

# JOBS THAT WORK

Paving the way for good jobs  
through participatory co-design



## **Jobs That Work**

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**Our job should be something we can be proud of – something where we truly get out what we put in – but for too many people, jobs are not working. At the same time, there is still too little space for people to shape policy solutions to issues that directly affect them, or to take part in policy development and advocacy work as active agents for change, rather than as case studies.**

This is why JRF embarked on a two-year participatory co-design project, developing solutions to in-work poverty alongside people who have direct experience of poor-quality work. Through a process of discussion, evidence gathering and deliberation, together we have developed a set of policy solutions focused on secure work, flexible work and fair enforcement of employment rights, for Government to deliver through an Employment Bill.

These include:

- introducing new rights to more secure work so people can plan their family life and finances
- making flexible working the default from day one of employment and reconsidering the business exemptions for refusing a request, so that jobs work around caring responsibilities and health needs
- doubling the number of labour market enforcement inspectors to make sure the new single enforcement body (SEB) fulfils its potential to prevent bad employers from getting an unjust advantage by undercutting good ones.

These new rights are grounded in lived and learned experience, and our shared goal of making jobs work for people on low incomes. In this report, we outline the process of our participatory co-design project, lessons learned, key reflections, and how bringing together different forms of expertise has given us a richer understanding of the problems of in-work poverty and led us to design this set of solutions together.

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# Acknowledgements.

## Co-design team

Thank you to everyone who took part in this co-design project group between Summer 2019 and Summer 2021.

We'd like to say particular thanks to the following people, who worked to develop our policy ideas from their original formation to the solutions included in this report:

**Hazel Ratcliffe** – Policy Co-designer

**Hugh Douglas** – Policy Co-designer

**James Dennison** – Policy Co-designer

**Katie Schmuecker** – Deputy Director of Policy and Partnerships, JRF

**Louise Woodruff** – Policy and Partnerships Manager, JRF

**Morgan Bestwick** – Policy and Partnerships Officer, JRF

**Sarah Campbell** – Head of Participation and Advocacy, JRF

**Tracey King** – Policy Co-designer

Thank you also to the wider group of partners and JRF colleagues who shared their expertise with the project throughout its development, bringing together lived and learned experience from start to finish. While our policy solutions have focused on delivering flexibility, security and effective enforcement through the Employment Bill, through the course of this project we explored a much wider range of issues connected to in-work poverty and poor-quality work, and we are grateful to everyone who contributed to those discussions.

## External contributors

Thank you to the employers, civil society organisations, employment rights experts, unions and others who offered advice and guidance through our project Advisory Panel, shared detailed evidence and insights through our evidence sessions, and gave us practical advice throughout.

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# Executive summary

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For too many people, jobs are not working. People in poorly paid, poor-quality jobs, unable to get enough hours or reliable shifts, were already feeling the strain before the pandemic and have been hit hard by it. New analysis from JRF shows a strong link between insecure work and low pay, with lower-paid workers disproportionately likely to be in insecure contract types, and more likely to see their hours and pay vary (Schmuecker et al, 2021). Unsurprisingly, occupations with higher levels of insecurity tend to also have higher rates of in-work poverty.

It was against this backdrop that this project came together, to develop solutions with people who had experienced the day-to-day challenges of working in poverty. Where recent increases to the minimum wage and reforms to Universal Credit will improve the incomes of some low-income working families, our work focused on a necessary complement to incomes. It focused on the security and flexibility that provide a firm foundation from which families can improve their lives. In particular, it focused on the role of the Government's proposed Employment Bill.

## **Our participatory co-design experiment**

Too often, people with experience of poverty appear in projects as illustrations of a problem, rather than active participants helping to drive change. It is all too rare to hear their opinions and ideas for change, or to value their knowledge and insight as a means of uncovering a deeper understanding of a problem and arriving at a more effective solution. When we talk about participatory co-design, we are not simply talking about good qualitative research or deliberative public engagement. Nor are we talking about completely handing over the keys and supporting groups of people to come up with their own solutions. These approaches have their place, but our experiment was in sharing power. We sought to combine our lived and learned experience to create something greater than the sum of its parts.

