

**National Federation of Voluntary Bodies
Providing Services to People with Intellectual Disability**

**Submission to
Department of Jobs, Enterprise & Innovation**

**University of Limerick Study on the Prevalence of Zero Hour
Contracts and Low Hour Contracts in the Irish Economy**

December 2015.

1. Introduction

The National Federation of Voluntary Bodies Providing Services to People with Intellectual Disability welcomes the opportunity to make a submission to the Department of Jobs, Enterprise and Innovation in relation to the recent study, undertaken by the University of Limerick, on the Prevalence of Zero Hour Contracts and Low Hour Contracts in the Irish Economy, published in late 2015.

The National Federation of Voluntary Bodies is a national umbrella organisation for voluntary/non-statutory agencies that provide direct support services to people with intellectual disability in Ireland. National Federation members provide services throughout the twenty-six counties in both urban and rural areas. In all, the National Federation comprises some 60 affiliated organisations who between them account for in excess of 85% of this country's direct service provision for people with intellectual disability. Member organisations receive their core funding from the Health Services Executive (HSE) on the basis of an annual Service Level Agreement which is signed by both parties.

The National Federation of Voluntary Bodies *Vision Statement for Intellectual Disability in Ireland for the 21st Century*, which is endorsed by its Board and General Assembly, outlines the vision as:

“Being supported to live a life on one’s own terms – Above all people have a deep and rooted desire to belong, to be in relationship, to live within the intimacy and security of their family and friends, to be included in the greater life around them and all its attendant possibilities for hope and fulfilment and to do so, to the greatest extent possible, on their terms. The implications of this simple truth will determine our actions on behalf of all citizens with Intellectual Disabilities”

The five core principles to drive this process are: *Self Determination, Friendships and Relationships, Inclusion, Equity, and Equal Citizenship*.¹

2. General Feedback on Study

National Federation members employ approximately 15,000 staff covering a wide range of professional disciplines providing services and supports to over 25,000 children and adults with intellectual disability. Agencies operate on a 24/7 basis whereby supports and services are offered to clients on a year round basis – through the provision of residential services, day services, therapeutic services, education and training opportunities, etc. Many organisations within the sector utilise staff on ‘if & when contracts’ / staff from a ‘relief panel’ which would have been established to deal with instances which arise when a staff member(s) is required at relatively short notice e.g. a rostered staff member calls in sick; unplanned leave arises; there is a requirement for an additional staff member at short notice e.g. there may be incidents where a service user is taken ill and additional staff are required as they may need to accompany the individual to hospital and in most cases would provide one to one support. In these circumstances additional staff may be required at very short notice. The existence of ‘relief panels’ are vital to the operation of services within our sector. They offer advantages and flexibility to both employers and employees – from an employer’s perspective gaps in staffing can be filled at relatively short notice and from an employee perspective there is discretion in relation to the days/times which are worked.

¹National Federation of Voluntary Bodies Providing Services to People with Intellectual Disability (2009) *Vision Statement for Intellectual Disability in Ireland for the 21st Century – Discussion Document*, Strategic Plan 2011 -2014, and Service Plan are at the following links: . [Vision Statement for Intellectual Disability in Ireland for the 21st Century](#) ; [National Federation of Voluntary Bodies Strategic Plan 2011-2014](#) ; [National Federation of Voluntary Bodies Service Plan 2011](#)

The National Federation very much welcomes this report and the work which is underway in relation to quantifying the data / information which currently exists concerning the prevalence of zero hour and low hour contracts. In our submission we do not propose to make comment on all of the report 'findings' / 'recommendations' rather have concentrated on the main issues of concern to our member organisations.

