



Northern Ireland
Assembly

Research and Information Service Briefing Note

Paper No. 85/20

18 December 2020

NIAR 369-20

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Employment in the hospitality sector

Introduction

This paper provides supplementary information on employment in the hospitality sector, to assist the Committee for Communities (Committee) in its scrutiny of the Licensing and Registration of Clubs (Amendment) Bill, as introduced (hereinafter referred to as “the Bill”). It should be read in conjunction with three previously prepared Research and Information Service (RaISe) papers, which were considered by the Committee on 26 November 2020, i.e.:

- [Licensing and Registration of Clubs \(Amendment\) Bill Paper](#) (Paper No. 69/20);
- [Alcohol in Northern Ireland](#) (Paper No. 67/20); and,
- [Hospitality sector and the wider economy in NI: key estimated impacts of COVID-19 and related government responses](#) (Paper No. 68/20)

This paper aims to provide insight into how the Bill’s provisions would impact employment in Northern Ireland’s (NI) hospitality sector, if enacted. The hospitality sector is likely one of most directly affected parts of the economy under the Bill. In particular, its provisions seek to extend opening hours via:

- Clauses 1 and 23: Removal of restrictions at Easter;
- Clause 2: Public house and hotels: further additional hours;

- Clauses 5 and 24: Extension of “drinking-up time”; and,
- Clauses 6 and 25: Major events.¹

If enacted as proposed, each clause could potentially extend staff working hours in NI’s hospitality sector, this would depend on whether individual licensed premises opted to take-up extended opening hours. To aid the Committee’s consideration of those clauses, this paper provides contextual information, outlining key characteristics of those currently working in the sector and highlighting key issues arising therefrom, if the Bill is enacted. The paper is presented as follows:

- Section 1 defines employment categories under prevailing NI law.
- Section 2 uses NI Statistics and Research Agency (NISRA) data, to profile N hospitality sector staff.
- Section 3 provides a brief overview of the legal framework that regulates night-time work in NI.
- Section 4 relies on a range of studies and sectoral guidance, to identify some of the issues faced by those who work in the hospitality sector in particular and the night-time economy in general.
- Section 5 concludes, drawing on the preceding analysis to identify key points for the Committee’s consideration of the Bill.

1 Categories of employment

Under current NI employment law, an individual’s employment status determines their rights and their employer’s responsibilities. Individuals in paid work in NI fall into one of three categories:

- Employees;
- Workers; or,
- Self-employed.²

Each above category is represented amongst staff in NI’s hospitality sector. As such, this section provides context to inform subsequent discussion in the paper. At Table 1 below, it briefly considers key characteristics of each employment status category:

¹ See RaISe [Licensing and Registration of Clubs \(Amendment\) Bill Paper](#) (Paper No. 69/20) for a detailed analysis of each of these clauses

² UK Government, Employment Status (accessed 16 December 2020) <https://www.gov.uk/employment-status>

Table 1: Employment Status Categories – Key Characteristics of Employees, Workers and Self Employed.³

Employment Status	Employment Characteristics
Employees	<p>Persons generally are classed as “employees”, if:</p> <ul style="list-style-type: none"> • They work under an employment contract; • They are required to work regularly, unless they’re on leave, for example, holiday, sick leave or maternity leave; • They are required to do a minimum number of hours and expect to be paid for time worked; • A manager or supervisor is responsible for their workload, saying when a piece of work should be finished and how it should be done; • They cannot send someone else to do their work; • The business deducts tax and National Insurance contributions from their wages; • They get paid holidays; • They are entitled to contractual or Statutory Sick Pay, and maternity or paternity pay; • They can join the business’s pension scheme; • The business’s disciplinary and grievance procedures apply to them; • They work at the business’s premises or at an address specified by the business; • Their contract sets out redundancy procedures; • The business provides the materials, tools and equipment for their work; • They only work for the business; or if they do have another job, it is completely different from their work for the business; and, • Their contract, statement of terms and conditions or offer letter (which can be described as an “employment contract”) uses terms like “employer” and “employee”.
Workers	<p>Persons generally are classed as “workers” if:</p> <ul style="list-style-type: none"> • They have a contract or other arrangement to do work or services personally for a reward (the contract doesn’t have to be written); • Their reward is for money or a benefit in kind, for example, the promise of a contract or future work; • They only have a limited right to send someone else to do the work (subcontract); • Their employer has to have work for them to do for the duration of the contract or arrangement; and, • They are not doing the work as part of their own limited company in an arrangement where the “employer” is actually a customer or client.
Self-Employed	<p>Persons generally are classed as “self-employed”, if:</p> <ul style="list-style-type: none"> • They have the final say in how their business is run; • They risk their own money in the business; • They are responsible for the losses as well as profits of their business; • They provide the main items of equipment needed to do their job; • They could send a substitute or are free to hire other people on their own terms to do the work they have taken on and pay them at their own expense; • They are responsible for correcting unsatisfactory work in their own time and at their own expense; and, • They have the ability to work for others at the same time as providing services for a particular employer.

Sources: UK.GOV (2020)

³ *Ibid*

2 Employment profile of accommodation and food sector in NI

This section provides an overview of employee jobs and wage levels in the accommodation and food sector, across a number of variables, namely:

- Location;
- Wages;
- Full-time and part-time;
- Gender; and,
- Age.