At the core of this project was a co-design team made up of people with experience of poor-quality work, and a small number of JRF staff with experience in policy, research and campaigns. Together we analysed and interpreted evidence on the drivers and experiences of in-work poverty, agreed on an aspect of the problem to focus on, undertook a series of deliberative workshops, commissioned some qualitative research, and held external expert evidence sessions. We learned a lot along the way, and this report sets out some of the key lessons about this way of working before outlining the recommendations that are the product of our joint endeavours. We are now working together to advocate for their implementation.

## **Starting broad and narrowing down**

We started our work with a very broad question: how to address in-work poverty? Starting broad meant the task of deciding what to focus on was shared rather than predetermined by JRF, genuinely sharing the power of agenda setting. Ultimately, we focused on issues of security and flexibility at work, but the early stages of the project were taken up with a process of narrowing down. Starting with a more defined question would have been quicker, but would have sacrificed some agenda-setting by people with lived experience. This is a key trade-off in this type of work.

## **Relationships are essential, and take time**

Investing time at the outset of the project to build relationships was essential, as was allowing space for reflection throughout the process. Experiences were shared, repeated and built on as we delved deeper into the project, and new reflections and experiences emerged from the group even at a late stage of the project. This gave richness to the engagement way beyond what any one-off workshop could hope to deliver. Bringing such depth of engagement into policy-making is challenging, but essential.

## **Sharing power**

The co-design group aimed to share power over the focus of the project, the evidence we considered and the eventual decisions about the different policy options to help address in-work poverty. However, we found for the process to work, the JRF team had to do a lot of work to revise, digest, translate and present evidence and options – coming with a proposition to test, amend, accept or reject was more effective than starting from a blank sheet of paper. While we undoubtedly took big strides in sharing power, this meant there still remained a power imbalance.

## **Developing our policy solutions**

Using a participatory co-design approach placed people with experience at the heart of the project, altering its focus and emphasis. Constant themes throughout our work were: the ways insecure work bleeds into wider life; the importance of dignity; and people's feelings of powerlessness.

Putting experience at the heart of the project meant it became about life in the round, rather than just working life. When you work, where you work, how you are treated day-to-day, and when facing a crisis, really matters. These are not things you leave at the shop or warehouse door. All of our co-designers with experience described how insecure work leads to stress and anxiety. Not being able to plan family life because you are responding to a business's fluctuating demand or poor management is relentless and exhausting.

Similarly, being treated with a lack of dignity and respect at work has deep impact, including on well-being and mental health. Too often our co-designers with experience felt they were cogs in a machine or treated like

a commodity, not a person. Poor treatment manifested itself in different ways, such as: lack of control over working patterns; being given too little or too much to do; not having a say in how tasks are done; poor interactions with line management; or cancelling and curtailing shifts at the last minute. Our project shows that work needs to pass a dignity test as well as provide workers with a liveable income.

Finally, the lack of power employees felt they had also informed our deliberation over how different types of employment rights could create positive change for low-paid workers in practice. For example, we were conscious that ‘rights to request’ could be difficult to assert for workers who feel their employer holds the balance of power over their hours and incomes: this led us to lean towards ‘rights to have’ in key areas.

## Principles for the Employment Bill

Having narrowed down to focus on issues of security and flexible working, we developed three principles to underpin our work and recommendations for the Government’s proposed Employment Bill:

1. **Secure work: workers can better plan their lives and incomes with sufficient hours and good notice of working patterns and hours.**
2. **Flexible work: more workers and families on low incomes have the work–life balance they need.**
3. **Good enforcement: all workers get the pay and employment rights they are entitled to.**

### **Workers can better plan their lives and incomes with sufficient hours and good notice of working patterns and hours**

Too many people face insecurity in their job, and don’t know when or how much they will be working week to week. In some cases, they may have their shifts cancelled at the last minute – leaving them out of pocket for childcare and transport. The extreme flexibility of zero- and short-hours contracts suits some workers, but for others unpredictable and fluctuating incomes are driving in-work poverty.



