New Deal for Working People

USDAW

Campaigning on Guaranteed Hours

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Background

USDAW

- Tackling one-way flexibility was a long-term campaigning priority for Usdaw long before the ERA.
- It's not just about zero hours - insecurity affects workers on short hours contracts.
- Low Pay Commission recommended the right to guaranteed hours in 2018 report, following the Taylor Review on Modern Working Practices.



Bringing it into law

New Deal for Working People – Green Paper drafted in opposition



Plan to Make Work Pay – Manifesto Commitment

Employment Rights Act 2025

Consultation

Secondary Legislation

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Manifesto Commitment

- Labour will end ‘one sided’ flexibility and ensure all jobs provide a baseline level of security and predictability, banning exploitative zero hours contracts and ensuring everyone has the right to have a contract that reflects the number of hours they regularly work, based on a twelve-week reference period.

- We have an ongoing commitment to protect the integrity of these policies and will put in place anti-avoidance measures where necessary. We will ensure all workers get reasonable notice of any change in shifts or working time, with compensation that is proportionate to the notice given for any shifts cancelled or curtailed.

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Employment Rights Act - potential loopholes

- An hours threshold
- A condition of regularity
- Different rules for agency workers
- An 'excluded worker' provision
- Uncertainty over an initial reference period, along with a subsequent reference period
- Possible gaps between reference periods
- Temporary contracts for specific tasks or events
- An adjustment margin for an hours calculation

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The hours threshold – unintended consequences



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Consultation

- Closed in August
- Government stated a preferred hours threshold for guaranteed hours between 8 and 20 per week.
- Usdaw and TUC supported worker voice in the consultation – over 3000 direct responses.

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Usdaw response – key points

- Hours threshold, preferably not there but if there, at 48 hours.
- Agency workers treated in exactly the same way as permanent staff.
- 12 week initial and subsequent reference periods, on a consecutive basis
- Reference periods to be calculated on a mean average
- No regularity requirement, or at least 6 weeks in 12
- All workers to be included, no excluded workers or sectors
- No temporary exclusions, for seasonal workers or other temporary periods
- Hours to be set weekly, with some exemption for “4 on/4 off” shift patterns or similar
- Adjustment margin to allow employers to round up to nearest whole hour

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Where now?

- Awaiting consultation response – critical moment
- Political campaigning and policy engagement
- Wider Make Work Pay Agenda and beyond

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