



## Submission by Unite the Union - Hospitality Branch to Communities' Committee

January 2021

We would like to commence by thanking the committee for this opportunity to provide this brief submission on behalf of our members who work within the Hospitality and Tourism sector in Northern Ireland.

Unite is the key union within this sector after establishing a campaign in October 2018 to address the underrepresentation of workers within the industry and exploitative employment practices that have become all too common as a result. We are membership-led and have democratic decision-making structures and will intend to have a more detailed consultation of our membership, predominately based within the licensed trade and hotels, on the proposed changes to licensing in the coming weeks and months.

This is an incredibly important bill for our membership and the industry in which they work. Whilst we view the overall thrust of changes proposed as being largely positive, we would oppose some elements of the bill as it is currently constituted.

Our concerns reflect the experiences and interests of welfare of workers in the sector. We are also concerned to highlight to the committee some possible unforeseen consequences of the changes proposed in this bill which are likely to impact on the welfare of workers within licensed premises.

The changes proposed will be the most significant regulatory 'shake-up' within this sector for some time. It is only to be expected that with an extension in trading time and opportunities for business to increase turnover and trade, workers' rights must be extended.

### **EASTER OPENING HOURS**

Unite supports this measure with qualifications. Whilst we are sensitive to religious beliefs, they should not influence legislation and we do not feel that there is any justification of continuing this practice.

That said, the concerns of workers holding certain religious beliefs regarding working, particularly serving alcohol, should be taken into account as by any reasonable employer does currently in relation to Sunday working. This may require supplementary legislation (in addition to existing equality legislation) to ensure that workers face no detriment for 'opting-out' of working over this period (and indeed any other significant days for those who have non-Christian religious beliefs).

As with bank & public holiday working, employees should be compensated for working these anti-social hours. In the absence of sectoral bargaining and strong collective organisation in this sector, this should be enforced through a statutory requirement for at least 'time-and-a-half' for working anti-social hours and 'double-time' for working on holidays (including those that fall on weekends, such as Easter).

An amendment to this bill compelling employers to both consult with employees over additional hours of operation, inform and allow employees an opt-out of Easter working (as provided for already with retail and betting workers); and the payment of a premium to those engaged in anti-social hours would have a significant impact on strengthening workers' rights.

#### **ADDITIONAL PERMITTED HOURS FOR CERTAIN LICENSED PREMISES & SMALLER PUBS**

Unite remains concerned with the proposal to allow for additional permitted hours. We do not disagree with the likely economic benefits of doing so however we consider that the bill in its current form has not considered the necessity of measures to ensure the safety of staff and their fair treatment by employers.

It is no longer the norm for workers, already low paid, to be paid any form of shift premium or anti-social hours allowance for working late despite the additional cost and expense to workers of working these hours. This is particularly the case in getting home safely at hours where there is no public transport provision.

We would urge the committee to consider:

- i. The implementation of a regime of shift premiums across the board for all those working anti-social hours (11pm-7am); and,
- ii. Extension of premises' duty of care to ensure staff are safely transported home without being out of pocket.

This could be provided for directly by amendment or placing such conditions within the scope of conditions that must be satisfied to grant occasional late extensions.

#### **DRINKING UP TIME**

Unite is opposed to this aspect of the proposed legislation. Our members report that 'drinking-up' time is the most dangerous for staff being subjected to assault, abuse and

sexual harassment. We would expect to see an increase in this by extending 'drinking-up'.

We do not believe that the extension of 'drinking-up' time will have the intended effect of "discouraging customers from drinking too quickly and allowing more gradual departure from venues". Instead we believe that this measure will put additional pressure on stretched emergency services and, in the absence of night-time public transport, pressure on taxi services. This will have a knock-on effect making it much more difficult for staff to access safe transport home.

In combination with later opening for licensed premises and the extension of 'drinking-up' time we envisage the likelihood of other impacts on the workers' health as a result of reduced rest periods between shifts. Already a significant proportion of workers are pressured to 'opt-out' of working time requirements and it is already common practice across the sector for workers to work a 'close' shift and 'open' the following morning. Under current restrictions many workers will have just eight hours rest between shifts. An extension to drinking-up time combined with an occasional one-hour extension to licensed hours will have the consequence of many workers finishing work a full 90 minutes later, reducing already unacceptable rest periods.

The following was an example used by one of our members to demonstrate their concerns:

	Current Legislation	Proposed increase to drinking-up time combined with additional permitted hours
Bar closes	0100	0200
Customers vacate	0130	0300
Typical shift end	0230	0400
Typical shift start	1030	1030

Many premises, in particular smaller pubs, place responsibility onto bar staff during quieter mid-week periods to ensure customers leave premises on time. Additional drinking-up time and changes to legislation will place an additional strain on staff expected to police this, often in the absence of SIA-licensed professionals.

### **SELF-SERVICE AND VENDING MACHINES**

Unite strongly supports this measure. This will go far in alleviating our members' concerns around the threats of automation to their jobs and recognises the important role staff in licensed premises play to ensure the responsible sale of alcohol.

## **CODES OF PRACTICE**

Unite Hospitality supports this measure; however, we remain concerned about voluntary nature of industry-led codes of practice. Unscrupulous licensees will often opt-out of these in practice.

In addition, there is inadequate training and often a lack of clarity for workers on the codes of practice currently in place. Legislation would strengthen the ability of workers to ensure the responsible sale of alcohol and would tackle irresponsible licensees.

We would like to see amendment to the current bill to include provision for representative organisations of workers to be included as those that have “relevant interests” and therefore may make representations and produce code(s) of practice. We fear the legislation as introduced will again lean towards the interests of business and not workers who will be primarily tasked with being aware of, and enforcing, such codes.

## **CONDITIONS ON AN OCCASIONAL LICENCE**

We would like to see further consideration in relation to this measure, in practice, permitting ‘social clauses’ to licenses with submissions by local councils, trade unions and workers representatives.

This will enable government, unions and workers to ensure licensees are not only responsible in the sale of alcohol but also in regard to the public, surrounding community and their workforce. Social clauses could be based around similar ones provided for in planning and procurement legislation but also in implementing ‘fair work’ principles in a sector that is recognised as having problematic and exploitative employment practices. Examples of such clauses are non-exhaustive but could include:

- Recognising trade unions and collective bargaining;
- Committing to the principles of fair work;
- Implementing good community relations policies;
- Implementing zero-tolerance policies for sexual harassment & abuse of staff; and,
- Consulting with workers (and their union) on matters relating to health & safety.

## **SUMMARY**

Once again, Unite the union would convey our thanks for this opportunity to submit evidence. We look forward to the opportunity to advance our aim of modernising our antiquated licensing legislation. We hope that you take on board the concerns of workers in the sector and strengthen rights of the workers who make our Hospitality & Tourism industry world class.