“Flexible work and appropriate notice of shifts with no last-minute cancellation sounds like basic common sense, and it seems crazy that we as a group have had to propose this as a change in policy. Personally, I feel this should be a given, it should be common practice for all businesses all over the globe. Why are we as a group having to push for this?”

**Member of the co-design team**

The Government should use the Employment Bill to introduce new rights to more secure work, so people can plan their family life and finances including the right to:

- a secure contract that reflects typical working hours (after 26 weeks), with a short- or zero-hours contract something a worker can choose to opt into after this point, if it suits them; this would switch the default so greater security is prioritised unless workers actively request otherwise
- four weeks' notice of a working schedule, with reasonable exemptions for emergencies, so people can plan ahead
- compensation for shifts cancelled within 24 hours, to incentivise employers to plan ahead.

### **More workers and families on low incomes have the work–life balance they need**

Flexibility helps people balance health and caring needs with work. Yet too often, low-paid workers have no option but to take low-quality, low-paid, part-time or shift work to get some flexibility, and then find themselves trapped in these jobs because of a lack of better-paid alternative flexible jobs locally. Too often requests for flexibility are turned down because of a lack of employer knowledge, workplace culture or even stigma around flexible working.



“I was told when I started the job that I had a right to flexibility, [but] actually when I started work the culture and the apparent lack of power and resources given to my managers meant that it didn't even feel like a possibility to ask.”

**Member of the co-design team**

The Government should:

- make flexible working the default from day one of employment, and reconsider the business exemptions for refusing a request, so jobs work around caring responsibilities and health needs; this would shift the onus onto employers to think about what flexibility they can offer
- produce guidance explaining what good flexibility looks like in practice in different contexts, sectors and business sizes – and embed it in business support services.

## **All workers get the pay and employment rights they are entitled to**

Any working environment where an employer fails to pay what is a legally set wage, or denies workers their legal rights, fails our dignity test. Employment rights are worth less without a robust system of enforcement in place.

The Government should:

- prevent bad employers getting an unjust advantage and undercutting good ones, and make sure people get basic rights such as the minimum wage by doubling the number of labour market enforcement inspectors; this would cost an additional £35 million per year
- hold lead firms responsible for employment rights in their UK supply chains – if problems persist in key sectors, the Government must introduce regulation instead of guidance.

## **Conclusion**

Through this project, JRF trialled sharing power over deciding what are the important questions to answer, gathering and interpreting evidence, and developing and testing recommendations. We are now moving into an advocacy phase, with our co-designers with lived experience acting as powerful messengers for the policy solutions we developed together. We have learned a lot, and hope others can take inspiration and draw lessons from what we have done. Overall, there remains too little space for people to shape policy solutions to issues that directly affect them, or to take part in policy development and advocacy work as active agents for change, rather than as case studies for the problems that abound. We urge other organisations and policy-makers to commit to developing policy solutions in partnership with key experts: people who are directly impacted by issues, and who have the knowledge, experience and expertise to develop policy solutions that can make a real and tangible difference to people's lives.



# Introduction

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Our job should be something we can be proud of – something where we truly get out what we put in – but for too many people, jobs are not working. Instead of improving people’s quality of life, some jobs fall short on meeting the cost of living. Too many people are struggling in jobs that are low paid, unpredictable, and insecure. These jobs create anxiety and stress, trapping people in hardship. Even before the COVID-19 pandemic, a growing number of workers were swept up in a rising tide of in-work poverty and it was against this backdrop that this project came together: to develop solutions to in-work poverty, working with people who had lived experience of the day-to-day challenges it brings.



“JRF invited me to work on this project alongside others with lived experience of in-work poverty, as they felt we had a better understanding of the issues and possibly more ideas of what the solutions may be. We were involved in every single part of the project and I truly feel our views were valued at every step of the way. The project started with regular meetings in either Leeds or York where we all got together to discuss in-work poverty and the issues employees are faced with, such as job insecurity, zero-hours contracts, feeling undervalued, cancelled shifts and lots more. Those of us with lived experience opened up about our own experiences and JRF explained how their research and statistics showed we were not alone: there were lots more people experiencing similar issues. Over the weeks and months, we narrowed down all those issues into the ones we felt were most important and felt if we could raise awareness of these issues and promote change, it could make a huge difference in the work–life balance of employees and families. In one of our final workshops, we were talking about where we had got to and what it is we are hoping for now, what the solutions would look like.

