



Northern Ireland
Assembly

Committee for Communities

OFFICIAL REPORT (Hansard)

Licensing and Registration of Clubs
(Amendment) Bill: Unite, the Union

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out. There are high numbers of incidents of violence, abuse and harassment against staff in that last half hour — much higher than during normal hours of operation. There is a certain logic behind our members' opposition that an extension to drinking-up time could lead to an increase in those incidents.

In addition to that, we are concerned about workers being expected to work later into the night and the early hours of the morning through the extension of licensing hours on occasion and the extension of drinking-up time. It is well known by many that there are issues around working time regulations and directives and the expectation that workers in the sector work long hours, followed by coming in very early the next morning. Our industry leaders will say that that is an exception and that it is only a few rogue employers, but, from our findings, that is becoming all too common in the industry, and we feel that the Bill should look at that and that the issue should be considered.

I will move on to industry codes of practice and the potential for conditions to be placed on licences. Our licensing officers need more scope in any shake-up of the regulations to be able to take submissions from bodies other than the likes of the PSNI or the relevant authorities and that that should include representative bodies of workers. We are the only representative organisation of workers in the sector with a significant membership. There are, indeed, other unions with smaller memberships, and we feel that that will further strengthen our licensing regime and help us to tackle rogue employers. It will also strengthen rights in the sector by allowing for that and for some conditionality and social clauses to be placed on licences, as is being done and explored in Britain, particularly in Scotland, where a lot of licensing falls on councils. A series of changes is being proposed across Scotland, including ensuring that staff get home safely, tackling the scourge of sexual harassment, which is particularly sharp in the sector, and encouraging employers to sign up to a Scottish Government initiative on the principles of fair work. I appreciate that that is not within the scope of the Bill, but it would certainly be a step towards strengthening workers' rights if those were allowed.

The Chairperson (Ms P Bradley): Thank you for that, Neil. Your point about industry codes of practice might lead to our having a separate witness session on those codes in order to get more information on how all that works in practice. Thanks for highlighting that to us.

I want to discuss a couple of things in your paper. You mention drinking-up time. As a Committee, we have looked at that and the effect that it might have on our criminal justice system, our health service, our taxi drivers and all those people, but we have not really homed in on the effect that it has on staff. You are absolutely right about the risk that that poses to staff at times because of excess alcohol being the root of that problem. The Bill allows for regulations to revert to 30 minutes; presumably, that is to allow a review of how an hour will work. Would you be able to support the extension if a review of how it worked for all concerned, including staff, was guaranteed in some way?

Mr Moore: We appreciate that what we are saying about an expected increase in abuse or violations of workers' rights to rest periods is a bit conditional. If that were rolled out, a review would be essential. It should heavily consider the views of workers. Responsible employers will ensure that staff get their correct rest periods, but we are deeply concerned about the impact that it will have on staff where employers cannot see the wood for the trees and about potential employment law changes down the line where those rest periods may come under threat.

The Chairperson (Ms P Bradley): I suppose that, as we come out of the pandemic and into a post-COVID society, employers will want hours to be as long as possible in order to make or recoup money. We know that they are in great financial difficulty.

That brings me to the other issue that I wanted to talk about: Easter opening. You have concerns for staff around Easter opening. You mention opting out of the Easter period for, for example, religious reasons. I know that, for many people, every Sunday is important to them; it does not have to be Easter Sunday. We know that, when our shops and so on started to open on Sundays, certain things were put in place so that staff would not be put under pressure. Do you think that we need to put something in the Bill, or should that be in subsequent regulations?

Mr Moore: This is an opportunity to amend the Bill to include the option for staff to opt out of working around the Easter period. We have also included provision for staff who have non-Christian beliefs potentially to object to being involved in the sale of alcohol during certain periods. That also falls heavily within the remit not only of licensing but of employment law and workers' rights. I think that it would be positive if the Committee examined potential amendments to the Bill around that.

The Chairperson (Ms P Bradley): Thank you, Neil, and thank you for your submission.

Ms Armstrong: Thank you very much, Neil. I declare an interest as a former union rep for the Broadcast, Entertainment, Cinema and Theatre Union (BECTU). In my experience, I find it quite difficult to see how labour relations can fit into this legislation. I can see how the industry codes of practice can be improved for staff. Licensing officers may well take a bad employer into consideration, but it is a matter of proving that. We can talk about anecdotal evidence, but an employer must be found guilty at a tribunal. I am worried that we could put a black mark across the whole industry when it is only a few employers tearing into it. Now, having worked in a bar for a significant time when I was a lot younger, you are absolutely right. Bar staff work long hours, the pay is not very good, the conditions are challenging if you are dealing with drunk people, and health and safety is a concern. However, those are labour relations issues as opposed to licensing. Has there been any discussion between Unite and the Department for the Economy on improving the situation for workers in the sector? Do you know how an employee can provide proof for a licensing officer who will be over the detail of the licence and the regulations that are required for premises but not the HR laws? What proof needs to be included? A discussion is going on in the Department of Finance about social clauses, but it is about social clauses that are tied into government funding. I am not sure how social clauses can fit into a licensing requirement unless there is a form of enforcement. Again, that takes me back to the need for proof.

