



ASLEF Response to the Department for Business, Innovation and Skills  
Consultation on Zero hours contracts

1. The Associated Society of Locomotive Engineers and Firemen (ASLEF) is the UK's largest train driver's union representing approximately 18,000 members in train operating companies and freight companies as well as London Underground and light rail systems.
2. ASLEF are greatly concerned by the increased use of zero hours contracts both in the wider economy and on the rail network. Whilst the Office for National Statistics claim that there are 250,000 individuals with these contracts, the Chartered Institute of Personnel and Development estimates that the real number is more than one million with one in five employers having at least one employee on zero-hours.
3. ASLEF's concerns fall broadly into two camps. Firstly that these contracts are often used to exploit workers, and secondly that they create health and safety concerns, particularly on the railway.
4. Zero hours contracts are often used to give employers maximum flexibility. Unfortunately, it is this flexibility that can be hugely detrimental for workers. Employees are often left in a position where they are simply not given enough hours of work in order to make ends meet and find that their rent and bills are far less flexible than their working arrangements. There may of course be situations where this flexibility is beneficial for both worker and employer. However very often this is simply not the case and zero hours contracts are the only employment option offered to people who are out of work. In short, they must accept an arrangement where they have

no guarantee of work or have a definite guarantee of no work. Employers such as Sports Direct and JD Wetherspoon employ the majority of their staff under these arrangements. These types of retail outlets are one of the main sources of work for young people where unemployment rates remain highest. It also makes it extremely hard for these workers to claim the correct benefits as their incomes can change dramatically on a weekly basis.

5. An individual not knowing when they will be called upon to work will also lead to stress and anxiety for workers and leave them unable to plan life outside of work. This creates problems in their work life balance. Additionally employers can use the discretion they have in offering work to discriminate. They can offer hours to individuals who they prefer for reasons outside of ability.
6. The existence of exclusivity clauses only exacerbates this problem. Workers who are not given enough hours are not given the opportunity to work elsewhere. This is done so that they are at the beck and call of their employer. This practise must therefore be made illegal.
7. A problem across many casualised industries has always been determining whether a person has just “worker” status or is in fact an “employee” with the additional rights that come with that. Zero Hours contracts often add to this confusion and lead to employers telling staff that they are in fact simply workers. This means they have no rights to maternity, paternity or adoption leave, no right to redundancy pay, no protection against unfair dismissal and no sick pay. Whilst it is true that someone who has a zero hours contract may actually be considered an employee, many employers will use the fact that there is no obligation to offer work to claim they just have worker status. The government must do all it can to ensure that zero-hours contracts are not used as a way to deprive working people of important employment rights.

8. Within the railway industry, there are many concerns over the use of zero hour contracts. They tend to be used by small freight operators and charter train operators. A number of the Train Operators in the UK do not have contracts that forbid drivers taking on second jobs. Due to the shift work undertaken by train drivers, second jobs are undertaken on zero hours contracts. One of the employers that does forbid having a second job has told ASLEF that the reason for this is because it would be nearly impossible to monitor rest periods and fatigue. This is an enormous problem. An employee may end up working excessive hours without their main employer knowing. Additionally should there be an incident such as a Signal Passed At Danger (SPAD) the information may not be shared. The fact that these contracts are zero-hours means that even the employee may not be able to completely organise his or her own working patterns as they may be required to work on rest days at the last minute.
  
9. The firms offering such contracts in the rail industry are usually less established and have less vigorous health and safety practises than other operators. The union is also finding that these companies are employing retired drivers. For obvious reasons ASLEF has concerns over the age of drivers used by these operations, especially if this is hand in hand with less health and safety checks. Long shifts and shorter rest periods tend to be prominent as well. All of these can create the perfect storm for the unsafe operation of a train.
  
10. An additional problem that will present itself over time if the casualisation of our industry continues is potential industrial relations problems. If small operators continue to operate and offer zero hours contracts with inferior terms and conditions and less consideration for health and safety it will enable them to undercut many of the existing operators and could affect conditions across the industry. Any reductions in health and safety and working conditions for drivers would inevitably lead to a deterioration of

industrial relations, something that neither ASLEF nor the operators in our industry would want.

11. ASLEF would therefore urge BIS to take measures to stop the continued growth of zero hours contracts. The casualisation of labour may provide quick benefits for employers but in the long term it is destructive for staff and for businesses. Employees who have less stability, who never know when they will be working or what they will earn are never going to be as productive as staff who know exactly where they stand on these issues. It is also likely that people employed in this way will not receive the same training and continued personal development opportunities as somebody with a fixed hours contract. Perhaps most importantly in the rail industry however, is the fact that when undertaking such work as a second job, it makes it almost impossible to record a workers working pattern, the amount of rest they have had to avoid fatigue and whether they have been involved in any dangerous incidents. The consequences could therefore be disastrous.

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