We feel if jobs work for everyone, it will promote better health in people, both mental and physical. It will promote better relationships, at work and at home, as less stress will be taken home from work. And families will have more flexibility in their social life and be able to attend social events and enjoy themselves, creating a happy, healthy work–life balance.”

**Hazel Ratcliffe, member of the co-design team**

## For too many workers, their job does not provide a route out of poverty

The rising proportion of workers being pulled into poverty prevented record employment rates from helping people escape poverty's grip before the pandemic. It is too early to say what impact the pandemic will have on in-work poverty, although it is very unlikely it will reverse any of the rise of in-work poverty without policy change affecting the drivers that have led to that rise (Innes, 2020). Around 4 million workers (approximately one in eight of the workforce) were in poverty pre-COVID, and the majority of people of working age who were in poverty were in a household where at least one person worked.

Too many jobs in the economy do not provide enough pay, hours, progression opportunities, security, or genuine flexibility so workers can move out of poverty. In this project, JRF staff collaborated with people with experience of poor-quality jobs to co-design solutions to working poverty. Together we chose to focus on security and flexibility, and the underpinning need for a good enforcement system. Together, we have drawn on a wealth of evidence and insight to propose a series of policy solutions in this report.



Too many workers don't know when they are working week to week, don't have a contract that gives them the security of a predictable income and, in some cases, have their shifts cancelled at the last minute – leaving them out of pocket for childcare and transport. As COVID-19 hit, JRF estimates there were at least 2.4 million workers in insecure working arrangements and another 2 million low-earning, self-employed people also likely to experience insecurity in their work. This adds up to roughly 13% of the workforce. New analysis for this project shows a strong link between insecure work and low pay, with lower-paid workers disproportionately likely to be in insecure contract types (Schmuecker et al, 2021).

Alongside greater security, employees need flexibility to balance health and caring needs. Yet too often low-paid workers have to choose low-quality, low-paid, part-time or shift work to get some flexibility, and then find themselves trapped in these jobs because of a lack of better-paid alternative flexible jobs locally. The pandemic has shone a light not only on the demand for and possibilities of flexible working, but also on the flexibility divide between higher- and lower-paid workers.

Of course, many employers treat their staff well and go above and beyond what is required of them legally, meaning that bad employers can get an unjust advantage by undercutting good ones. Too many workers are losing out on unpaid wages, experiencing poor treatment and struggling to access justice. Employment rights are worth less without a robust system of enforcement in place. A good enforcement system makes jobs work for employees and employers alike.

## **Why co-design solutions to in-work poverty?**

Much discussion exists on poor-quality work that keeps people trapped in poverty, with many excellent and valid voices contributing to the debate. But there is less of a platform given to the voices and opinions of those directly affected. Over the years, JRF has worked on a number of solutions to in-work poverty, including supporting the research that underpins the calculation of the real Living Wage. However, when we first embarked on this project, policy solutions that could make a difference to people swept up by in-work poverty still seemed underexplored to us. This coincided with a desire to explore new ways of developing policy solutions, working alongside people with experience, creating space to enable those who are directly affected by an issue to work with us to shape recommendations for what needs to be done about it.

## **What do we mean by co-design?**

When we talk about participatory co-design, we are not simply talking about good qualitative research or deliberative public engagement. Nor are we talking about completely handing over the keys and supporting groups of

people to come up with their own solutions. These approaches have their place, but our experiment was in sharing power and bringing together lived and learned experience to shape the issues JRF works on, and the solutions we recommend. This is about collaboration, reflection, deliberation and decision-making – together.

Too often, people with experience of poverty appear in projects as illustrations of a problem, rather than active participants helping to drive change. It is rare to hear their opinions and ideas for change, or to value their knowledge and insight as a means of uncovering a deeper understanding of a problem and arriving at a more effective solution.

