

Prospect

# MAKING JOBS WORK

The tide of insecurity sweeping across Britain—  
and how to turn it back

WORKED TO THE EDGE:  
INSIDE THE CARE INDUSTRY

Madeleine Bunting

FLEXIBLE THINKING

Angela Rayner

A LOT DONE. A LOT STILL  
TO DO

Greg Clark

IN PLACE OF FEAR

James Bloodworth



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# CONTENTS

- 2 WORKED TO THE EDGE: INSIDE THE CARE INDUSTRY**  
How punishing shifts and unreliable pay blight the lives of those who labour with love  
*Madeleine Bunting*
- 10 TOIL AND TROUBLE**  
Why an Employment Bill is so necessary, and what needs to go in it  
*Katie Schmuecker*
- 12 IN NUMBERS**  
The hard facts underlying the age of anxiety in the British workplace
- 14 AT THE SHARP END: THE VIEW FROM THE WAREHOUSE FLOOR**  
The insecurity and inflexibility of one man's working life
- 15 GIVE AND TAKE**  
One multinational is proving that flexibility doesn't have to be a zero-sum game between management and workers  
*Sarah Collins*
- 16 FLEXIBLE THINKING**  
If Angela Rayner has been "pushy" in toughening Labour's stance on workers' rights, that's because of her first-hand experience  
*Tom Clark*
- 17 A LOT DONE. A LOT STILL TO DO**  
A buoyant UK labour market has survived even Covid, thanks to bold, hands-on policies. Let's have more  
*Greg Clark*
- 18 LESSONS FROM ABROAD**  
The world's leading lights in the battle with insecure work
- 20 IN PLACE OF FEAR**  
Having seen the anxieties of working Britain while undercover, I know how they must be tackled  
*James Bloodworth*

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# GRAFT, GRIEF AND THE WAY AHEAD

If the last 18 months have taught us anything, it is what it feels like to be exposed. When the virus hit, we suddenly discovered that we could no longer bank on all the ordinary assumptions—whether about our health, our children's education or our jobs.

For a large part of the British workforce, however, such precarity is not the product of a passing pandemic emergency, but rather a permanent condition. A gig economy in which units of labour can be traded as if they were units of electricity heightens the vulnerability to all sorts of shocks, but the problems go far deeper into our economy than that.

Speaking to women in a vast and growing sector—social care—Madeleine Bunting (p2) lays bare the overlapping ways in which unreliable shifts render workers' finances, mental health and family lives desperately fragile. Their words about a punishing workplace culture, capricious managers and the stubborn inflexibility of the expectation that life can always be put on hold for work—even in the face of bereavement—make the case for reform more powerfully than any policy pamphlet. So, too, does our interview (p14) with former Bradford warehouse worker James, who experienced many of the same problems in a very different corner of the labour market.

But if you want to put things right, heeding the stories of the workers directly affected can only be a first—if indispensable—step. We also need hard facts, usefully summed up on an infographic (p12) that reveals which workers are "contractually exposed," and nails a cast-iron link with low-pay, which means that it falls to those who can least afford it to budget most for volatile wages. Beyond that, we need specific ideas for reform and a broad coalition, including politicians of different stripes and employers who can point the way to a better future, all of which are found within these pages.

The government's welcome signal in September that it would extend the right to request flexible working to day one in post must open up a wider debate. From

a thoughtful Conservative point of view, Greg Clark (p17), the secretary of state who launched the Taylor Review on working practices, hails the remarkable success of the furlough scheme in keeping the UK employment rate so high, but also spots a post-Brexit opportunity to look at the wage floor, and calls for an early Employment Bill, something the government promised but since seems to have forgotten about.

The JRF's Katie Schmuecker hammers home the case for that Bill, and lays out specific proposals—such as "default" flexible working and entitlement to regular shifts—that could begin to reset the power imbalance in many workplaces, and foster dignity, security and wellbeing along the way. The UK is not the only country facing these problems, and the reforms being tried elsewhere—from Oregon to Ireland (mapped on p18)—encourages hope that we can fix them too. Labour's Angela Rayner—who knows something about insecure work, having been a zero-hours carer herself in the days before "zero-hours" was a phrase—makes additional promises about levelling working rights across different categories of staff (p16). Meanwhile, Sarah Collins reports on one giant employer—Unilever—with an innovative scheme to guarantee flexi-time workers a retainer. This is helping the firm to keep the skills that they need, and proving that security and flexibility don't have to be a zero-sum grudge match between staff and workers. To close things off, journalist James Bloodworth looks back at his months undercover in care homes and warehouses, and reflects on the gnawing anxiety in many such workplaces, and the hope that this extraordinary post-lockdown moment gives us to banish it for good.

*Tom Clark*

Tom Clark Prospect



# WORKED TO THE EDGE: INSIDE THE CARE INDUSTRY

ALL TAKE AND NO GIVE:  
CARE WORKER AND  
MOTHER, SUZIE,  
IN BRIDGEND

The toil is intense, the hours long, and the pay rock-bottom. But what makes being a care worker intolerable is the lack of support, control and dignity offered by management. Fix this huge growth industry, and we would be well on the way to making jobs work for all

by Madeleine Bunting

Susie is smiling broadly as she tucks her legs under her on the sofa in Bridgend, South Wales, and begins to describe how she manages to bring up two boys on a care worker's pay. She has just come off a 28-hour shift, and when I comment on her smile, she admits that she's tired but laughs.

"I got a few hours' sleep on the sleep-in shift (which requires being on call from 11pm to 7am) and it brings in £62. The extra money is lovely, what with both my boys' birthdays coming up and Christmas not far off," she says although we're speaking in mid-summer. "This is the longest week I've done in a while—it will be a total of 71 hours."

Susie has red hair swept up in a ponytail, a pair of earrings that are miniature yellow ducks, and an instant warmth. She often finds herself picking up extra shifts above her contracted 35 hours: "I usually do 50 hours a week, but at the moment we're short staffed, so I'm helping out colleagues."

She's been working for the same care company for 16 years, supporting four adults with severe learning disabilities, and challenging behavioural issues in their own dedicated home. When her boys were younger, she had to juggle night and weekend shifts with their father's availability. But now a single parent, she feels confident that with the eldest aged 14, they can manage and if need be, cook themselves dinner.

On 50 hours a week, she estimates she can take home £1,900 a month which covers the bills and the mortgage, but the boys are growing fast with big appetites, and towards the end of the month, she can run short. "They are very good and understand that I work such long hours to make sure they have what they need. This week I did have to tell them they couldn't have their pocket money until pay day."

She gets around £25 a week tax credit, but has to do extra shifts to cover the cost of school uniform. The boys' birthdays—just nine days apart—require especially careful planning over the summer. She says she feels bad sometimes that she has to work so hard during the boys' holidays, but is hoping to do some day trips. ▶

“My best friend is a waitress and makes more money. Another friend is a teacher and both of them can’t believe the rubbish pay given how tough [my] job is. I’m dealing with life and death issues such as epilepsy, but it wouldn’t suit me to do waitressing or a supermarket. I love my job—I love people,” she says and adds with a wry chuckle, “I’m a nurturer and I need to be needed. It’s more important to me to be happy than to get lots of money. I enjoy my job and that’s how I can manage. As long as I can get through the month.”

On her salary of around £22,000 a year, she is paying £500 a month on the mortgage she took out with her former partner. She thinks they will have to sell the house soon because she hasn’t been able to manage the upkeep on the property. But as so often with families scraping by on low pay, the real killer is the unexpected things that crop up: her smile falters when she explained how her boiler broke down last winter, and she had no savings for the repair; she was lucky, her ex-partner’s family stepped in and helped. She needs a car for her job—employers need drivers to take service users to hospital appointments and on outings—and that adds another headache if it breaks down.

#### THE OVER-EMPLOYMENT TRAP

Not so long ago, the discussion about hardship in Britain was all about unemployment, and then under-employment where workers couldn’t get enough hours. More recently, though, the focus has shifted again, because most people below the breadline—and the overwhelming majority of poor children—are in working households, and often toiling flat-out for long hours. Amid post-lockdown and post-Brexit labour shortages in various industries, urgent demands for extra shifts are only to be expected. In the care sector, however, the problem of being short-handed is more structural. With an ageing population, it is a growth industry—but an unusual one in that its revenue in large part comes out of fixed and over-stretched public budgets. A big political development in September sounded like it might have provided relief on this front, when Boris Johnson unveiled a National Insurance rise to “pay for” care. But on inspection, it turned out that much of the tax, some of which will come from the low-paid themselves, will initially go to the NHS rather than care. Further ahead, one of the main reforms is all about capping what patients pay (and protecting middle-class inheritances). The Institute for Fiscal Studies cautioned against assuming the new money would be enough to reverse all of the consequences of the cuts made during the 2010s. And although the plans do earmark something for training, there is no reason to think the terms and conditions of the workers at the sharp end will appreciably improve any time soon.