This is to provide the Committee with a profile of the types of workers likely to be affected by the Bill, if enacted, which may aid the Committee's consideration of the Bill.

To do so, this section relies on a definition of the accommodation and food sector based Standard Industrial Classification (SIC) This definition captures some licensed premises, meaning premises licensed to supply and sell intoxicating liquor.⁴ For example, licensed restaurants are captured under SIC code 5610: "Restaurants and mobile food activities". Similarly, licensed pubs and clubs are captured under SIC code 5630: "Beverage serving activities".

The sector's SIC Codes are summarised in Table 2 below:

Table 2: SIC codes in the NI accommodation and food sector⁵

SIC (4-Digit)	Description
5510	Hotels and similar accommodation
5520	Holiday and other short stay accommodation
5530	Camping grounds, recreational vehicle parks and trailer parks
5590	Other accommodation
5610	Restaurants and mobile food activities
5621	Event catering activities
5629	Other food service
5630	Beverage serving activities
All SIC Codes	Accommodation and food sector

Source: NISRA (2020)

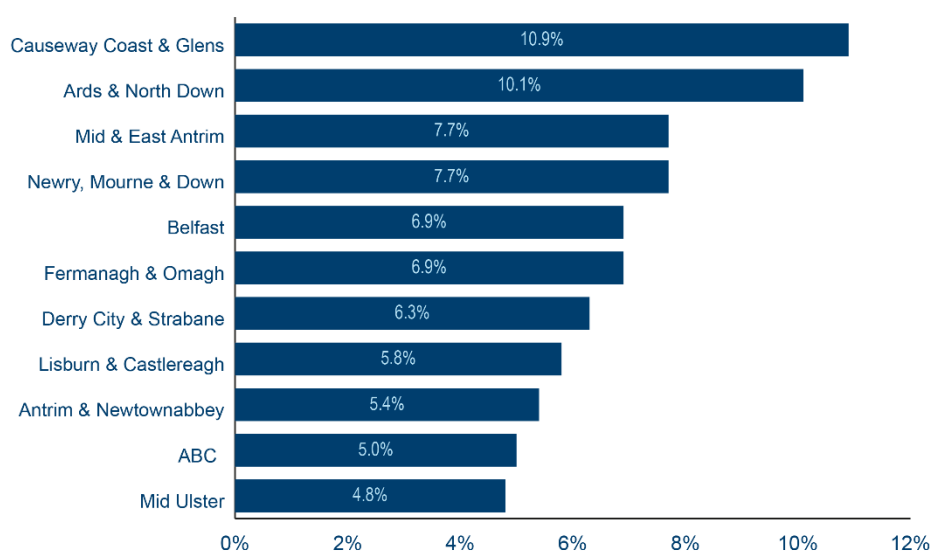
⁴ The Licensing (Northern Ireland) Order 1996 Article 2(2) <https://www.legislation.gov.uk/nisi/1996/3158/article/2/made>

⁵ NISRA, Inter-Departmental Business Register (June 2020) <https://www.nisra.gov.uk/system/files/statistics/IDBR-Publication-June-2020.xlsx>

2.1 Jobs by Local Government District

Figure 1 below is sourced from the NISRA's Business Register and Employment Survey 2019⁶ (2019 BRES). That Survey compares the number of employee jobs in accommodation and food sector at NI Local Government District (LGD), as a proportion of the total jobs in each LGD. The Figure shows considerable variation across NI. The proportion of jobs supported by the accommodation and food sector ranges from 4.8% in the Mid Ulster LGD, to 10.9% in the Causeway Coast and Glens:

Figure 1: Employment in NI accommodation and food sector, as a proportion of total employment at Local Government District level for 2019⁷



Source: NISRA (2020)

2.2 Median Gross Weekly Earnings

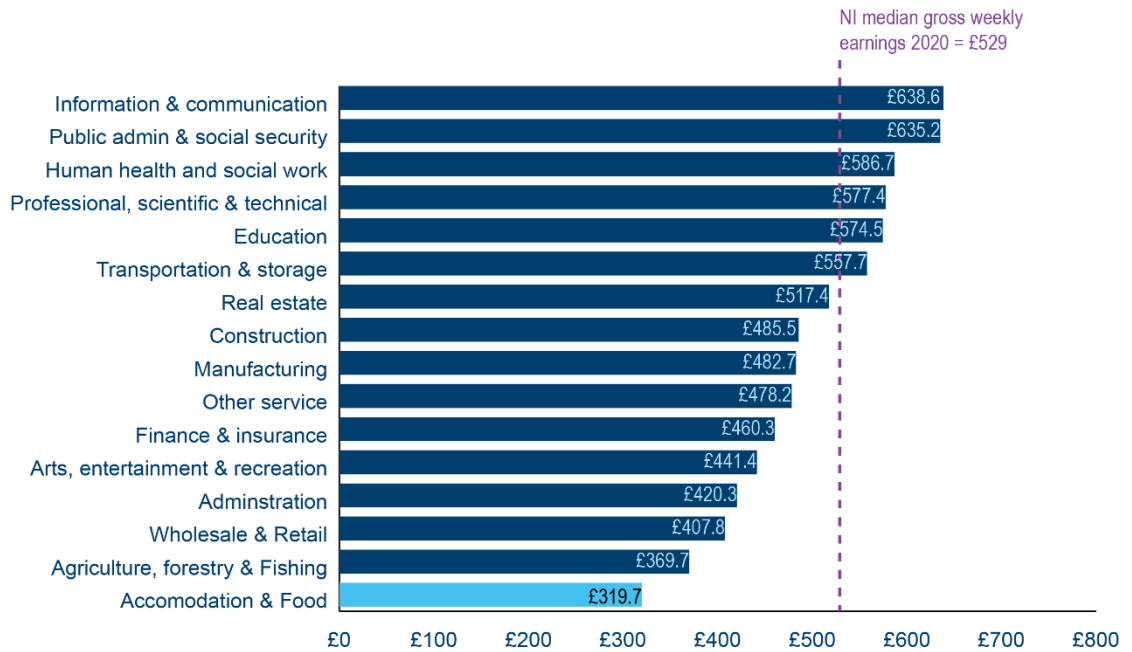
NISRA's Annual Survey of Hours and Earnings (ASHE) provides data on medium gross weekly earnings for NI full-time employees. These data enable a comparison of earnings across various industry sectors in NI. The latest data are presented in Figure 2 below. As can be seen from the Figure, median gross full-time weekly earnings in the accommodation and food sector amounts to £319.70 per week. Those earnings were the lowest of any broad industry sector in NI in 2020. This was significantly below the median full-time gross weekly earnings of £529 per week for all NI industry sectors in 2020. However, this median gross full-time weekly earnings figure does not show the full picture. For example, in 2020, median gross full-time weekly earnings within this NI sector was £300.70 per week for female employees, and £323.50 for male employees.