To try and overcome that, this project had at its core a design team made up of people with experience of poor-quality work, and a small number of JRF staff with experience in policy, research and campaigns. People with experience were part of a diverse design team identifying the problem, choosing what to focus on, interrogating evidence and creating solutions in collaboration with others, as active agents in social change.



**“It’s sometimes uncomfortable to acknowledge that what one has to contribute is limited to the telling and retelling of negative experiences. This is perhaps accentuated when contrasted with the kinds of skills that are more conventionally valued by others. I believe development of new skills and contributing in other ways is particularly important for this reason.”**

**Member of the co-design team**

The rationale to try out this way of working was two-fold: to work in a more inclusive and democratic way, driven by the belief that those who have the most at stake have a right to be involved in shaping change promoted on their behalf; and that by working in this way, we could uncover blind spots and test assumptions all the way through the process. This should ground the problem definition and solution development in real life, leading to solutions that have more chance of impacting the real world.



**“I believe the positive example of collaborative working will add to the wave of action that aims to involve those with real-world experience in making the decisions that affect them. This [...] is crucial if we are to live in a society in which our democratic processes involve a complete exploration of the issues they seek to address. Everyone must be able to live a decent life and feel like the systems we live within serve us all.”**

**Member of the co-design team**

We wanted to trial an approach that others could draw from. In particular, we would urge public policy-makers to reflect on what more can be done to ground policy making in the experiences of people at the sharp end of social problems and design solutions in partnership with them. This was a pilot project which did not get everything right – indeed, in the participatory space it is very difficult to get everything right. The spirit in which it was entered into and enacted was one of continuous learning and reflection.

## Our co-designed solutions focused on employment regulation

In this project our policy solutions were focused on the kinds of regulation that the Government could introduce in the Employment Bill, and solutions that could work alongside a new Employment Bill to support its aims. We concentrated on how to improve ordinary jobs in low-paid sectors, rather than creating new, good jobs in growing sectors. It is important to note there are, of course, other levers to address insecure work, not least voluntary action by employers, the adoption of different business models in low-paid sectors, the role of public procurement and strengthening the role of trade unions, but they are not our focus in this project.

### Project phases

We undertook this project in three phases, which built up to our co-designed policy recommendations developed in Phase 3:



# Phase 1.

## Setting the conditions for collaboration

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In this chapter we will cover how we engaged people in the project, and how we created the foundations for working together as a team of lived and learned experience.

## Creating our co-design team

Sharing power over decision-making was central to our approach, so we created a co-design team comprised of JRF staff and people with lived experience to run the project together.

The design team was originally made up of four people with experience of poor-quality work and seven JRF staff members from different disciplines – policy, research, economics, external affairs, and participation. This was later increased to 15 people with experience plus the original number of JRF staff. The numbers oscillated throughout the project, but we endeavoured to ensure that there were preferably more people with experience in the room than not and, at a minimum, an equal number of lived and learned perspectives throughout the deliberations.

The first four participants were people from existing relationships held in JRF. These got expanded out, and people were recruited via local groups – food banks, mental health groups, youth groups and trade union groups. Geographically, people came mainly from across the north of England, and one participant was from Scotland. We aimed for a large number to account for inevitable drop-off, and we recruited for different demographics, ethnic backgrounds, gender and job roles, sectors, etc. We also carried out qualitative research to gather a wider range of experiences from employees to bolster the experiences to draw from, and this was combined with other existing qualitative and quantitative evidence sources.

The original group of 11 people spent time getting to know each other as individuals and developing ways of working together. This involved spending time informally together – getting to know each other as people, not just in professional roles. Meeting together over food, it was these informal elements that formed the important foundation for team building and collaboration.



“Sharing food together felt important in creating a more informal social space that allowed relationships to develop.”

**Member of the co-design team**

Despite the conscious and deliberate efforts throughout the project to create conditions for equal collaboration, it is very difficult to fully achieve this in co-design processes. It was acknowledged that the project did not exist in a vacuum and that members of the project group had had unequal experiences over their lifetimes. As we further develop our co-design practice within JRF, there is a need for honesty and a commitment to carry on reflecting, learning and improving.