Back in the present, Susie says, the one thing that can get her down is the constant pressure to do more hours. “The company is always short-staffed and however much work you do, they want more. Often you feel guilty because you care about people and you know that if you don’t help out, a service user won’t be able to get out or do something. It’s challenging work, but you just have to do it.”

The low pay is a struggle—Susie’s mother comments that she doesn’t know how her daughter manages—but what drives her to the point where she really can’t cope is more often the demands of the job. “I’m looking after a service user at the moment who is verbally abusive, and he shouts and slams the door. All the staff deal with it differently and I’ve asked for training, but nothing has happened. It

can be very stressful. You feel like you do loads for the company, but if something goes wrong, they blame you. Plus, important issues I’ve raised don’t get addressed. Last year I went off sick for two weeks. I told my manager: I’m burning out. I kept telling them I couldn’t cope with a very aggressive service user. He headbutted me and because I’m short, he hit my head. I begged them to move me, but I was told to just get on with it. I’m entitled to sick pay but otherwise there was no support from my manager.”

A few years ago when Susie had an operation, she went back to work too early and the wound re-opened and she had to go off sick. But apart from that one incident, she counts herself lucky that she is strong enough to manage the workload. She doesn’t know of many others who do the hours she does. “My friends tell me I’m a pushover,” she laughs.

“The company is always short-staffed and however much work you do, they want more”

Adult social care—such as Susie provides—has been largely contracted out since the eighties, and the way the competitive tendering has often worked has led to pressure on pay and working conditions. Although, as we’ll see, Wales (where Susie lives) is trying to refine the way public procurement works, she still believes council jobs are a better bet, and after 16 years, she has had enough of the company’s demands, and has found a new job with a council-run support service for mental health and addiction. The pay is not much better, but she thinks the hours will be more manageable and she will have a better pension. She’s hoping she will get some training and wants to progress in career terms; at her old employer’s, management positions entail a lot more responsibility but the pay is not much better—around £11.50 an hour.

#### CARING, NOT CARED FOR

A hundred miles away across the border in the well-heeled town of Cheltenham, Gilda knows well the struggle Susie has had to raise children with a careworker’s long hours and low pay. Gilda came from a farming family in Madeira in 1990 and has worked in care ever since. While her husband was repeatedly made redundant from factory work during the 2000s, Gilda kept working while looking after their three boys as the couple juggled shifts. She worked nights and looked after the kids in the day. She admits it was exhausting but she needed to work and she preferred care work to being a cleaner; she wanted to help people.

Back in 1990, she says terms and conditions as well as pay was much better. She worked for a good company with a council contract that recognised the union, and treated their staff well, but they lost the contract to a non-profit organisation. The warping effect of the competitive tendering environment proved more material than its charitable status: workers were not, in Gilda’s experience, treated with dignity, the organisation wouldn’t recognise the union, and she claims the quality of management deteriorated.

Gilda says pay and employment conditions in the care sector have steadily declined over her 30-year career. ▶

GILDA IN GLOUCESTERSHIRE HAS WORKED 30 YEARS AS A CARER, AND REPORTS THAT THE TERMS HAVE GOT FAR MORE PUNISHING





Management became progressively more demanding and more inflexible about imposing rotas and shift changes—and also more remote. “When I started, there was no bullying and managers were often trained nurses who knew how to look after patients and staff, but now you have managers in high heels who never work alongside us.”

Gilda is a hard worker and her laughter is well known around the care home. She says her disciplinary record is “squeaky clean,” but even she couldn’t avoid the pitfalls of care work. On one occasion, she went in to work not feeling well, but was anxious not to let colleagues down—or antagonise her manager. It was a night shift and for a few minutes, she accidentally fell asleep in the office due to the painkillers she had taken. The next day, she was summarily taken off her night-shift rota—with its £400 worth of enhanced pay—put back on days, and her application to be a shift leader was rejected.

The incident was over 10 years ago, but Gilda is still furious, her pride in her work deeply wounded. This, rather than her £16,000 salary, is what she wants to tell me about in detail: a burning sense of injustice that the job has asked so much of her in terms of patience, kindness—many of the people she cares for have dementia—and flexibility, and yet offers little in return.

“Several times, I have nearly walked away from the job, I was so upset,” she recounts. On one occasion, she was expected to step in at short notice and cook for 50 people because no chef had turned up, but rather than any appreciation, the management hauled her in to complain about graffiti on a noticeboard and threatened her with the sack. She felt picked upon, and feared it could be because she belonged to the trade union, Unison.

“The treatment of that boss made me question myself, and you start to believe you’re no good.” She couldn’t leave the job without a new one. Eventually, a former manager who thought very highly of her persuaded her to move over to a care home run by a different provider in Gloucester, even though the bus ride ate into her pay.

## “Gilda reached rock bottom after the premature death of her six-month-old granddaughter”

Because of her experience, she often found herself working as a shift leader with younger colleagues relying on her for advice and support, but it was rare to be paid for such extra responsibilities; at one point, she even went back to college to learn how to be a moving and handling trainer and loved the work. But several times, her efforts to progress in her work and earn a better wage were set back by incidents that brought her into conflict with managers because, she says, she stood up for herself. Something her colleagues were often too fearful of doing in case they lost out in the allocation of shifts.

The point where she reached rock bottom was after the premature death of her six-month-old granddaughter. Utterly devastated, she turned to the union for advice on compassionate leave. She got five days off, and on her first shift back, she was ticked off by her manager for involving the union. “They were not human, there was no mention of my bereavement. They care for the clients, but not for the staff.”

As Gilda’s story unfolded, what emerged alongside the financial struggle as a single parent with three sons and a loan of her former husband’s to pay off, were two other forms of precarity: the first was around the care worker’s mental health. “Burn out” is a constant risk, referred to by interviewees, and best understood as the cumulative distress of managing the challenging emotional and physical needs of clients. The job can require immense amounts of “emotional labour” ensuring a cheerful friendly demeanour while repressing irritation, impatience, frustration and even, at times, revulsion. The second was a theme echoed by others: care work is risky. It entails highly vulnerable people many of whom are on complex medication regimes and have demanding behaviour. Add in staff shortages, poor training and the constant problem of staff churn with newcomers having only a couple of days watching video manuals to guide them, and the chance of something going wrong is high.

### PUNISHING REGIME

A care worker with 30 years’ experience, Peter Garland, described the tightrope walk involved. “You stay within the framework of the company’s policies, but in the end, you have to use your own judgment. Suspensions and disciplinary procedures are common—and can be life changing—and few companies allow union support.” Even the most diligent care workers like Gilda and Susie are aware that one false step and they could see their carefully-balanced finances collapse. Suspension is on full pay, but if your contracted hours are substantially less than the hours usually worked, it amounts to a devastating blow to the household budget. The price of survival could then be stepping into a spiral of emergency loans with usurious rates of interest.

Steve went into care work two years ago after a career in IT for retail, taking a massive pay cut, and he is still astonished by the complexity and level of responsibility. “I’m a shift leader now and there’s not much difference between my job and that of a district nurse. In the residential home, many clients have dementia and the only trained medical support is the district nurse’s visits. What I’m asked to do is very stressful. I have to monitor diet, personal care, blood pressure readings, oxygen levels and I have to judge when to call in medical intervention.”

Administering powerful drugs is a routine part of the job, agrees Pat—she is Susie’s mother, and another care-worker, but combines her part-time shifts with work for Unison. You have to cope with very challenging abusive behaviour, she says.

Another big concern is the use of minimal hours contracts of just five or eight hours a week. Managers have got savvy that people don’t like the term “zero hours,” explains Garland. The minimal hours contracts ensures that employers have a reserve of labour to call on without having to pay much sickness or holiday pay; it means they can manage the inevitable variability of need for care—as people go in and out of hospital—with flexible shifts and rotas. The downside is that staff have no way of knowing from one week to the next what hours they are working; arranging childcare or medical appointments becomes nigh on impossible.”

“The sector has become much more fragmented over the last 30 years,” he expands, “We see a lot of fly by night companies that get bought out or closed down suddenly. Care workers end up bouncing across

several companies to make up their hours and each company has different policies.” There was obvious stress for the workers in keeping abreast from that even before such multi-employer working proved so dangerous in propagating Covid-19. As Garland explains: “Few staff stay in one place long term, so you are lucky if you are working alongside someone with six months’ experience; there is no chance to build up good practice, and this kind of work needs people to collaborate closely and know each other and the clients well. It’s disheartening and experienced staff end up not bothering to invest in the newcomers by showing them how to do things. The pay has been steadily eroded by below-inflation increases in the last 11 years of austerity.”