3. Findings of the Report

The following are the main points which the National Federation would like to make in relation to the report findings:

- **Finding 1:** The distinction between 'zero hours contracts' and 'If & When Contracts' which is outlined in finding number (1) is most welcome.
- **Finding 4:** In addition to the advantages for employees of 'if and when contracts' it was highlighted by employers that as a result of participation on a relief panel staff can build up experience but without necessarily tying themselves to a specific post. In this way they can get a range of experiences within an organisation and then make a more informed decision when a more permanent post arises. When a suitable permanent post becomes available employers encourage those on the relief panel to apply for same and if successful therefore remove themselves from the 'relief panel'. This has advantages for both parties – employee gets more secure employment and from the employers perspective they have a staff member who already knows the organisation, how it operates and has undertaken a range of job related training.
- **Finding 17:** In relation to the negative implications for individuals working 'if and when' hours there is variation in relation to the entitlements of such staff – within some organisations staff on the relief panel are entitled to annual leave / sick leave and pension provisions while for others they may have no entitlement aside from annual leave. Clarification in relation to the employment status of such staff and the extent to which they are covered by employment legislation is required.

4. Report Recommendations

The following is the National Federations feedback in relation to the recommendations arising from the report:

- **Recommendation 1:** It is agreed that the Terms of the Employment Information Acts 1994-2012 should be amended to require employers to provide a written statement on the terms and conditions of employment **but** not on/by the first day of employees commencing their employment. It was felt that this would not always be feasible for employers but perhaps the timeframe could be reduced from the current period (2 months) to 1 month / 4 working weeks.

- **Recommendation 2:** We would not agree with this recommendation as it would effectively remove the flexibility of 'if and when' contracts. In essence staff from the 'relief panel' are called on when there is an unplanned event and to provide a 'statement of working hours' in advance would negate this.
- **Recommendations 3 & 4:** We would not be in agreement with the proposals outlined in recommendations 3 and 4 – essentially this would tie employers / employees into a set number of working hours per week and remove the flexibilities which are central to current arrangements and which are by and large beneficial to both parties. In particular the proposal outlined in **Recommendation 4 (iv)** to compensate employees where they are not required by an employer in a particular week is not at all feasible for state / publically funded organisations. Organisations have experienced considerable funding cuts in recent years and as approximately 80% of organisation's funding is allocated to payroll associated costs additional increases in this area would place a further strain on limited resources.
- **Recommendations 5:** The proposal relating to the notice period of 72 hours to employees for a request to undertake any hours of work is not at all feasible from an employer's perspective. While employers may currently endeavour to provide as much notice as possible when seeking a staff member from the relief panel this is not always feasible given that the demand for such staff often arises at very short notice / from an unplanned event. That said, it is in the employer's interests to ensure that they have the necessary staff compliment in place at all times – from a quality and client safety perspective - and this has been reinforced by the introduction of the statutory inspection and registration process for residential services for people with a disability by the Health Information and Quality Authority (HIQA). Therefore employers would endeavour to provide as much notice to employees as possible.
- **Recommendation 6:** Again we would not be in agreement with the recommendation that 72 hours' notice would be provided to employees regarding the cancellation of working hours. In practice the cancelling of working hours for staff within the sector would arise on a very rare occasion.
- **Recommendation 7:** We would generally be in favour of this recommendation which stipulates that a minimum period of 3 continuous working hours would be provided to an employee who is required to report to work.
- **Recommendation 8:** We are in favour of the proposal outlined in recommendation 8 that employer organisations and trade unions which conclude a sectoral collective agreement can opt out of the legislative provisions included in recommendations 4-7.
- **Recommendations 10-14:** We very much support these recommendations which propose that Government examine further the legal position of people on 'if and when' contracts with a view to providing greater clarity on their employment status / focus on the development of accessible high-quality childcare systems and the establishment of an

Interdepartmental Working Group to facilitate greater co-operation between government departments on the policies which affect patterns of working hours.

- **Recommendation 14:** In relation to possible additional data to be sought by the Central Statistics Office (CSO) a query was raised as to whether this information was already available to the CSO. Concerns were also expressed by employers in relation to any additional data which may be sought by the CSO thus placing an additional administrative burden on them.

5. Conclusion

As stated at the outset of this submission the National Federation of Voluntary Bodies providing services to people with intellectual disability very much welcome the publication of this study and the aim of clarifying the extent and status of 'zero hours' and 'if and when' contracts. We trust that the feedback provided above, in relation to the report findings and recommendations will be taken on board and if we can provide any additional information would be very willing to provide same.

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