## Commissioning a partner together to build ownership of the project

The policy co-design team worked together to commission a third-party partner to support us with this work. One notable foundation of team-building was the joint commissioning of a partner to support the delivery of the work, and to act as an independent facilitator. This early joint commissioning work turned out to be one of the key parts of the process that gave people a feeling of ownership over the project and a feeling that they were jointly in control. We shared decision-making from the very beginning, and this contributed to building the foundation for joint collaboration.



“I felt empowered by bringing them on board.”

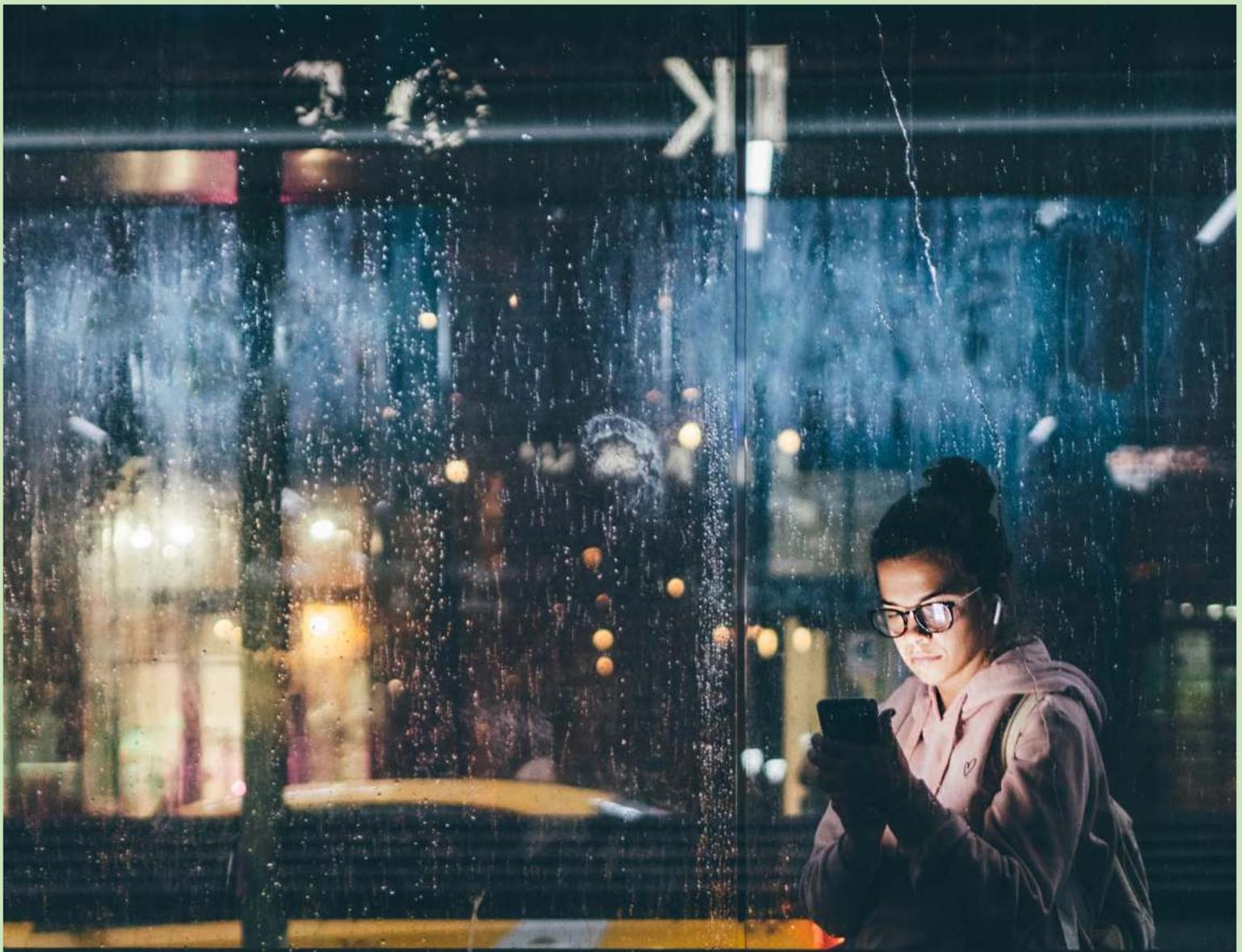
Member of the co-design team

## Collectively setting ways of working and values

We worked together to develop a set of ways of working and values that reflected the varied perspectives in the room. We set these criteria and values out right at the outset of the project as part of the team-building, and drew upon these values in various parts of the project to help ways of working and collaborative decision-making.

### Our agreed principles and ways of working:

- |   |  |  |
|---|--|--|
| • Equality                                | • Being themselves                       | • Discussion and conversationalist style                     |
| • Involvement of everyone in all the work | • Give up the professionalism – be human | • Conversations, not workshops – natural conversational flow |
| • Involved, not consulted                 | • Give something of themselves           | • Flexibility/ open-mindedness                               |
| • Transparency                            | • Empathy                                | • Focus on solutions   |
| • Design the rules collaboratively        | • Treat people as individuals            | • Confidentiality and ethics                                 |
| • No jargon                               | • Listening                              |  |
| • Being human                             | • Sensitive approach                     |  |



## Challenges of engagement and the impact of the pandemic

There are practical challenges for people engaging in projects like ours while also working – finding time to fit in workshops and project engagement around work. The project also had to move online once the COVID-19 pandemic started, which put added limitations on the work.

One reason we chose in-work poverty as a policy area in which to trial this co-design approach was because there was less participatory work happening with people who were working and still living in poverty, due to the practical barriers to taking part in such projects. This made the project particularly challenging. Practically, it was very difficult to engage people whose time was significantly limited. Where we were able to engage, people only had time to work on the project during the sessions. There was no additional time to do wider reading or reflect on the issues outside of these times, something which JRF team members were able to do. This was one element of inequality within the team.