The jobs can sort-of work *if* home life is straightforward, and light on obligations. Garland and his wife, for example, can both work night shifts, so put themselves at the top end of the pay scale at about £11 an hour. They can end up with a household income of £45,000 and, he explains, since their one son has grown up, they can now treat themselves to a nice holiday every three or four years.

Even so, it is often as well not to look too far ahead. Pat’s particular concern is that her low pay—she’s on £8.90 an hour—will lead to serious poverty after she retires. She has about £200 in savings. She feels the pinch. Her 96 year-old father lives eight miles away but she can’t afford the petrol for the 16-mile round trip as often as she would like; she’d love to take her grandsons to the local nature reserve but the 22-mile trip is too expensive. She wants to get a better job for the last decade of her working life.

### CUT-PRICE PROFESSIONALISM

None of these care workers had much faith in government initiatives to improve pay and conditions. But in some parts of the UK at least, there is growing interest in trying to alter the downward logic of outsourcing. The Welsh government has set up a Social Care Fair Work Forum committed to improving terms, and it has championed a Social Partnership agenda for employers; it echoes similar initiatives developed by the Scottish government and plans in Northern Ireland.

One of the main ideas is to use large local government procurement budgets to drive up pay levels, so that contracts are only awarded to companies paying the independently-calculated Foundation Living Wage (currently £9.50 compared to legal minimum for workers aged 23+ of £8.91, which the government insists on calling the “National Living Wage”). It sounds like the sort of thing that ought to make a difference, especially if combined with broader employment legislation to improve the reliability of shift work, but Mark Turner, the lead on social care in Wales for Unison is concerned that even this modest initiative could run into the sand after recent advice that it could be open to legal challenge. The presumption for treating this sort of labour as a commodity is almost hard-wired into our political economy.

Nothing comparable has been even attempted by the Westminster government for English care workers like Gilda, despite the campaign of the Future Social Care Coalition which includes five former or current health ministers and dozens of organisations pressing for better pay and conditions.

One set of reforms that is in train promises “professionalism,” which sounds great if you’re not

working in the sector, but has lost its lustre for those employed within it. In particular, a system of registration was brought in to prevent poor care workers moving from job to job and was sold in these terms, but is now charged with having become yet another weight on those at the sharp end. Pat Jones acknowledges that part of its function—weeding out bad care-workers—is important, but points out it has led to an annual £30 fee for all care workers—however good—plus a requirement to keep up with training (videos and manuals) in their own time. “It’s become another stick to beat the care-workers with,” comments Garland, adding that professionalisation has had no upside for the workers themselves, it has not been tied to better pay or more security.

As to Susie and Gilda, they have both been determined to improve their harsh circumstances, and it’s telling that to do so, they have both moved out of care companies. Shortly before the pandemic—and shortly before Susie’s move to that local authority service—Gilda finally plucked up the courage and went for a job as a healthcare auxiliary in the NHS.

“Most of us are not care workers.  
But many of us will depend on  
social care at some point”

Most of us are not care workers. But many of us will depend, or have relatives who will depend, on social care at some point, so the fact that such dedicated workers as Susie and Gilda are being driven out of the sector, really should give us collective pause for thought. Vacancies in the sector are running in excess of 100,000. There is an urgent need to improve pay and conditions.

Despite finding herself quickly plunged into the maelstrom of a Covid-struck healthcare system, Gilda has no regrets: “I absolutely love the new job. I am learning so much—how to insert catheters and cannulas—and it’s blowing my mind. I never thought I would be able to do it.”

In her view, the biggest difference is the quality of management and the teamwork—the pay is only slightly better, at £19,900 a year. The support of colleagues has helped to deal with such extremely trying challenges as Covid wards. “My confidence has grown so much. Even after a 14 hour-shift, I would get in my car and I would still be smiling. That never happened in the care homes.”

Nor, one suspects, does it happen across swathes of the service sector and gig economy which don’t so much “manage” their workers, still less properly train them or build team relationships to sustain them through challenging tasks. On the contrary, people are deployed as a faceless commodity, and managed as atomised units of labour. Until we have regulations and laws that ensure these workers are treated as people, millions like Susie and Gilda will be condemned to punishing hours, interminable insecurity and a remorseless day-to-day struggle to ensure the money stretches to the end of the month. ■

Madeleine Bunting is an author, journalist and Visiting Professor at the LSE’s International Inequalities Institute. Her book “*Labours of Love: The Crisis of Care*” is out with Granta



# TOIL AND TROUBLE

Insecure work is a strain on millions of families across the UK. The government acknowledges that it needs to be fixed. But when it comes to the specific actions proposed, explains **JRF's Katie Schmuecker**, it's a case of "must try harder"

**E**ffort. Try a bit harder. This is what the prime minister is asking people to do in order to improve their living standards. When asked recently about working people being hit by cuts to Universal Credit he said: "My strong, strong preference, and I believe this is the instinct of most people in this country, is for people to see wages rise through their efforts ... rather than welfare."

But from care staff and retail workers to delivery drivers and warehouse staff, the Covid-19 pandemic has shone a spotlight on the huge amounts of effort that millions of low-paid people already put in every day to provide our nation's essential services. Their effort alone, however, has not been enough to improve their quality of life. The problem is not just that their pay remains stuck at too low a level. It is also the unreliability of the work and its failure to fit around the rest of their lives. As the pandemic hit, 4.2 million employees counted as low paid (that is, they got less than two-thirds of the median wage) and some 2.8 million employees reported varying hours, two thirds of whom also reported varying pay. In sum, getting a job and working hard at it *should* be a route to a more comfortable life, but too often it is blocked.

Life is a particular challenge for the disproportionate number of people who, however much they strive, face both problems at once: pay that is not only low but also unreliable. Crunching the government's own Annual Population Survey reveals that almost a third of the lowest-paid fifth of workers are exposed to both variable hours and pay, more than twice the proportion as found among the richest fifth. It is very often the hardest-working and hardest-pressed of people—like those care workers whom Madeleine Bunting interviewed on p2—who have the most juggling of unreliable earnings to do. Where low pay and insecurity coincide, families suffer. It's hard to plan time with the kids when you don't know if you'll be working, and impossible to plan budgets if you don't know when or how much you'll be paid.

## A MOMENT FOR RESET

Even before the virus, those who had their eyes open to the reality of our economy could already see how often work was not providing the promised road out of poverty, but was instead a dead end: the proportion of families in poverty despite being in work had been growing for many years. As we emerge from the pandemic, everyone at least claims to agree on the need for a reset. The prime minister has talked about building back better and levelling-up.

## "Where low pay and insecurity coincide, families suffer"

At JRF we have been working directly with people with experience of in-work poverty. Working jointly with them, we have devised a set of specific recommendations (see opposite) to "make jobs work." That means jobs where people are treated with dignity and respect, where people can work around caring responsibilities and health needs, and jobs that deliver the security and stability that people need to plan family life and finances. These are not unreasonable demands—they are the least that workers in a modern economy should have the right to expect. These are the types of jobs our recovery should be built on.

And there should be a vehicle ready for driving through exactly these sorts of changes. It is now two years since the government promised an Employment Bill to tackle some of the problems of insecure jobs in its manifesto and post-election Queen's Speech. But in the more recent Queen's Speech, it didn't merely fail to materialise—it dropped off the agenda entirely. You might say a little more effort is needed right here.