⁶ NISRA, Business and Employment Survey 2019 (30 June 2020) <https://www.nisra.gov.uk/publications/bres-publications-and-tables-2019>

⁷ *Ibid*

The median gross weekly earnings for part-time employees in this NI sector were £106.70 in the same year:⁸

Figure 2: Median gross weekly full-time earnings by sector in NI for 2020⁹



Source: NISRA (2020)

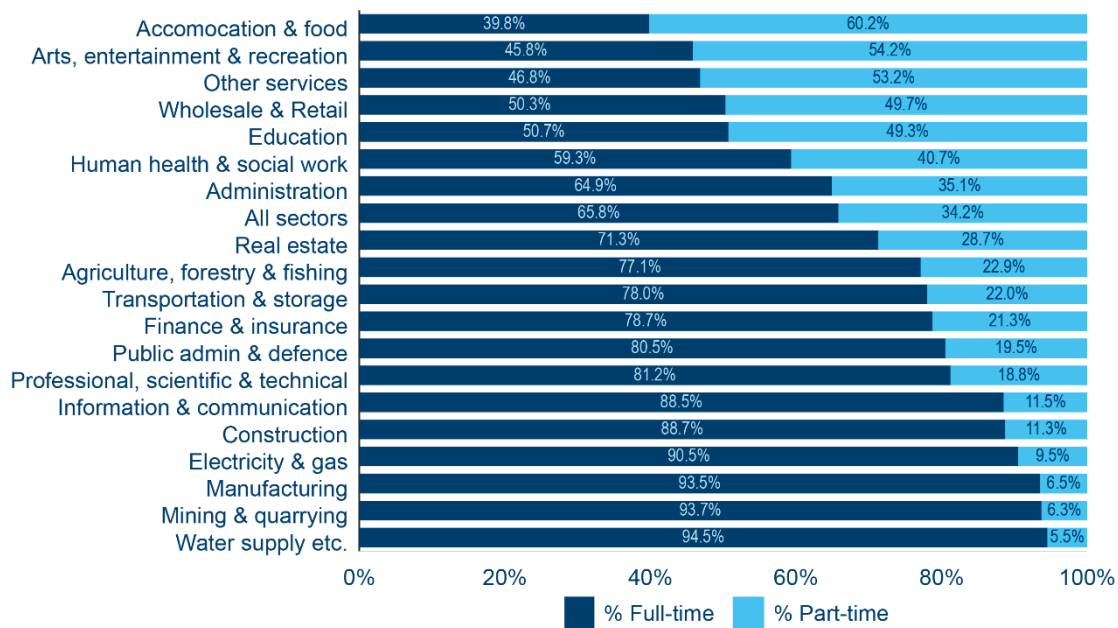
⁸ NISRA, Annual Survey of Hours and Earnings 2020 (03 November 2020)
<https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/ASHE-2020-SIC07.xlsx>

⁹ *Ibid*

2.3 Full and part-time employment

Figure 3 below is sourced from the 2019 BRES. It shows the proportion of full-time and part-time jobs in different sectors in NI as of 2019. The Figure highlights that of all NI sectors, the accommodation and food sector has the highest reliance proportion of part-time jobs; 60% of all jobs in that sector were part-time. As noted in subsection 2.2 of this paper, the median gross weekly earnings for part-time employees in that sector were £106.70 in NI for 2019.