Mr Moore: That is a good question. I will start with the discussions with the Department for the Economy. We met the Minister on one occasion, but we have had some correspondence back on workers' rights in the sector. Primarily, because of the impact of the pandemic, it has, unfortunately, had to go down the route of discussing redundancies and redundancy protections as opposed to more positive engagement about strengthening workplace rights. From that, there is a point about employers and the industry facing a new normal coming out of the pandemic. The expectation of workers and our members is that, with an extension to the rights of employers to open later and generate more sales and turnover, there should naturally be an extension of workers' rights. Workers should also be compensated for working those long hours. It would be a shame if the Bill could not look in more detail at social clauses and taking submissions from representative bodies of workers rather than individual employees where we can prove that, if an employer has been irresponsible in their employment practices — for example, through tribunal cases or ongoing industrial disputes — that should also be looked at around licences.

As well as that, there is a role for health and safety reports to local councils, and that has been particularly sharp for workers during the pandemic. During the last period of reopening, we saw a handful of employers who engaged in very irresponsible practices in relation to the COVID regulations. There were irresponsible practices in relation to their licensing obligations and the broad duty of care not only to their staff and customers but to the local community.

It is difficult to put a shopping list that workers and unions want to see into a Bill. However, when we talked about conditionality and social clauses, we used the examples of procurement and planning legislation, particularly where public money is being spent. There is, obviously, the option for specific and special conditions to be placed on the likes of an entertainments licence by local councils. That sort of model can be used, particularly in a broad sense — obviously, no one size fits all — to examine policies that employers have on sexual harassment, abuse of staff and consultation with unions. That is incredibly important, and the Bill is lacking that at this stage.

Ms Armstrong: Just explain to me how that would work. For instance, we were talking earlier with a local brewery. How would it enter into negotiations with a union? We are talking about maybe one- or two-man bands as though they are Departments as opposed to individual employers. How much of a role would they have? These employers may not even recognise unions, which is a difficulty. I was always a great believer that you should not work for anybody who does not recognise a union. How can we protect staff? How can we bring that forward? I am worried that the Bill may not be the place for it and that secondary legislation might be more appropriate.

Mr Moore: The Committee should definitely consider secondary legislation around this. To give this evidence to the Committee, to the best of my knowledge, you can count on one hand the number of employers in this sector — breweries, pubs, hotels and other licensed establishments — that have recognition agreements with unions. That is a much broader issue, but it reflects the lack of consultation and representation for workers in the sector. However, the model that we take in the Unite hospitality branch is a sectoral one. While we might have only one or two members in one pub, we are hundreds strong, particularly in bartenders, across Northern Ireland. It is a small industry, and

we hear about these violations and support members, possibly through individual grievances or raising individual health and safety concerns to the relevant authorities: local councils.

At this stage, I do not think that we should say that the Bill will not be positive or that it will not mandate sectoral or collective bargaining in the sector. The Assembly should look at that. However, when we talk about codes of practice, it was alarming for both us and other unions in the sector that there was no mention of trade unions at that point. That could be addressed immediately.

Ms Armstrong: I have a couple of other questions. As well as the care of employees and the working time directive, we will see what will happen with the 48-hour maximum working week, now that Brexit is happening. You talked about the night-time economy and safety for staff getting home. As a Committee, we have asked a lot of questions about people leaving the premises that wee bit later. If you take somewhere like Belfast, transport access at that time of night is poor for a night-time economy. There is no public transport other than taxis. There should be something in the Bill that ties into the provision of transport, not only for staff but for customers. Should something be considered there?

Mr Moore: That is absolutely a consideration. Before we talk about workers, there is clearly an issue with customers coming out. There are extensions to drinking-up time and licensing hours. That is an attempt to look at how you can stagger already overburdened taxi services. Our concern is the unintended consequences and the effect in practice of doing that. There is a broader question about the provision of night-time public transport not only in Belfast but in rural areas. Our concern is that, at the moment, staff getting home safely is massively reliant on taxi services. This is a low-paid sector. We have heard testimony, particularly from female members of staff across the industry who are at the sharp end of sexual harassment. They have reported to us that they put up with a certain level of that to make tips to be able afford a taxi to get home safely because they fear walking home alone at night. That is a huge concern for us.

The number of businesses in Belfast that provide a taxi allowance or paid transport home for their staff is dwindling. We are concerned about the effect of that and the removal of those terms of employment as we come out of the pandemic and employers look at a derogation of terms or to sign staff up to new contracts. We believe that there is a duty on the powers that be — the Assembly — to legislate for that. We are not asking for a clause saying that employers must pay for staff taxis home but to extend employers' duty of care to ensure that staff get home safely. The intended effect of that is, for example, in a smaller business where you have two members of staff working and a manager who drives, the staff get lifts home and the manager's additional expense is covered by the employer. In larger hotels, for example, that have transport available to their guests — the likes of minibuses etc — we would like to see that rolled out and made available to staff. In other circumstances, it would obviously include the provision of "get home safe" schemes, taxi vouchers and companies setting up client accounts to ensure that staff get home safely.