## PROMISSORY NOTES, A VANISHING BILL

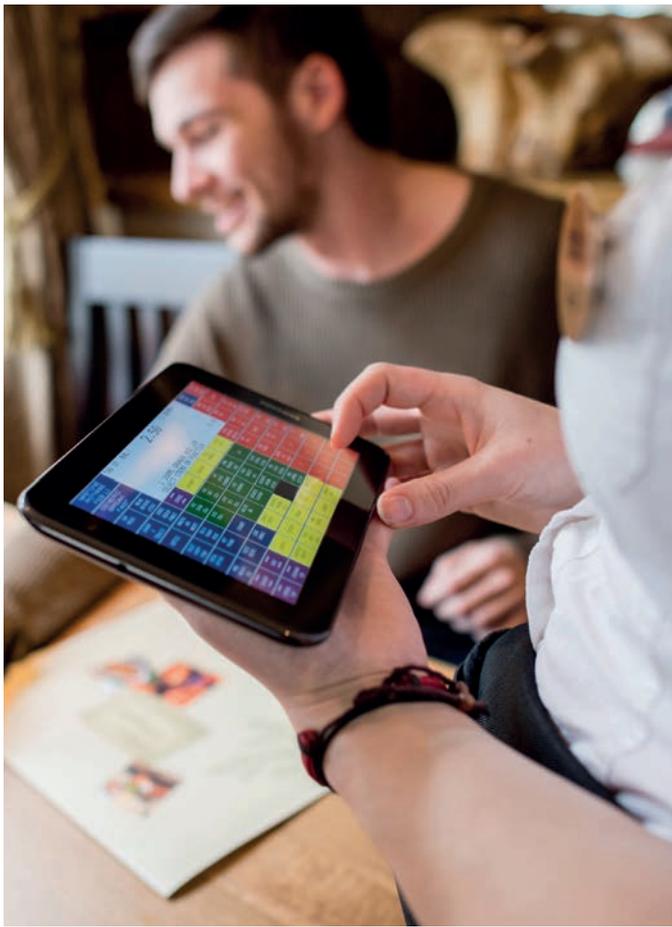
The government is ready to extend flexible working round the edges, which is welcome. But it seems to have lost sight of the broader

reforms it had in mind when, in December 2019, it promised that Employment Bill to "enhance workers' rights." By bringing forward the vanishing Bill, the government can truly advance the good, rewarding jobs that give people a sense of pride and a stake in society, and send clear signals to business about the type of recovery we want.

To make work more secure, the Bill should include a new right to a secure contract that reflects your typical working hours after 26 weeks of employment. The government has proposed that workers on a less secure zero-hours or short-hours contract should have a "right to request" more predictable working patterns, but without a mechanism to preclude knee-jerk refusal of that request, the basic power dynamics will go unchallenged, and little will change in practice. This should be flipped, so the default—after a decent spell with the employer—is greater security, with the right to request a more flexible (and less secure) contract where that is genuinely preferred by the employee.

Other new rights should include four weeks' notice of your schedules, with the right to compensation for shifts cancelled within 24 hours of their start. Our conversations with people who have endured working poverty has included appalling examples of shifts being cancelled or curtailed late (see interview with warehouse worker James on p14) which starkly exposed the need for greater protection. Should employers be required to compensate for lost income, it would be in their interest to plan their demand for labour with more care—helping drive business change.

Those with experience of in-work poverty repeatedly expressed their sense of being denied dignity: the feeling that workers were not treated as human beings by their employer, but instead as just numbers, or cogs in the machine. This was particularly acute when it came to acknowledging life outside of work. Desperately trying to juggle shifts and childcare or health needs can cause profound stress—as can having an employer who responds to requests for



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## WHAT WORKERS WANT

Insecure work makes it impossible for millions of Britons to plan their finances and family life. To put that right, JRF has teamed up with workers with direct experience of poverty, to make the following joint demands of the government's long-promised—but delayed—Employment Bill

### 1. New rights to:

- Four weeks' notice of shifts;
- Compensation for shifts cancelled late;
- A secure contract that reflects your typical working hours, so that prolonged zero- and short-hours contracts are only for workers who positively choose them.

### 2. Flexible working:

Make it the default so work can fit better round family life and health concerns. Employers should only be able to refuse requests for solid reasons.

### 3. Rigorous enforcement:

Double the number of inspectors to make sure a new "single enforcement body" upholds the rules, so bad employers can't unfairly undercut good ones.

CONTRACTUALLY  
EXPOSED:  
HOSPITALITY IN THE  
GIG ECONOMY

emergency time off without compassion (as some of the terrible testimony to Bunting, p2, makes plain).

There seems to be an entrenched expectation that employees will show unlimited flexibility to their employer, but get little back in return. The government has now signalled that the current "right to request" flexible work arrangements should kick in immediately, rather than after 26 weeks of employment. That is welcome, but the deeper problem is that this "right" is not strong enough.

Instead, the Bill should make flexible working an automatic option for all staff. While some exemptions for business reasons would likely still be needed, changing the default would put the onus on employers to explain why—in exceptional cases—they cannot accommodate flexible working, rather than it being on employees to try and persuade them that they should.

The ultimate indignity is the denial of legal rights, including sub-minimum-wage rates of pay. While most employers do the right thing, some do not and can sneak an unjust advantage by undercutting the rest. Better and more pro-active enforcement would level the playing field. That is the key challenge for the proposed new Single Enforcement Body:

it needs double the current number of labour market enforcement inspectors to stand any chance of rising to it.

### IF NOT NOW, WHEN?

By delaying a comprehensive Employment Bill, the government risks repeating the mistakes made after the 2008/09 recession: the recovery then was characterised by high employment, but with increasingly insecure work, rising in-work poverty *and* poor productivity. Employers cannot expect to get the best from their staff if they are stressed about making ends meet.

**"The ultimate indignity is the denial of legal rights, including sub-minimum-wage rates of pay"**

By pressing forward with the Bill now, the government can signal exactly how it plans to build back better, and give businesses time to adapt. The recovery appears to be gathering in strength, but *even if* there were concerns about the recovery, the government can and often does legislate for powers that can be "commenced" later,

so there is no excuse for them dragging their feet in changing the law.

The specific reforms that we recommend will not bring large costs for most employers, but firms with business models that rely on cheap, insecure work will need to adjust. By the time the Bill comes into force, and any lead-in time for new measures has elapsed, businesses will have had time to recover and adapt their business models where necessary. Nonetheless the new measures can initially be approached with the same cautious rigour as accompanied the successful introduction of the minimum wage a generation ago—research informed a design which bedded-in before it was strengthened. That limited the unintended consequences—and ultimately achieved a reform that no-one would reverse today.

Ever since the Factory Acts of the 19th century, society has periodically needed to use regulation to strike out business models that rely on unnecessary suffering. As our economy, like those around the western world, endures not only the huge shock of the pandemic but also even deeper structural shifts—including Brexit, the green transition and broader technological change—we must do the same again. The government should begin by putting some effort into its Employment Bill. ■

# IN NUMBERS

The hard facts underlying the age of anxiety in the British workplace

## 1. TOWERING INSECURITY

All told, there are something like 2.4 million workers who might be called “contractually exposed,” that is employed on terms which do not give the security of a regular job. (This is over-and-above the 4.9 million of self-employed, some substantial but uncertain proportion of whom are unwilling freelancers with next to no employment rights at all). Calculated from final-quarter 2019 data—to show the latest non-pandemic snapshot—the chart shows the breakdown between different forms of insecurity.

### CASUAL OR SEASONAL



### AGENCY WORK



### ALL OTHER TEMPORARY

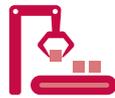


### ZERO-HOURS CONTRACT



## 2. UNCERTAINTY ON AN INDUSTRIAL SCALE

Britain’s unreliable jobs are not spread equally across the economy. Work in some sectors and you are overwhelmingly likely to be securely employed—if you’re in insurance or banking, for example, the chance of being “contractually exposed” is as low as 3 per cent. But the proportions are twice as high across great swathes of the economy, and more than five times as high in some giant industries such as hospitality. And interestingly, insecurity is pretty widespread too in some important and less-expected fields, such as education.