Figure 3: Proportion of full-time and part-time employees in NI by sector for 2019¹⁰

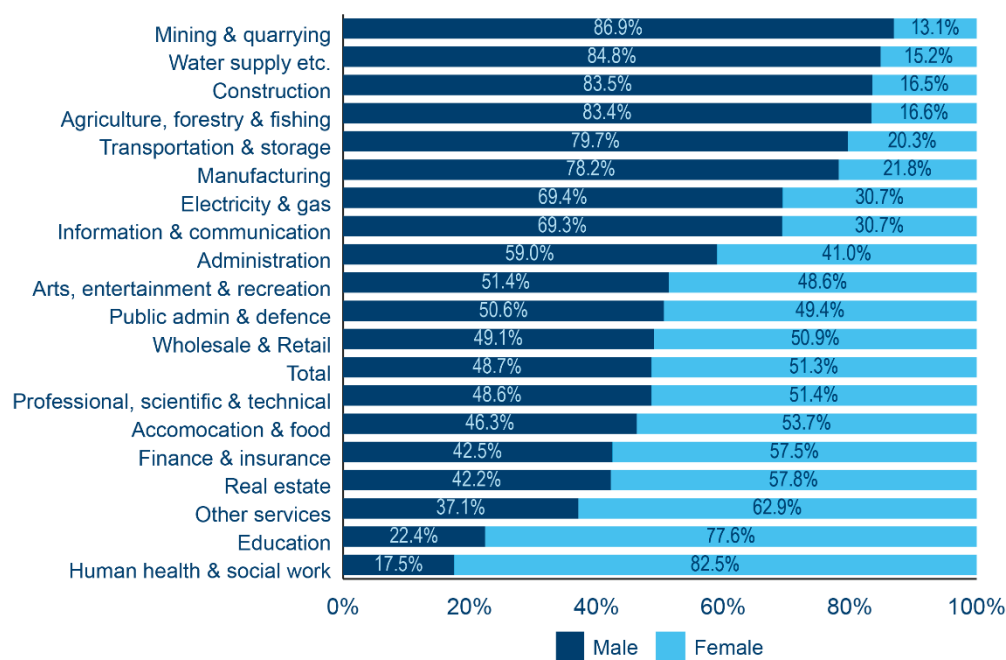


Source: NISRA (2020)

2.4 Gender profile

Figure 4 below also is sourced from the 2019 BRES. It compares the proportion of female and male employee jobs across NI industry sectors. As can be seen from the Figure, a majority of sectors – 11 of 19 – had a greater proportion of male employee jobs. In 2019, 53.7% of employee jobs in accommodation and food services sector 53.7% were female. This was the fifth largest proportion of female employee jobs across all sectors in NI. Additionally, for all sectors, 51.3% of employees were female in NI in 2019.

¹⁰ NISRA, Business and Employment Survey 2019 (30 June 2020) <https://www.nisra.gov.uk/publications/bres-publications-and-tables-2019>

Figure 4: Proportion of male and female employees by sector¹¹

Source: NISRA (2020)

2.5 Age profile

Detailed data on the age profile of those employed in the NI accommodation and food sector is unavailable. However, recent Ulster University Economic Policy Centre research notes that after the first lockdown in March 2020, 36% of those employed in the NI accommodation and food sector were under 25 years old. That group represented 12% of total NI employment. The sector is therefore three times more reliant on younger people than the NI economy as whole.¹²

3 The regulation of night work and shift work

This section provides a brief overview of the legal framework that regulate night-time work in NI. It looks in particular at the Working Time Regulation (NI) 2016 and the implication that regulation has on staff and employers.

3.1 The Working Time Directive and Night Work

The Working Time Directive is a European Union (EU) Directive transposed and implemented in NI law *via* the Working Time Regulations (NI) 1998 (WTR 1998). Between 1998 and 2009, ten Statutory Rules were enacted in NI, to amend the WTR 1998, as appropriate. As such, the Working Time Regulations (NI) 2016 (WTR 2016)

¹¹ *Ibid*

¹² Department for the Economy, the potential impact of the 4-week circuit breaker (10 November 2020) <https://www.economy-ni.gov.uk/sites/default/files/publications/economy/4-Week-Circuit-Breaker-Impact-Paper.pdf>

subsequently was enacted to consolidate and replace the WTR 1998 and subsequent amendments.¹³

The WTR 2016 defines a “night worker” as someone who works at least three hours or more between the hours of 11pm and 6am on the majority of that person’s shifts or does so “as a normal course”.¹⁴ The WTR 2016 also specifies that a night worker’s normal hours within any reference period (17 weeks) shall not exceed an average of eight hours for each 24 hours. It further requires the employer to take “all reasonable steps” to ensure compliance with this limit for each of its night workers, “in keeping with the need to protect the health and safety of workers”.¹⁵ Subsection 4.2 below examines some health and safety issues associated with shift work outside standard daytime hours, i.e. 7am to 7pm.

The WTR 2016 also specifies that “young workers”, defined as those older than the compulsory school age - 16 - and younger than 18, should not work during the “restricted period”, defined as between 10pm or 6am. This is unless the worker’s contract provides for the worker to work after 10pm; in such a case the restricted period is defined as between 11pm and 7am.¹⁶¹⁷

3.2 Regulation of shift work

The Health Safety Executive GB (HSEGB) guidance on shift work notes that there is “no specific definition of shift work in law”.¹⁸ That guidance defines “shift work” as:

- A work activity scheduled outside standard daytime hours – 7am to 7pm - where there may be a handover of duty from one individual to another; and,
- A pattern of work where one employee replaces another on the same job within 24-hour period.¹⁹

4 Issues relating to working in the “night-time economy”

This section examines issues related to working in the “night-time economy” (NTE) in general. The Department of Justice defines the NTE as the collective term for a range of evening activities, including:

¹³ Explanatory Memorandum to the Working Time Regulation (Northern Ireland) 2016 https://www.legislation.gov.uk/nisr/2016/49/pdfs/nisrem_20160049_en.pdf

¹⁴ Working time Regulation (NI) 2016, regulation 2 <https://www.legislation.gov.uk/nisr/2016/49/regulation/2/made>

¹⁵ Working time Regulation (NI) 2016, regulation 7 <https://www.legislation.gov.uk/nisr/2016/49/regulation/7/made>

¹⁶ Working time Regulation (NI) 2016, regulation 7 <https://www.legislation.gov.uk/nisr/2016/49/regulation/2/made>

¹⁷ Working time Regulation (NI) 2016, regulation 2 <https://www.legislation.gov.uk/nisr/2016/49/regulation/8/made>

¹⁸ Health and Safety Executive, Managing Shift Work <https://www.hse.gov.uk/pUbns/priced/hsg256.pdf>

¹⁹ *Ibid*

*...going to pubs, clubs, restaurants, cinemas, theatres or concerts, meeting up with friends or attending community events...*²⁰

In its 2018 study – “London at Night” – the Greater London Authority (GLA) used a broader NTE definition, i.e. “all industries and occupations – from healthcare to culture and hospitality to logistics – that operate at night”.²¹ Issues identified in the subsections below apply across industries and occupations falling within this GLA broader definition. However, given the purpose of this paper, the subsections focus on the hospitality sector.

According to UK figures published by the Trade Union Congress (TUC), as of 2019, “service work” - defined as including occupations such as “porters, bar staff, waiting staff [and] catering assistants” – was: the third most common occupation for UK female night workers; and, the fourth most common for UK male night workers.²²

A number of studies and guidance have identified issues with night working in general and night working in the hospitality sector in particular. The subsections below highlight both positive and negative impacts and “knock on” effects of NTE work.

4.1 General perceptions of working in the hospitality sector

This subsection examines some of the general perceptions of working in the hospitality sector. A 2016 academic study, which noted the “attractive opportunities” of working in the sector:

*People join the sector mainly because of its accommodating characteristics, and wide range of jobs and the diverse human capital requirements.*²³

A 2019 study commissioned by the UK Department for Digital, Culture Media and Sport²⁴ examined staff perceptions of the “hospitality and tourism industry in the UK”. Amongst other things, it found that:

- 38% chose a job in these sectors because it “fits my lifestyle”;
- 35% believed that there was high job satisfaction in these sectors; and,

²⁰ Department of Justice, the Night time economy findings from the 2011-12 and 2012-13 NICS (October 2014) <https://www.justice-ni.gov.uk/sites/default/files/publications/doj/the-night-time-economy-findings-from-the-2011-12-and-2012-13-nics.pdf>

²¹ Greater London Authority, London at night (November 2018) https://www.london.gov.uk/sites/default/files/london_at_night_-_executive_report_-_final.pdf

²² <https://www.tuc.org.uk/news/266000-night-workers-south-west-tuc-analysis-shows>

²³ Partington, SN (2016) Hospitality Employment: The Good, The Bad and The Ugly. In: The Routledge Handbook of Hospitality Studies. Routledge/Taylor & Francis Group. ISBN 9781317395669 <https://www.routledge.com/The-Routledge-Handbook-of-Hospitality-Studies/Lashley/p/book/9781138931121>

²⁴ Economic Insight, Hospitality and Tourism workforce landscape (June 2019) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/827952/Hospitality_and_Tourism_Workforce_Landscape.pdf

- 32% cited the great people and culture in the sectors.²⁵

4.2 Health and safety issues relating to “shift work”

The HSEGB guidance identifies the “recent shift towards a 24-hour society” as one of factors driving an upward trend in shift work. It states that:

Research has shown that there can be undesirable consequences for those working shifts outside daytime hours, particularly those covering the night or with early morning starts.²⁶

Potential “undesirable consequences” identified in the guidance included:

- Disruption of the internal body clock;
- Fatigue;
- Sleeping difficulties;
- Disturbed appetite and digestion;
- Reliance on sedatives and/or stimulants; and,
- Social and domestic problems.²⁷

The HSEGB guidance noted that identified undesirable shift work consequences may impact productivity and lead to increased errors and accidents in the workplace.²⁸

In addition to the “undesirable consequences” and possible “knock-on” effects, the guidance also highlighted “some evidence” of ill health effects resulting from long-term exposure to shift work.²⁹ Those identified effects included:

- Gastrointestinal problem such as indigestion, abdominal pains, constipation, chronic gastritis and peptic ulcers’
- Cardiovascular problems such as hypertension and coronary heart disease; and,
- Increased susceptibility to minor illnesses such as colds, flu and gastroenteritis.³⁰

Furthermore, the HSEGB guidance noted that shift work may exacerbate existing health problems such as diabetes, epilepsy, asthma and psychiatric illness. It also stated that “reproductive problems in female shift workers have also been reported”; although the guidance qualifies this, stating the association between shift work and reproductive issues is “less strong”.³¹

Finally, the guidance noted, however, that individuals vary in their tolerance to shift work for a number of reason, including:

²⁵ *Ibid*

²⁶ Health and Safety Executive, Managing Shift Work <https://www.hse.gov.uk/pUbns/priced/hsg256.pdf>

