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28 August 2014

Deirdre Walsh
Department for Employment and Learning
Employment Relations Policy and Legislation Branch
1st Floor, Waterfront Plaza
8 Laganbank Road
BELFAST BT1 3LY

Dear Ms Walsh,

Public Consultation – Zero Hours Contracts

The Board of the Labour Relations Agency met 28 August 2014 and determined the following response to the DEL public consultation on zero hours contracts. Please note the Agency has no comment to make other than on the questions set out below.

Question 6

Do you think the Department should provide more focused guidance on the use of exclusivity clauses, for example setting out commonly accepted circumstances when they are justified and how to ensure both parties are clear on what the clause means? If you answer yes, what information should be included?

Question 7

Would a Code of Practice setting out fair and reasonable use of exclusivity clauses in zero hours contracts (a) help guide employers in their use, and (b) help individuals understand and challenge unfair practices? Please explain your response.

The Labour Relations Agency, in the interests of promoting the improvement of employment relations, would be prepared to prepare and publish either more focused guidance or a Code of Practice on the use of exclusivity clauses in zero hours contracts in Northern Ireland taking account of the responses received from the consultation exercise. The Labour

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Relations Agency believes it is best placed to publish such guidance or Code of Practice given its standing and reputation in employment relations in Northern Ireland.

Question 14

Do you think that model clauses for zero hours contracts would assist employers in drawing up zero hours contracts, and support employers and individuals to better understand their employment rights and obligations? If you answer yes, what should the key considerations be in producing model clauses?

The Labour Relations Agency is of the opinion that both individuals and employers need to be fully aware of and understand their rights and obligations regarding zero hours contracts. In this regard the Labour Relations Agency would be willing to prepare model clauses for zero hours contracts taking account of the responses received from the consultation exercise. The Agency believes that it is best placed to ensure that parties can make informed decisions about the use of such clauses and any unintended consequences of contracts not reflecting practice that may occur in their future use.

Yours sincerely,

W PATTERSON
Chief Executive