6%

MANUFACTURING



6%

TRANSPORT & STORAGE



9%

HEALTH & SOCIAL WORK



11%

EDUCATION



15%

ARTS & ENTERTAINMENT



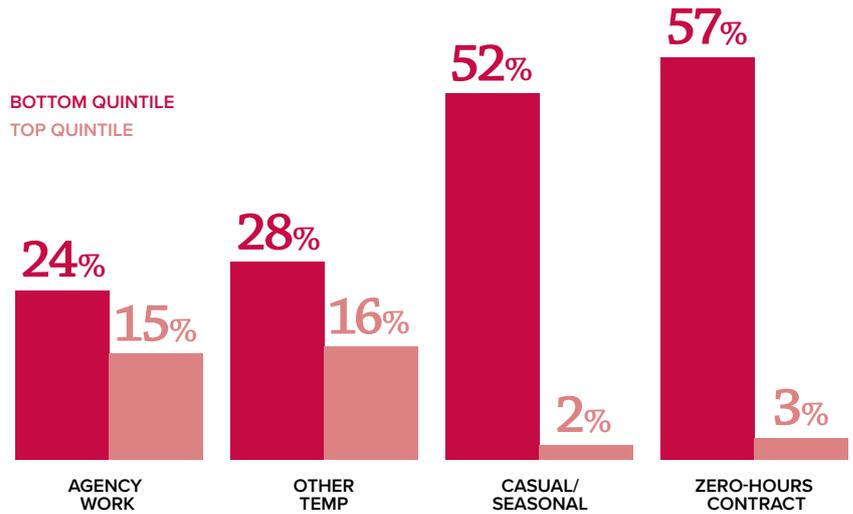
16%

HOSPITALITY

**3. POOR AND PRECARIOUS**

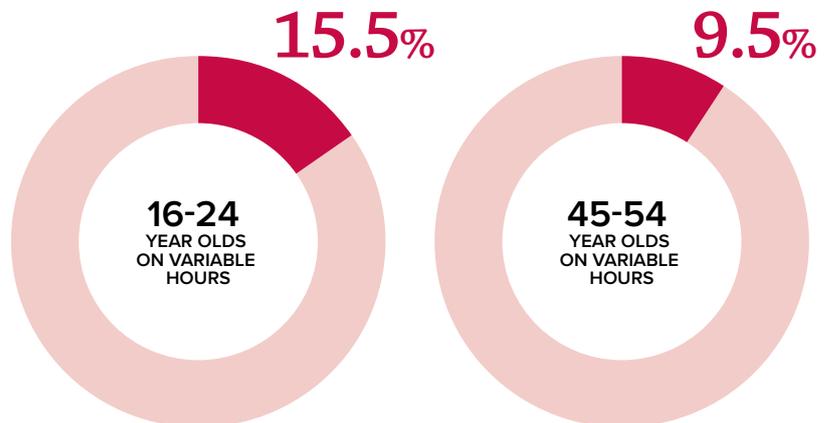
At least as important as the differences between different industries are the differences within them. In healthcare, for example, the sort of precarity this report highlights for hands-on care workers is much less likely to be an issue for medical consultants and senior managers. Indeed, it tends to be concentrated among the very people least able to budget easily around it—those on low pay. The chart shows how many contractually exposed workers are found among the top and bottom fifth of earners, and reveals that all forms of insecure work are more prevalent at the bottom end, and that in the case of some forms of insecure work—such as zero-hours contracts—the differences are overwhelming.

WHICH EARNINGS BRACKETS ARE INSECURE WORKERS IN?



**4. YOUNG AND INSECURE**

The exposure of younger workers is a marked feature of the modern British labour market: youth unemployment rose far more than general unemployment in the great recession, and more recently pandemic lockdowns bit particularly hard on sectors such as hospitality with younger staff. Their contractual arrangements are also frequently less dependable—the chart shows that youthful workers (aged 16-24) are more than half as likely again as those of prime age (45-54) to work variable hours.



SOURCES: CHART 1: JRF ANALYSIS OF LABOUR FORCE SURVEY (2019, Q4). NOTE: THE FOUR CATEGORIES OF INSECURE FORMS OF WORK ARE MUTUALLY EXCLUSIVE. WE DEFINE ZERO-HOURS CONTRACT AS ALL WORKERS DECLARING THIS CONTRACT, INDEPENDENT OF THEM BEING SELF-EMPLOYED OR A PERMANENT OR TEMPORARY EMPLOYEE. DEFINITIONS OF AGENCY WORKERS, CASUAL, SEASONAL, OTHER TEMPORARY AND SELF-EMPLOYED EXCLUDE THOSE ON A ZERO-HOURS CONTRACT. CHART 2: JRF ANALYSIS OF LABOUR FORCE SURVEY (2019, Q4). CHART 3: JRF ANALYSIS OF LABOUR FORCE SURVEY (2019, Q4). CHART 4: JRF ANALYSIS OF ONS ANNUAL POPULATION SURVEY, 2019. NOTE: WE CLASSIFY EMPLOYEES AS REPORTING VARIABLE HOURS IF THEIR WORKING HOURS IN THE SURVEY PERIOD DIFFER FROM THEIR STATED USUAL HOURS OF WORK BY MORE (OR LESS) THAN 20%. WE ALSO INCLUDE EMPLOYEES WHO DO NOT SATISFY THESE CRITERIA BUT STATE THAT THEY HAVE NO USUAL PAY BECAUSE THEIR HOURS OF WORK OR OVERTIME VARY.

# AT THE SHARP END: THE VIEW FROM THE WAREHOUSE FLOOR

Insecurity and inflexibility have plagued James's working life, as he explains to *Prospect*

James, a father of three from Bradford, should be the perfect example of what politicians call a "striver." From dropping his children off at different schools, to caring for his elderly mother-in-law, to making deliveries for a local food bank during the pandemic—when you chat to him you can hear that he never stops. However, for all his own efforts, after spending 18 months keeping the shelves stocked for one of Britain's best-known high street retailers, his experience of work has been with employers who are willing to put in precious little effort for him.

Retaining a characteristic sense of humour, even as he discusses his frustrations with work at the sharp end of the gig-economy, James highlights the inimical interaction between insecurity and inflexibility that has made life as an agency worker so damaging to his physical and mental health. He says, "I had to leave that due to bad health, bad back and just generally not being able to do the job anymore." While generous in personal praise for the willingness of certain individual managers to "talk," his experience in warehousing, driving and retail is of a system that is all take and no give.

Working nights at the warehouse, James found the 10pm-6am shifts gruelling. Simply getting to work on time was a battle. His shifts began after the buses had stopped running and finished before they resumed, which created particular mayhem when—as sometimes happened—they were cut short an hour or two in. A taxi home was sometimes the only option, but that could eat up two hours' pay, which on a bad night might be all he earned. So, owning and maintaining a car began to seem essential, a huge cost when you're on £8.50 an hour. Irregular shifts made managing sudden or unexpected costs particularly tricky, as James never knew how much he would earn from one week to the next. This required meticulous budgeting, as James explains that, "if you're not very up on stuff like that" then you would struggle.

It wasn't only the insecurity, but the inflexible schedule that eroded James' wellbeing. As a dedicated father, James



"THERE WAS NO LOYALTY": THE EXPERIENCE OF JAMES AND HIS FAMILY IN WAREHOUSE WORK

juggled responsibilities for his children—the youngest of whom is autistic—who all attended different local schools. His wife is partially sighted, so James is in special demand at drop-off and pick-up times, as well as for visits to support his elderly mother-in-law. While his agency contract provided endless flexibility to his employer to cut shifts short, it afforded him none, despite these pressing needs.

"After 10 years, there was just no loyalty," James said as he described the way his cousin, who worked for the same major retailer, was treated when he resigned after a decade on the job and one too many arbitrary changes had been made to his shift pattern. As a practicing Christian, James's cousin was uncomfortable working on Sundays, but when he raised this with his managers, he was told he could accept the new pattern or go elsewhere. That sort of contempt was, James says, characteristic of the working environment. He found it difficult to persuade his bosses to accommodate his needs—he suspects due to the pressure they felt from their higher-ups. This included struggling to get time-off to support his wife when his father-in-law died of cancer: he was grudgingly given one day off, and had to take another as unpaid leave.

After 18 months, the job was taking a

serious toll, as the sleep disruption from working irregular nights combined with the pain from heavy lifting started to affect his mood. "When I was coming home from work, I was just tired, I was aching. I was just being grumpy really, to my kids and to my wife. It wasn't good for the marriage really...

I was getting a bit depressed." James left the agency role but immediately faced another headache, this time over universal credit, as after waiting five weeks for the first payment, it was miscalculated to just £500, barely enough to cover rent and bills. He began working at a food bank, and it was only after sitting down with a benefits expert there that he was able to get what he was due.

James enjoyed working at the food bank, but it wasn't a long-term prospect. His dream role would be one he could fulfil around his family life—but though he is working with a coach from Universal Credit, a flexible job is proving hard to find. While some might fear that working for a ride-hail app like Uber would mean jumping from frying pan to fire, for James, the freedom to pick and choose his hours around the children's schooling would be the ideal. However, there's one catch—James fears he won't be able to afford to work for Uber, as he can't afford the required licenses or indeed the insurance, which is particularly pricey in Bradford. James is in the perverse position of not being able to afford to work, as the roles he would like to take all require certificates or training he can't pay for.

As he recites the list of jobs he has had over the years, it's clear that "effort" is not the missing ingredient in James's career. In fact, effort is what he displays in abundance, as he tries against the odds to make an atomised labour market work for his family. All James is asking for is a job with a wage that he can live on and an employer that recognises that its employees are human beings, who will sometimes be sick, will sometimes be grieving, will sometimes need to pick their children up from school. With just a bit more support—and a bit more give and take—James would again be working, and contributing even more to the local community than he already does. ■

# GIVE AND TAKE

One multinational is proving that flexibility doesn't have to be a zero-sum game between management and workers, writes **Sarah Collins**

“Traditional employer-employee dynamics are no longer fit for either individuals or businesses,” says Unilever on its *Future Work* website. It's a radical statement from the consumer giant whose products range from Ben & Jerry's ice cream to Dove soap, and which employs roughly 150,000 people around the world, 6,000 of them in Britain.