²⁷ *Ibid*

²⁸ *Ibid* p9

²⁹ *Ibid*

³⁰ *Ibid*

³¹ *Ibid*

- Individual ability to adapt to changing sleep patterns;
- Differences in when an individual might feel most alert in a 24-hour period;
- Age – the ability to adapt to shift work decreases with age;
- Individual health and fitness;
- Individual behaviours and coping strategies; and,
- An individual’s ability to organise domestic duties and social activities in line with shift work.³²

4.3 Broader issues relating to working in hospitality and NTE

In addition to the health and safety issues associated with shift work outlined above, a number of potential issues are identified in the examined literature in relation to hospitality industry work specifically, and the NTE more generally. They are highlighted here:

- **Workplace safety and support:** A 2018 report by the London Assembly’s Economy Committee – entitled “Rewrite the night: the future of London’s night-time economy”³³ – noted that jobs in the NTE tended to be low paid, with less favourable working patterns. The report highlighted the need both: to protect NTE workers’ mental and physical health; and, to secure the clarity on worker’s rights. It especially pointed to those who are self-employed and those working in the so-called “gig economy”. Additionally, the report stated that:

*Ensuring that these workers have safe places where they can take work breaks, have access to Wi-Fi, and are able to buy good quality food needs to be part of the package. Night workers will also want the same access to shops and other services that daytime workers would expect.*³⁴

- **Other safety issues:** In 2018, a survey by insurer National Farmers Union Mutual found that 47% of consumers had witnessed abusive behaviour towards staff in pubs, restaurants, takeaways or hotels. That behaviour ranged from staff belittled to physically attacked.³⁵ The British Beer and Pub Association’s guidance on “Managing Safety in Bars, Pubs and Clubs” (dated 2007) provides advice on assessing the risk and management of violent behaviour incidences in licenced premises. The guidance highlights a number of risk factors, including: social tensions and rivalry; overcrowding; service refusal; and, drug influence taken before entry.³⁶

³² *Ibid*

³³ London Assembly’s Economy Committee – “Rewrite the night: the future of London’s night-time economy” (February 2018) https://www.london.gov.uk/sites/default/files/rewrite_the_night_final.pdf

³⁴ *Ibid*

³⁵ <https://www.thecaterer.com/news/hotel/safety-first-how-to-deal-with-violent-or-drunken-customers>

³⁶ http://beerandpub.com/wp-content/uploads/woocommerce_uploads/2018/02/Managing-Safety-in-Bars-Clubs-Pubs.pdf

- **Commuting:** In 2019, researchers from the Urban Policy Lab at University College London and the Royal College of Nursing in London highlighted the difficulties facing night workers who are required to get to and from work during unsociable hours. The group called on the London Mayor to introduce a “Night-Rider’ fare, which would enable night workers’ use specified transport modes on a single fare.³⁷ Similarly, in Scotland, the Safe Home campaign was launched in 2018 by the Scottish Trade Union Congress youth group “Better than Zero”, and supported by Unite the Union and the Bakers Union. The initiative was launched to highlight the issue experienced by workers in the hospitality, fast food and retail when returning home following late shifts. The campaign sought to extend the employer’s duty of care to ensuring their night workers got home safely. It successfully led to some employers signing up to the campaign and subsequently providing paid taxis for their staff to return home safely.³⁸
- **Mental health:** A recent study by the Royal Society for Public Health found that poor mental health was a prevalent issue within the hospitality sector. The study, which surveyed hospitality workers across the UK, found that, amongst other things:
 - 84% of hospitality workers had experience increased stress;
 - 69% had experienced anxiety;
 - 65% had experienced low mood or tearfulness;
 - 50% had experienced depression;
 - 24% had required medical or psychological help; and,
 - 20% reported to having a severe mental health problem.³⁹

3.4 Issues relating to zero hours contracts

In the UK, the main official data source on information on zero hours contracts (ZHCs) is the Labour Force Survey (LFS), which is administered by the Office for National Statistics (ONS). The LFS defines the term “ZHCs” as:

*Zero hours contract – is where a person is not contracted to work a set number of hours, and is only paid for the number of hours that they actually work.*⁴⁰

Figure 5 below is sourced from the ONS LFS, to show the proportion of total ZHCs in the UK that are attributable to each industry sector. As can be seen from the Figure,

³⁷ Royal College of Nursing, RCN Call on Mayor to meet needs of night workers (12 July 2019) <https://www.rcn.org.uk/news-and-events/news/rcn-london-call-on-mayor-to-meet-transport-needs-of-nightworkers>