That is a huge health and safety concern that is not directly within the scope of the workplace, but some of the reports that we hear are quite worrying. Staff are not making enough money in tips and choosing to walk home alone at night, and some, unfortunately, have been victims of assault, harassment and violence.

Ms Armstrong: It is one of the considerations that certainly weighs heavily. We may enable customers to enjoy a slightly later offering, but it is the staff who have to work there. If I had my way, we would have a universal basic income that all staff get paid. We have seen in COVID that, unfortunately, hospitality staff are the first to be hit and hit hard. Their salary levels are normally not very good.

Thank you for that, Neil. It is another side of the impacts and effects of this licensing legislation of which we will certainly take consideration.

Mr Durkan: Thanks for your evidence, Neil. You have come here to speak on an extremely important issue. Thank you for what you said today and for the work that you do and have been doing for some time now.

Neil, you referred to this being a small industry, but, if you look across all the pubs, restaurants, cafes and hotels, hospitality is a very big industry. It is one of the few industries in Northern Ireland that we may have the potential to grow. You referred to your membership being hundreds strong. Have you any idea of the percentage of hospitality workers who are members of your union? Are there other

unions of which hospitality workers are members? It is extremely important that we do what we can to make the workers out there aware of your existence. Lots of them are probably not aware, despite the great work that you do.

Mr Moore: That is an interesting question. We are talking about an industry that sustained 65,000 jobs pre pandemic. That has obviously declined massively as a result of the pandemic. It is an issue that is separate from this Committee, but some of the figures that we are researching are quite alarming, namely because of the effect of precarious and zero-hours contracts that are not coming up in the redundancy figures. Just to be clear: our union is very new to this industry and this sector.

Mr Durkan: I did not want to come across as critical of you in any way.

Mr Moore: Of course. However, there has been an absence of a workers' organisation for workers in hospitality for a number of decades now. Other organisations that represent workers in the sector include the Bakers, Food and Allied Workers Union, which predominantly represents fast-food workers, so they are not as heavily affected by the impact of the Bill, and the GMB, which is another general workers' union that has members across hotels and hospitality. However, we are the only union that has a bespoke campaign and a bespoke branch for workers in the sector.

Mr Durkan: I am sorry, Neil; may I ask you another supplementary question? How have you found engagement with employers? I always have to declare an interest in that my family own licensed premises, but I know plenty of people in the industry who, as employers, believe it or not, probably welcome a strong union. In any workplace, it is an accepted fact that a happy workplace is a productive workplace, but it is hard to think of any industry where happy staff are more important than in hospitality, where you are public-facing and are meeting and greeting. I am interested in how employers are taking to you and how you are getting on there.

Mr Moore: To be honest, it has been a mixed bag. Certainly, there is a section of more progressive employers who recognise the positive role that a union can play in the sector. Unfortunately, we have also been met with hostility, a lot of which is to do with the uphill battle to claw back rights for workers in the sector, where everything that we come to employers with is negative. That is an issue, but it reflects the amount of work that needs to be done to strengthen employment rights in the sector.

Mr Durkan: With 65,000 employees, it is probably fair to say that there is a mixed bag there as well.

Mr Moore: Absolutely. The issue here at the moment for us is primarily redundancies and the precariousness of contracts. Prior to the pandemic, one of the sharpest issues that we were raising with employers was sexual harassment and abuse. It is a different beast in hospitality because we are not talking about the classic office sexual harassment quid pro quo with a manager or a person in a position of power but, rather, a customer who is in a position of power over a staff member. It is difficult to raise that and deal with it.

One thing that we are trying to do — we were trying to do it pre pandemic — is to get employers to sign up to our fair hospitality charter, which includes commitments as a step towards paying a living wage, real, in practice anti-sexual harassment, zero tolerance policies and fair rotas and fair tips, which are two other issues that stand out for workers in the sector.

Mr Durkan: OK. I am sorry; I dragged you away from the Bill. I will just take you back to it for one final question. Do the concerns that you have raised in your evidence today about conditions reflect the experience of your members who are working in pubs and other premises in Britain, where extended hours are already in place?

Mr Moore: That is a good question. In Scotland, where our membership is highest, we have been able to negotiate with employers to include "safe home" schemes to ensure that staff are not out of pocket for getting home safely. As this is a younger industry, there are certainly people who work in this as a career, and many more people should consider a career in it. However, having predominantly younger staff means shorter memories with regard to the changes to a licensing regime. Twenty-four hour licensing has been in place in many areas of Britain for close to 10 or 15 years. Therefore, in Britain, we have accepted the current licensing regime and framework while looking at how we improve that. That is where the principles of fair work and safe transport home come in.

Mr Durkan: Super. Thank you, Neil. Keep up the good work.

The Chairperson (Ms P Bradley): No other members want to add a comment or ask a question. Neil, thank you for bringing another perspective to our evidence.

Mr Moore: Thank you, Chair.