Throughout this special report on “making jobs work,” “flexibility” and “security” are recurrent themes. But both terms can have very different—and contested—meanings between managers and workers. It is therefore interesting to find a multinational going with the grain of its employee demands, by developing a remarkable new scheme called U-work. Fifty British staff piloted the scheme, in which they were paid a monthly retainer in return for a commitment to work a minimum number of hours for Unilever a year, whenever they wanted, on projects they chose. With a suite of benefits including pension contributions and holidays, to a millennial employee like myself, it sounds like an ideal arrangement. But what's in it for an employer?

Morag Lynagh is the woman in charge and has the intriguing job title of global future of work director: “So, for us looking at the future of work is thinking around a number of areas,” she said, “changing the skills that employees require, and jobs that there will be in the future.” The “driver behind the concept” of U-work was initially the ageing demographic of the workforce, with scores of skilled older workers looking to phase into retirement. This wasn't the demographic of beneficiaries I was expecting to hear about when terms like freelance, zero-hours and gig-economy are of a very millennial zeitgeist.

However, as Lynagh explains, “we had a hypothesis as we went into our first pilot, that actually, it isn't only those people in that generation who want to work more flexibly.” And as the scheme has taken off and

total enquiries build to 250—a nontrivial proportion of UK staff—she has been proven to be correct. The scheme is of interest to people at all stages of life, including those looking to travel, work for other organisations, or spend time with their families. As Lynagh says, “new work appears to be attractive to people from across all generations.”

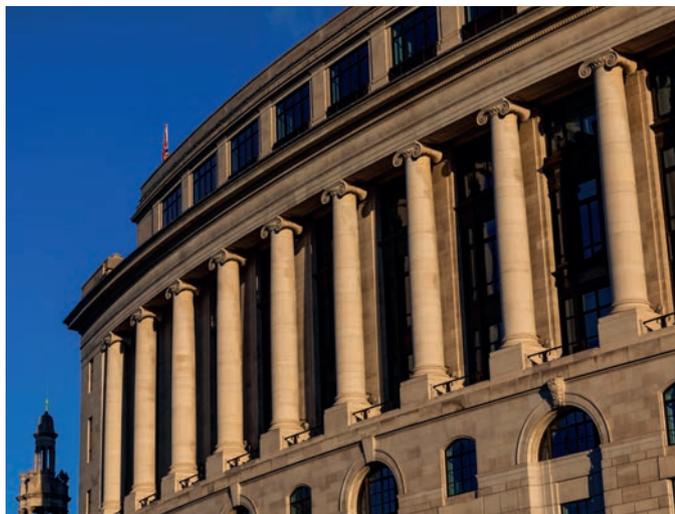
Unilever has started rolling out the scheme to places across the world including South Africa, Argentina, Malaysia and the Philippines. It's easy to see what employees like about it. “We give them a benefits package,” Lynagh explains, “a different benefit package to the one we give to our regular employees. But it includes a pension, life insurance, access to health care, access to a learning budget, as well as ongoing access to our online learning. People work on assignments, so they obviously get the assignment rate as well.” There is no qualifying period of service needed to access the U-work scheme—theoretically, anyone working at Unilever in the UK could be eligible for the scheme—so long as they have the skills and talents that are in demand.

Indeed, the employees enlisted so far include Susanna, a senior member of the legal team, but also Roy who had a long shop-floor career in one of Unilever's factories. Susanna joined the U-work scheme as she wanted to spend more time with her family, and help out part-time at a friend's legal firm, and says that “U-work gives me some security of income and keeps me connected to Unilever.” Roy was facing retirement, but Lynagh says Unilever didn't want to lose his know-how from the factory floor, so he is doing some mentoring for them via the U-work scheme.

It all sounds great for employees, but what's in for Unilever? Lynagh says it's about having ongoing access to talent and also crucially, individuals who understand the assignment. With prior knowledge of Unilever's culture and processes, according to Lynagh, employees on the U-work scheme find it easier to hit the ground running on projects. “It's allowing us to keep people who have got good skills and experience” she says, explaining that talent retention is a big motivation. But also, “a U-work employee comes with their networks and knows how to get things done and that's a real advantage to us.”

Unilever, in other words, rejects a trade-off between employers' and employees' flexibility and security, as things to be pitted against each other. The idea is that the U-work scheme offers both to both. “It's a bit of both to both in our view,” Lynagh says. For individual employees, they have the benefit of “an ongoing employment relationship with Unilever and the flexibility to do the things that they want to do in their life... From our perspective, we have a resource that we can use in a more agile way.”

Unilever stresses that a scheme like U-work might not be an option for many smaller businesses who may not have the same resources and multinational scale. However, it certainly agrees that businesses of all shapes and sizes could benefit from thinking flexibly about working arrangements to attract and retain their best staff. As it says on its website: “U-Work works for Unilever too.” Employers everywhere should pay close attention, and so should the rest of us, as we consider what we can ask of employers to make jobs work. ■



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CHANGING WITH THE TIMES: UNILEVER HOUSE IN LONDON

# FLEXIBLE THINKING

If **Angela Rayner** has been “pushy” in toughening Labour’s stance on workers’ rights, then as she explains to Tom Clark, that’s because of her first-hand experience in juggling parenthood and unpredictable shifts



For Angela Rayner, insecure work is personal. Long before she rose to be Labour’s deputy leader, she was working in care: “I started off on a zero-hours contract,” she recalls of the nineties but, “at the time, there was a different phrase: they called us casual workers.”

The prevalence may have risen, and the parlance has changed, but the brutal basic practice has not. The vague terms from her employers were: “you work for us some time between 7am and 10pm, over seven days, flexible... we didn’t know from one week to the next what our hours are going to be. I remember quite vividly it being very, very difficult, especially because I had a young son.” Work was at once inflexible with response to family demands, and insecure with regard to what money was coming in, and times were hard.

But somewhere along the line, as she swapped from private to council work and got involved in the union, she found herself in a team that got itself into a different position vis-a-vis management. A “predominantly female workforce” were left alone to sort out shifts for themselves: “we all got together, sat down and came up with rotas that worked for us. For some people, home commitments meant it was better to work weekends; for others, evenings; for others again, mornings; if somebody needed a regular time-off for a school-run, others pitched in, so it gave continuity of service to the people we were looking after.” There was less often a family reason to take a sick day. “Productivity was great, we all felt much better and people didn’t find themselves having to leave their jobs.”

Rayner points back to this first-hand experience and explains: “this is why I was

so pushy on Labour’s recent pledge around make flexible working” a real right with teeth, and “from day one.” Some objected: “‘Well, that can’t work,’ they would say, ‘People in frontline jobs can’t have flexible working... if you work at Costa for example, and you’re delivering coffees, you have to be physically there, in the shop to deliver it.’” But there’s actually alternative, less-rigid ways of arranging the shifts to get the work done; it already “happens informally all the time, and the best employers know it.”

Under Keir Starmer, Labour is anxious to rebuild some of the bridges it burned with business under Jeremy Corbyn, and Rayner is emphatic that this is not an anti-management agenda: “this isn’t just about Angela Rayner, trade union rep, working-class girl shouting about workers, it’s actually about employers, and how it could be beneficial for them too. I know that, too, because I’ve seen it firsthand.” “The goodwill you get” from flexibility, she says, will bring down costs on things like sickness and, with improved retention, also save on recruitment and management costs.

Rayner thinks the word “flexibility” gets bandied about in a lopsided way: less imaginative managers think it means “an open-ended contract that says ‘you work for me, whenever I ask you.’” But ultimately, that is “untenable” for their staff and so for them too. The only sustainable way through is “a bit of give and take.” The best employers “get this” and so are more productive; others are still held back by “traditional prejudices around how a job should be done.” But “the pandemic has shown how all sides can be flexible when they have to be,” creating “an opportunity to look at it all again.”

Even more than inflexibility, Rayner sees the “number one problem” as being insecurity: not knowing what money you’ve got coming in so “you don’t know whether... you’re going to pay your mortgage, or your rent.” Again, she insists, it can harm employers as much as staff: if firms can’t commit to staff, they “can’t keep them, retention is low—and that’s not a long term business plan.” On zero-hours contracts,

especially, she is emphatic: “we would ban them.” She sees them, and other contracting arrangements that deny workers basic rights like statutory sick pay as being “very much” a growing problem, largely because of the “gig economy.”