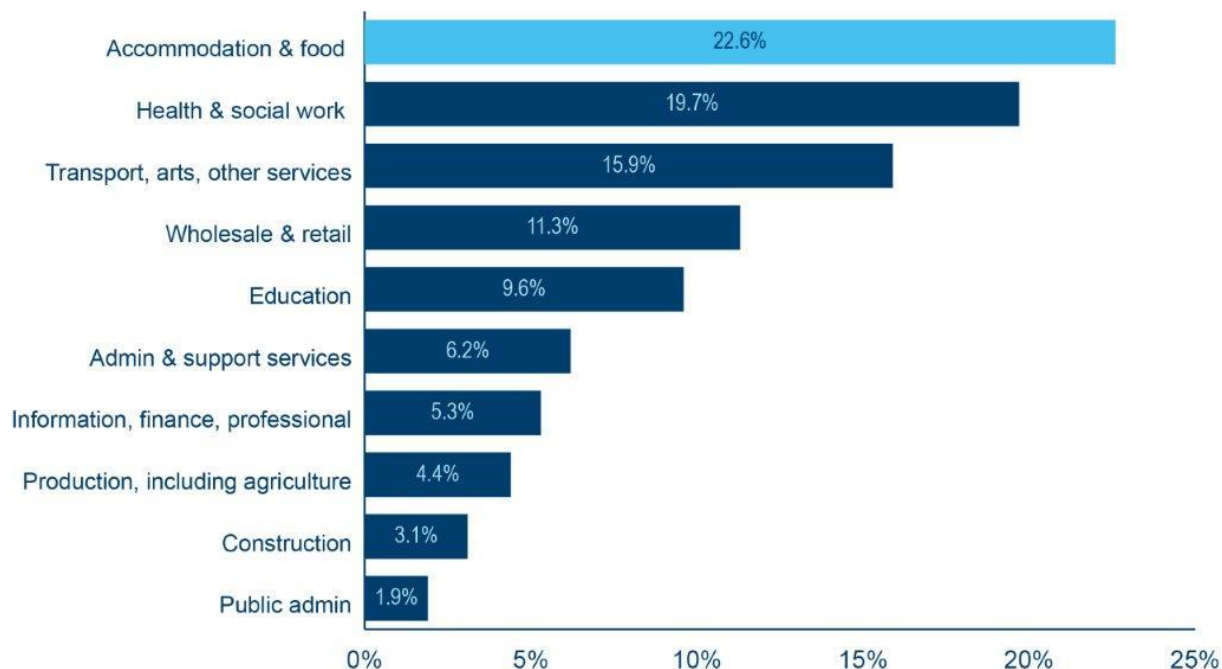
³⁸ Scottish Government, On Scotland, Case Study – Get home safe <https://onescotland.org/nacwg-news/case-study-get-home-safe/>

³⁹ Royal Society for Public Health, Service With(out) a smile? The mental health of hospitality workers (May 2019) <https://www.rsph.org.uk/static/uploaded/3944abe4-104c-471e-be9f4fd38b91b8f4.pdf>

⁴⁰ LFS (2020) *Labour Force Survey User Guide – Volume 3: Details of LFS variables 2020*: <https://www.ons.gov.uk/file?uri=/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/methodologies/labourforcesurveyuserguidance/volume3aj2020.pdf>

just under a quarter – 22.6% - of all ZHCs in the UK in 2020 were found in the accommodation and food sector.

Figure 5: Proportion of total ZHCs in UK, by industry sector, April to June 2020 (total ZHC in UK = 1,052,000)⁴¹



There are a number of advantages and disadvantages to ZHCs for employers, employees and workers. Advantages include:

- **Flexibility:** An often cited advantage of ZHCs is the flexibility they offer to employers, employees and workers. For example, the 2017 UK “Taylor Review” concluded that ZHCs allow individuals to work flexibly and to tailor their working patterns around other responsibilities, such as caring, or education. It also found that ZHCs allowed employers to adapt to changing market conditions.⁴²
- **Retained experience:** In a 2013, the then UK Department for Business Innovation and Skills (BIS) conducted consultation on ZHCs. That consultation noted document ZHCs allow business to retain the skills and experience of staff who wish to partially retire or who have retired. Additionally, BIS argued in the consultation document that ZHCs enable businesses to “retain a pool of trained and skilled staff, who know the culture of the businesses and its procedures, rather agency staff who may not”.⁴³

⁴¹ ONS, EMP17: People in employment on zero hours contracts (11 August 2020)

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/emp17peopleinemploymentonzerohourscontracts>

⁴² Taylor, Matthew et al. (2017) *Good Work: the Taylor Review of Modern Working Practices*:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/627671/good-work-taylor-review-modern-working-practices-rg.pdf (page 43)

⁴³ Department for Business Innovation & Skills (2013) *Consultation :Zero Hours Employment Contracts*:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/267634/bis-13-1275-zero-hours-employment-contracts-FINAL.pdf

- **Cost:** The Resolution Foundation argued that there is some evidence that ZHCs are used by some business *in lieu* of agency staff, as a means of avoiding agency fees and reducing the cost of hiring staff.⁴⁴

Disadvantages of ZHCs include:

- **Uncertainty:** ZHCs do not provide staff with a guarantee of regular work or earnings. This leads to uncertainty for workers and employees and may make financial planning difficult. In addition, staff working under ZHCs may be required to respond to calls to attend work at short notice. This may disrupt life outside of work and can place strain on family life, particularly were the staff member has caring responsibilities.⁴⁵

Furthermore, the 2013 BIS consultation document noted individuals were not always aware that they were employed on a ZHC and that employers were not always fully aware of their responsibilities towards the individuals they employed on ZHCs.⁴⁶

A 2016 TUC poll of individuals throughout GB on ZHCs found that:

- 51% had shifts cancelled with less than 24-hours' notice;
 - 73% had been offered work at less than 24 hours' notice;
 - 35% had been threatened with not being given shifts in the future if they turn down work; and,
 - 25% preferred to be on a ZHC.⁴⁷
- **Fairness:** The above-noted 2016 TUC poll of individuals in GB on ZHCs found that they did not receive the same employment rights and entitlements as those on more traditional employment contracts. For example, the poll found that 82% of workers on ZHCs did not receive sick pay, and that 63% did not receive maternity or paternity pay. The study also found that seven in ten would not receive redundancy pay if made redundant. Just under half (46%) said they do not get holiday pay, and just over half (54%) said they have not been given a written statement of terms and conditions.⁴⁸
 - **Exclusivity:** The workplace practice known as “exclusivity” prevents some individuals on ZHCs from working for another employer, even when their primary employer has no work available. The 2013 BIS consultation document stated that exclusivity can prevent individuals from seeking work elsewhere when they require it. The Small Business, Enterprise and Employment Act 2015 states the exclusivity