People's lives changed throughout the project, reflective of what we know from the data: people cycle in and out of work. Mental health was a key barrier to participation for many members, with a few dropping out throughout the project and even more so at the end, substantially exacerbated by the pandemic. Some were able to engage at some points, but not at others. In some cases, life got too difficult or busy and the decision to leave had to be taken. We had to take a very flexible approach – all reflective of the lives of the people we were working with and exemplifying the issue we were trying to address.

When things got moved online this further exacerbated challenges with engagement. Access to Wi-Fi, digital literacy and feeling comfortable engaging online all proved to be challenging. The crucial part of being in a room together, face to face, to produce creative solutions was an impossibility. But also, and perhaps most importantly, the informal times together that were needed to hold the important relationships in place and do this work well were notably cut back and limited.

It is important to note the time and energy expended on engagement. The work of the Involve team was crucial in keeping team members engaged and keeping people up to date if they could not attend.

# Phase 2.

## Discovery and prioritisation

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In this chapter we will explore the key themes that emerged from the co-design activity that took place in the 'discovery and prioritisation' phase of the report.

## Exploring the broad set of issues surrounding in-work poverty

We dealt with both divergence and similarities of perspective in the wider discovery phase of the project, and landed on what was important to us through a variety of processes including voting and deliberation.

A strength and weakness of the project was how wide the scope was. The only parameter we had set was to focus on employment practices and policies without creeping into social security issues. This was a strength in that it genuinely gave people a say in how we defined the issue of 'in-work poverty', giving people a chance to bring their issues to the table, define them, and organise and give power to them. The challenge was that this made it unwieldy due to the sheer breadth of areas we could focus on.

The issue of in-work poverty was initially explored separately, with team members with lived experience in one group, and the rest of the team drawing from learned experience in another. This enabled a space of reflection for those with direct experience to develop their own thinking before bringing this together with the wider learned knowledge base. The Involve team expertly designed the session and facilitated a space for both teams to collaborate.