But it is the pandemic that has left her truly “disgusted” at precarity across the wider labour market: “we could clap key workers and say what heroes they are: shop workers that faced the additional risk of going in every day, making sure that we have the food we needed. The bus drivers, the train drivers, the nurses, the carers,” the last of these initially asked to “press on without PPE.” While professional and office workers could often negotiate different patterns to accommodate things like home-schooling, those on “the front-line” “didn’t have that option... Many are in poverty pay and on insecure contracts, and that’s totally unacceptable. They had to put their lives on the line to protect our interests as a country.” It’s now incumbent on the rest of us to “close that gap” in their terms and conditions.

So what does she want in an Employment Bill? Labour’s over-arching idea is what she calls “single-worker status,” a sort of levelling-up of rights across staff on different forms of contracts, and with different tenures, covering everything from sick pay to dismissal.

Coming back to flexibility, she wants to “strengthen the right to request” introduced by the Blair government. She acknowledges that “not every firm can provide every flexibility,” but insists there is rarely a good reason for refusing any. There are too many get-out clauses, freeing employers to say: “Oh, this is in the too-hard box, we can’t manage it.” The presumption must be that it should be granted, “unless there’s exceptional reason why not.”

As well as the balance between employer and employee, she thinks we need to be mindful of a second sort of balance within the employee’s life, between work and family time: “And at the end of the day, that’s what it should be about—we go to work to live, we don’t live for work.” ■

# A LOT DONE. A LOT STILL TO DO

A buoyant UK labour market has survived even Covid, thanks to bold, hands-on policies. We need more—especially in enforcing minimum standards, explains **Greg Clark**



One of the most remarkable pieces of employment policy in our history is about to come to an end. The Coronavirus Job Retention Scheme—furlough—was dreamt up, constructed, and launched in days at the beginning of the pandemic. It has achieved what then seemed impossible: we are emerging from the Covid pandemic with the same number of people on payrolls as when we entered it. Beyond this remarkable achievement, the furlough scheme embodies something important: it is rooted in a recognition that employment is important even beyond earnings.

For many people, the assurance that they continued to be employed offered an essential crutch in getting through very dark days. Many employers—and co-workers—played a priceless role as mentors and guides to colleagues through the long, anxious and lonely months of lockdown. The fact that companies' workforces could be retained intact, ready to spring back into life, meant that businesses exist now that would otherwise be defunct. By avoiding mass layoffs and an enforced scramble to search for different employment, the scheme warded off a potential haemorrhage of skills from many occupations. Furlough, then, underlined that employment matters, that bold policy is possible, and can make a big difference. We should hold that thought.

The availability of jobs, their dependability, their role as a store of skills, as a network of mutual support, a source of motivation and purpose, as a place of education and growth, all on top of being the way we earn our living, make policies about jobs of special importance.

In a report, which Theresa May and I commissioned in government, Matthew

Taylor set out a vision of good work. Its approach is more important now than ever. For people to have good work, we obviously first need jobs. So the Taylor Review was right to commend what it called the "British Way"—a flexible labour market with high participation, and where full-time, permanent work is the norm but in which many other arrangements are possible, especially when chosen and valued by the individuals concerned. Taylor pointed out that, once tax levels and tax credits are taken into account, average take-home pay for families in Britain with a member in full-time employment is higher in the rest of the G7. The job creation now taking place, which builds on the base of jobs protected by the furlough, is essential.

**"We need to give existing workers opportunities to upgrade their skills—and the value of their labour"**

But work should be better-paid. It wasn't long ago that pensioners were often the poorest group in society. Policy action over the last decade—including the "triple lock"—has boosted to their incomes. Now, too often, some of those who struggle most are working people.

Two particular problems need to be addressed. One is that failure in education and underinvestment in training has meant that the economic value of what some people produce is insufficient to support themselves and their families. We need to invest in the quality of skills so that this applies to far fewer among the rising generation, and to give existing workers opportunities to upgrade their skills—and the value of their labour.

Another problem is that for too long we allowed pay to be too low. Plentiful overseas labour provided, in the past, an easy alternative to investing in our workforce—suppressing wages to below reasonable levels. There is no reason why a cleaner in the corporate office of a successful business

should be paid so little that their earnings need to be supplemented by taxpayers to provide a decent life: if it is important to the operation of that industry, the rate for the job is too low.

Establishing and increasing the national living wage in recent years is important. We must continue to raise the pay floor. The reduced supply of cheap overseas labour prompts a reappraisal of the right rate for the job.

The quality of working life should improve. The experience of living through Covid has demonstrated that there are diverse ways of being productive—including, for some, home working and for others flexible patterns of work.

Not everything necessitated by Covid can or should become standard: personal connections made in physical presence are still important; new workers deserve the assistance in making their way that more senior people enjoyed when they were starting out. But the range of possibilities of mutual benefit between employer and worker has broadened.

Experience has taught us that even in our successful employment market, abuses will be found. In theory, firms compete for workers, and workers have a real choice of where to work. But it doesn't always happen like that. Some people, lacking the skills that are in demand, or the confidence to assert their rights, or in a sector characterised by local monopolies of employment, can fall prey to the unscrupulous and even the criminal.

The *FT* journalist Sarah O'Connor's harrowing tales from the garment factories of Leicester shows the abuse that can be perpetrated even in an internationally-admired labour market like ours. That is why enforcement—making sure that every employer obeys the rules—needs to be conducted vigorously. It doesn't just protect individuals from being victims of injustice, it safeguards positive norms that are good for society and our economy.

In many respects, this government was elected to improve the lives and opportunities of people at work. The levelling up agenda is about bringing those falling behind up to the higher levels enjoyed by the rest. The critique of pay, conditions and opportunities being undermined by readily imported labour was one of the arguments made for Brexit. The government has signalled important commitments to technical education and apprenticeships, and has also pledged an Employment Bill to raise standards at work: it can't come too soon. And, as we have seen, the employment measures taken in response to Covid have been emphatic and imaginative. Now is the time to make it an ongoing mission to ensure good work becomes the standard in Britain. ■

# LESSONS FROM ABROAD

The world's leading lights in the battle with insecure work

## IRELAND

According to a weighty University of Limerick study from 2015, more than 5 per cent of Irish workers were working “constantly variable” hours, often through no-strings “if and when” contracts which offered scant security to either side of industry. The pattern of unstable work bore many similarities to that in Britain, with the report finding it was “especially marked” in hospitality, wholesale/retail, and health and social work.

But a law that came into effect in 2019, effectively bans zero-hours contracts by creating a “banded” system for employees, entitling them to a contract broadly reflective of their usual weekly hours. The Employment (Miscellaneous Provisions) Act 2018 gives employees the right, after a year of service, to request a contract for guaranteed hours based on the average number of weekly hours worked in the preceding year. Employers aren't obliged to provide the exact number of hours worked previously, but instead have to place employees in one of eight bands and guarantee them the minimum number of hours in that band. For example, one band covers 16-21 hours, so if you'd worked 20 or 21 hours a week the previous year, you'd now be guaranteed at least 16.

Industrial relations expert Juliette McMahon of Limerick University suggests that whereas the zero-hours contract ban is marred by its inability to deal with workers who have “no clear contract of employment” at all, the banded hours protections “appears to have more teeth.” Many Irish employees are contracted to work a small number of basic hours, but then regularly work more—at managerial discretion. A recent court case involving Aer Lingus ended up with an employee being given additional contractual hours, a “tentatively positive” sign that the reform is working.

