with less than 24 hours' notice, with 27 per cent saying this is a regular experience. Half (51 per cent) have had hours cancelled with the same amount of notice.

Worryingly, around a third of those on zero-hours contracts (35 per cent) have been threatened with not being given shifts in the future if they turn down work.

As a result, workers are constantly at the beck and call of their bosses, making it difficult to plan their lives outside of work.

What you can do

- Survey your members and other workers on zero- or short-hours contracts to find out how much notice they get if they are offered work or if shifts are cancelled.
- If your employer recognises your union, ask them to explain how shifts are allocated and the steps taken to ensure different groups, including women, young workers, BME workers, are not discriminated against.
- Prepare to make a claim to the employer, based on what workers want. This might include asking the managers to agree that:
 - Staff should be given adequate notice of shifts or when work is to be cancelled. Ideally workers' should be given a month's notice.

- If a shift is cancelled at short notice (e.g. with less than 24 hours notice), employers should agree to pay staff for the full shift and refund any transport costs, the individual has incurred.
- It is important to mobilise people. Ask members and non-members to sign a petition supporting the unions' claim
- As many people on insecure contracts work erratic and unsocial hours, unions should consider using social media, email and text to communicate with workers.

4. Guaranteeing rights for everyone at work

The lack of guaranteed hours is not the only problem faced by those in insecure work. Many also miss out on rights at work.

Recent polling asked zero hours contract worker what types of rights they receive at work:

- Only 1 in 8 (12%) said they get sick pay.
- Only 1 in 14 (7%) would get redundancy pay if the work dries up.
- Two-fifths (43%) said they don't get holiday pay.
- Half (47%) said they do not get written terms and conditions.

There are many reasons why workers miss out on rights at work, including:

- They don't meet the legal tests needed to qualify as an employee and therefore benefit from the full range of employment rights.
- Their irregular work patterns means they don't have 2 years' continuous service needed for unfair dismissal protections and redundancy pay or six months'

service needed for statutory maternity pay and the right to request flexible working.

- Low pay: nearly 500,000 people on a zero-hours contract or in insecure temporary work do not qualify for statutory sick pay because they earn less than £113 a week.
- And some employers use workers' insecure status to claim they are not entitled to any rights, even though the legal reality may be very different.

Where individuals fail to meet the legal tests for a particular right, unions can still make the case that it is only fair that all workers should enjoy the same rights and benefits in the workplace. Treating staff fairly means staff will be more motivated to work hard and will not try to find a new job.

What you can do

- Survey your members and other workers to check which benefits they receive at work, including sick pay, holiday pay and a pension. Ask them which issues matter to them.
- If groups of workers are losing out on their rights (contractual or statutory) prepare a collective grievance to encourage employers to negotiate on the issue. If the employer turns down talks, consider submitting several individual grievances.
- If issues can't be resolved in the workplace, help members to enforce their rights, by taking employment tribunal claims or making complaints to the ACAS Pay and Work Rights Helpline. Publicise any union wins.
- Prepare a claim to improve pay and conditions for those in insecure work - based on what workers want. This might include asking the employer to:

- Carry out a joint audit with the union to ensure all workers receive their statutory and contractual rights, including the National Minimum Wage, holiday pay, sick pay and equal pay for agency workers, part-time and fixed term staff.
- Agree that all workers should benefit from the same workplace rights and benefits, especially holidays, occupational sick pay and pensions.

Summary

These are only four of the many issues that union representatives can raise when trying to tackle job insecurity and to negotiate guaranteed hours, more regular income and better rights for working people.

For more advice on securing equal pay and better working conditions for agency workers and equal treatment for part-time and fixed term workers, go to the TUC website.

The TUC Great Jobs Agenda is based on making a practical difference that will transform the working lives of millions of people. You can play your part by trying to get change in your workplace.

Details of the campaign, and the other issues that are covered in the Great Jobs Agenda are on the Great Jobs website.

Find out more

For more information about the campaign, go to:

<https://www.tuc.org.uk/lets-secure-great-jobs-everyone>

Follow the campaign on:

Twitter @The_TUC

Follow the campaign on Facebook at:

[facebook.com/tradesunioncongress](https://www.facebook.com/tradesunioncongress)