



2016 CHAPTER 15

*Zero hours workers*

**Zero hours workers**

**18.** After Article 59 of the Employment Rights (Northern Ireland) Order 1996 (meaning of “wages” etc.) insert—

“PART IVA

ZERO HOURS WORKERS

**59A Zero hours workers**

(1) The Department may by regulations make such provision as the Department considers appropriate for the purpose of preventing abuses arising out of or in connection with the use of—

- (a) zero hours contracts;
- (b) non-contractual zero hours arrangements; or
- (c) worker’s contracts of a kind specified by the regulations.

(2) In this Article—

“non-contractual zero hours arrangement” means an arrangement other than a worker’s contract under which—

- (a) an employer and an individual agree terms on which the individual will do any work where the employer makes it available to the individual and the individual agrees to do it, but
- (b) the employer is not required to make any work available to the individual, nor the individual required to accept it;

and in this Article “employer”, in relation to a non-contractual zero hours arrangement, is to be read accordingly;

“zero hours contract” means a contract of employment or other worker's contract under which—

- (a) the undertaking to do or perform work is an undertaking to do so conditionally on the employer making work available to the worker; and
- (b) there is no certainty that any such work will be made available to the worker.

(3) For the purposes of this Article—

- (a) an employer makes work available to a worker if the employer requests or requires the worker to do the work; and
- (b) references to work and doing work include references to services and performing them.

(4) The worker’s contracts which may be specified under paragraph (1) (c) are those in relation to which the Department considers it appropriate for provision made by the regulations to apply, having regard, in particular, to provision made by the worker’s contracts as to income, rate of pay or working hours.

(5) Regulations under this Article may amend or repeal any statutory provision (including paragraphs (2) to (4)).”.