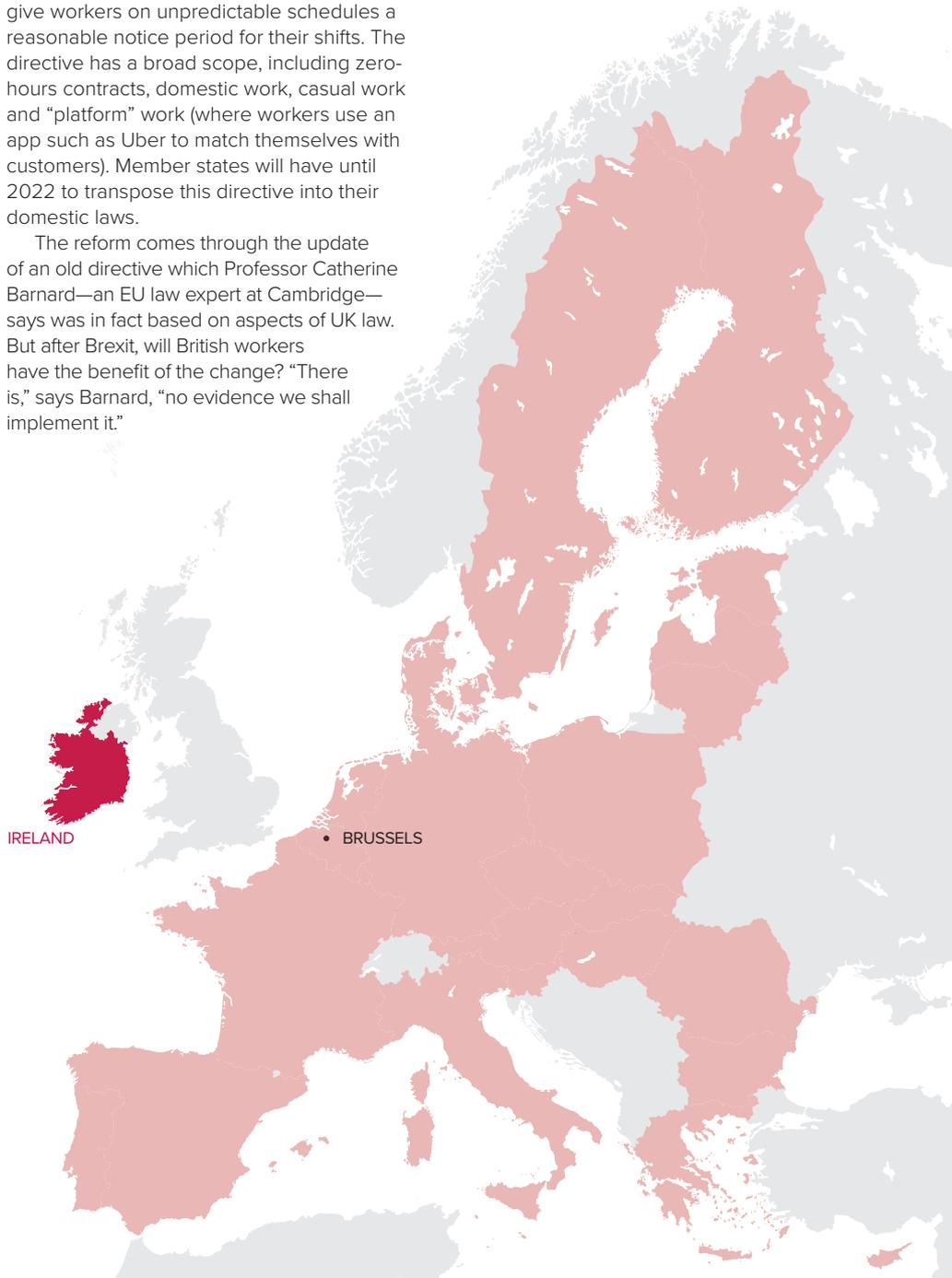
## EUROPEAN UNION

The European Commission has also taken steps to tackle insecure work, by introducing a Directive in 2019 that will give workers on unpredictable schedules a reasonable notice period for their shifts. The directive has a broad scope, including zero-hours contracts, domestic work, casual work and “platform” work (where workers use an app such as Uber to match themselves with customers). Member states will have until 2022 to transpose this directive into their domestic laws.

The reform comes through the update of an old directive which Professor Catherine Barnard—an EU law expert at Cambridge—says was in fact based on aspects of UK law. But after Brexit, will British workers have the benefit of the change? “There is,” says Barnard, “no evidence we shall implement it.”

IRELAND

• BRUSSELS



## AMERICA

Several places in the US including San Francisco, Seattle, Emeryville in California, Philadelphia, New York City, Chicago as well as the state of Oregon have introduced “fair workweek laws” to make working hours more predictable for employees in industries such as retail and fast-food. As Sarah O'Connor writes in the *FT*, many US employers had been operating using “just in time scheduling” practices, calling employees into work with little notice, and sending them home during shifts if no longer required. The new laws, with slight variations across different areas, provide employees with a right to request their schedule in advance, with (usually) two weeks' notice.

## OREGON

The first to bring in state-wide fair work-week scheduling laws, which came into effect in 2018, with employees entitled to compensation when shifts are cancelled or changed without notice. The law also entitles employees to a “Good-Faith Estimate,” requiring employers to give workers a rough idea of the hours they will be given on a consistent basis.

## CHICAGO

In some of the cities, the regulations are tightly focused on the very lowest-paid in sectors like hospitality, but here the law extends to workers earning up to \$50,000 in healthcare, building services and manufacturing.



# IN PLACE OF FEAR

Going undercover taught **James Bloodworth** about just how anxious working Britain often is. But, he insists, it doesn't have to be this way

It is five years since I set out to investigate Britain's low-wage economy by working undercover. In early 2016, as I set off on my travels around the country, the media was awash with positive economic news. There were a "record number" of people in work and Britain was said to be on the road to recovery after a long recession.

This was welcome news. Yet behind the headlines something else was going on. Wages had failed to keep pace with inflation, and even more than that, work for many had become precarious. Innovations such as zero-hours contracts, which had grown precipitously in the years following the 2008 financial crash, left many without regular hours and gave a distorted picture of how many were truly *in work*. Zero-hours contracts might have removed people from the unemployment roll, but they did not always provide a stable and secure means of earning a living.

It is depressing, half a decade later, to see that many of the problems I encountered have still not been fixed. In fact, some have got worse. There are more people on zero-hours contracts today than there were in 2016, despite a slight fall in 2020. Public spending on top-ups to low pay (increasingly routed through Universal Credit) is now massively more than that paid to support the unemployed. Despite some flickers of life just before the pandemic and now again on our way out, the big picture across the jobs market remains: well over a decade of stagnant pay.

The upshot is that most people living in poverty in Britain now reside in a household where at least one adult is in paid work. The relationship between putting a shift in and earning a wage you can rely on appears to have weakened further.

The growth of the so-called gig economy has exacerbated the trend towards precarity and insecurity. When I explored this new realm as an Uber driver in 2016, words such as "flexibility" and "autonomy" were bandied around by gig employers in opposition to things like job security. Drivers were reclassified as "self-employed contractors" and as such lacked the right to a minimum

wage and annual leave. Give workers such entitlements, so the argument went, and they would lose the autonomy and flexibility they cherished.

But such freedoms were often illusory, as we learned from the recent Supreme Court ruling against Uber. The work of the drivers was, its judgment concluded, "very tightly defined and controlled by Uber." So much for flexibility and autonomy!

Too often, instead of being used to describe sensible give and take between staff and managers, "flexibility" remains synonymous with the unreliable practice of bad employers (or gig employers pretending not to be employers at all). By contrast, genuine flexibility would be a win-win for both workers and employers—as the best employers well understand.

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The pandemic reordered working life, and the lasting consequences of that could create yet another great divide. According to the TUC, a mere 6 per cent of employers say they will not now offer flexible working opportunities to those who worked from home during the crisis. By contrast, fully one in six (16 per cent) of employers signal they will not offer flexible work to staff who were unable to work. Seeing as affluent individuals in larger dwellings typically have an easier time working from home, there is thus every risk that—absent policy action—access to flexible working will grow more unequal as normality returns.

When Covid-19 first arrived on Britain's shores, we stood on our doorsteps and "clapped for carers," a show of gratitude for what they were doing to keep us safe. And yet, as Madeleine Bunting reports (p2), care workers are often denied fair treatment in their everyday working lives.

I worked for a domiciliary care firm in Blackpool for a short time while researching

my book. Of all the jobs I did, this was the most taxing. Unlike at Amazon, where I was tasked with picking orders in a warehouse, as a carer I was responsible for other human beings, many of whom had complex care needs. And yet, as a fellow care worker put it to me, it often felt as if we were treated like "glorified cleaners" by the company.

Without belittling the crucial work that actual cleaners do (hygiene is yet another thing whose importance the pandemic has reminded us of anew) it was obvious what she meant. The carers that I worked with put in long, exhausting shifts. On paper they were paid the minimum wage. Yet once you factored in the money spent on petrol to visit service users—money that was never reimbursed by the company—they took home even less. Unreliable shifts added another layer of insecurity to an already precarious existence. And of course, the stresses and strains placed on care workers had a knock-on effect on the people they were charged with looking after.

In collaboration with individuals with direct experience of working poverty, the Joseph Rowntree Foundation has devised a set of recommendations (p11) to "make jobs work." Even more than low pay, they focus on the importance of jobs "where people are treated with dignity and respect," and which "deliver the security and stability people need to plan family life and finances".

These are the foundations of a good society. The onus is now on the government to make it a reality. It has shown an admirable willingness to reform the way social care is funded after years of neglect. It should now show similar resolve when it comes to tackling workplace injustices through an early Employment Bill. If its admirable promise to "building back better" is to be honoured, it must include a better deal for Britain's workers, many of whom played an indispensable role in steering the country through this deadly pandemic. They deserve more than just a round of applause. ■

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