⁴⁴ Resolution Foundation (2013) *A Matter of Time: the rise of zero-hours contracts*:

https://www.resolutionfoundation.org/app/uploads/2014/08/A_Matter_of_Time_-_The_rise_of_zero-hours_contracts_final_1.pdf

⁴⁵ UNISON (2016): *Zero Hours Contracts* <https://www.unison.org.uk/content/uploads/2016/02/Zero-Hours-Factsheet.pdf>

⁴⁶ Department for Business Innovation & Skills (2013) *Consultation: Zero Hours Employment Contracts*:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/267634/bis-13-1275-zero-hours-employment-contracts-FINAL.pdf

⁴⁷ TUC (2018) *Great Jobs with Guaranteed Hours*: https://www.tuc.org.uk/sites/default/files/great-jobs-with-guaranteed-hours_0.pdf

⁴⁸ *Ibid*

clauses in ZHCs are unenforceable in GB.⁴⁹ NI does not currently have equivalent legislation.⁵⁰ Please note the Department for the Economy is currently considering legislation to regulate against abuses in ZHCs. It is unclear at present whether this legislation will include clauses to address exclusivity. No timeframe for this legislation is currently available.⁵¹

4 Concluding remarks

As noted in the introduction, this paper aims to inform the Committee's deliberations on the Bill, in particular the types of staff potentially affected by its clauses and how, if the Bill is enacted as drafted at introduction.

Section 1 provided an overview of the various employment status categories under prevailing NI law. It highlighted that status determines individuals' rights and their employers' responsibilities towards them.

Section 2 profiled staff in NI's accommodation and food sector. Key features it highlighted included:

- The number of employee jobs in that sector varied by local government district in NI. The highest proportion of jobs in accommodation and food sector in 2019 was in the Causeway Coast and the Glens, where the sector supported 10.9% of total jobs;
- The sector was home to the lowest paid of all NI's industry sectors, based on median full-time gross weekly earnings;
- A higher proportion of jobs in the sector were on a part-time basis than any other sector in NI;
- A higher proportion of jobs in this NI sector were filled by more females, when compared to males; and,
- The sector had a higher proportion of young workers than the NI economy as a whole.

Based on the above, it seems reasonable to assume that the Bill proposals, if enacted as introduced, could have a greater impact on lower paid, part-time, young, female staff.

Section 3 examined the regulation of the night working, particularly the WTR 2016. This regulation defined night work in NI and placed limits on how much night work an individual could undertake in a given time period. The regulation also obliges employers to take "all reasonable steps" to ensure compliance with this limit for each of

⁴⁹ Small Business, Enterprise and Employment Act 2015: <http://www.legislation.gov.uk/ukpga/2015/26/contents/enacted>

⁵⁰ Croner-I (2020) The Differences between Employment Law in Great Britain and Northern Ireland:

<https://app.croneri.co.uk/feature-articles/differences-between-employment-law-great-britain-and-northern-ireland>

⁵¹ Email response from DFE received by RaiSe 27 July 2020.

its night workers, “in keeping with the need to protect the health and safety of workers”.⁵²

Section 4 reported findings on literature identified for purposes of this paper, which revealed a number of opportunities associated with hospitality sector work, including the availability of a wide range of roles and flexibility afforded to staff. It also examined some of the issues facing staff in the hospitality sector and the NTE. Those included:

- Potential negative health impacts associated with shift pattern work;
- Potential adverse safety, commuting and mental health issues associated with NTE work; and,
- Advantages and disadvantages associated with ZHCs.

As introduced, the Bill proposes – including clauses 1; 2; 5; 6; 23; 24; and 25 - to extend opening hours which could impact upon night-time working hours for hospitality sector staff. The Committee may wish to explore how those clauses – if enacted as introduced – could exacerbate the issues identified throughout section 3 of this paper, including those potential negative impacts identified in the section. It is noteworthy that the majority of evidence used in this paper refers to a UK or GB context, rather than a NI specific context. RaISe were unable to locate NI specific commentary on this topic during the preparation of this paper. As such, the Committee may wish to explore these issues further during evidence sessions, in order to get a fuller picture of the issues facing staff employed in the hospitality sector in NI in general, and the issues that face staff in the sector who work at night in particular.

[I wonder should you also mention in the last paragraph something about the Committee exploring with representative industry bodies the positive impacts that the extension to opening hours and relaxation of easter restrictions could have on employment opportunities within the sector – just so we aren’t accused of bias. There’s no way we can quantify the economic benefits in terms of additional employment opportunities but it might be worth mentioning that there could be positive economic benefits just so we aren’t accused by representative bodies of the industry (e.g. Hospitality Ulster, NI Hotels Federation) of just looking at negative impacts.

⁵² [The Working Time Regulations \(Northern Ireland\) 2016 \(legislation.gov.uk\)](https://www.legislation.gov.uk)