On reflection, we would have spent much more time on these separate groups before moving to combine the two forms of knowledge. This would have resulted in a more in-depth understanding and reflection of the experiential, and would also have built more confidence in the group members.

Although there was quite a lot of cross-over in issues, there was clear divergence in thinking between the two groups. The learned perspective focused on tangible issues that could be numerically measured in some way – wages, hours, lack of transport, lack of training, lack of progression, and cost of and access to childcare: all things widely discussed and prioritised in external debate. The issues featured in the discussion from an experiential knowledge base heavily focused on the human impact of poor-quality work – how you are made to feel, stress levels, being respected, how valued people felt, and mental health impacts that affected everything else. None of these intangible issues featured in the long list from learned experience.

To narrow down our focus, we collectively designed a set of criteria to rank the issues, and discussed and deliberated on the opportunities and drawbacks for each one as a priority area. They were then grouped, and a vote was taken.

We initially short-listed three key priority areas:

- Decent conditions at work including security, stability, respect, dignity, and insecure contracts.
- Caring responsibilities including, but not limited to, childcare and work flexibility.
- Progression and access to training.

We also included pay in this initial shortlist, but after further discussions we decided to take this out, as we knew there was already a lot of work happening in this area, with not much we could add to it as a group.

### Our collectively designed criteria

- How many people does this affect?
- What are the chances of achieving change, and how feasible is this?
- Do we as a group know enough about this area? Are we best placed to address this problem?
- Will we add to existing ideas?
- How media-friendly would this be?
- How politically friendly would this be?
- How public-friendly would this be?
- What would make the biggest impact on people's lives?
- How easy is it to explore this topic?
- How passionate is the group about it? Where does our energy/commitment/enthusiasm lie?
- Will we be able to understand the problem better through people's lived experience, rather than just through desk research/a spreadsheet?

## Learning about the impact of bad jobs on people's lives

We brought different types of evidence together to reflect on, co-designed qualitative research, and reviewed and discussed existing literature on these policy areas. We discussed our findings together as a group, putting lived and learned experience on an equal footing.

To broaden out the understanding from an experiential perspective, the co-design team designed qualitative research and undertook a joint analysis of the data. We did this collectively, to enable a cross-pollination of perspectives in the design of the research. It brought different perspectives and questions that would not have been included if done without people. It also shared skills and knowledge in this area, and gave the whole team a sense of ownership over the work.

Doing this as a diverse team brought different reflections, most notably on issues that went beyond income and hours.



**“It’s important to remember that lives can be improved through more than just pay.”**

**Reflection from co-design workshop**

Working conditions (as in the day-to-day experience) were considered just as important as the income or the hours you receive by the group. For example, on flexibility, an understanding manager who gives you flexibility was deemed more valuable than an increase in pay that came with a risk of losing that flexibility. Burnout, lack of holidays, isolation and poor morale, not having regular work, safety and bullying were all prioritised. The risk of not finding a job after investing in retraining was considered too high, even if people had the financial means to support themselves to do so.

The inclusion of this perspective resulted in a much more holistic definition of the problem area. The inclusion of team members with experience in the analysis of the problem led to significantly more emphasis on dignity and respect, defining the problem with a human lens above and beyond the dominant focus on hours and wages as solutions to in-work poverty. It highlighted a need for more analysis of the human impact of employer practices, and for this to be taken into consideration when designing more effective solutions.

## Deciding on our definition of a good job

Through deliberation and shared decision-making, we placed a greater emphasis on dignity and treatment at work. As a result of the involvement of people with lived experience in this scoping process, we agreed as a group that these should be given as much importance as pay.

We worked together to build a shared definition of a good job – meaning the version JRF now uses is based on co-design, rather than just learned experience. This has led to a greater centralisation and focus on treatment and dignity at work as pivotal elements of ‘good work’. Crucially, this definition has given people who have the most experience of poor employment practices a say on what the vision of good work should be.

### The key components of a good job

**1.**

**Treatment at work:**

treating every worker with dignity and respect.

**2.**

**Fair pay:**

aiming for higher pay, bringing benefits for households and businesses.

**3.**

**Sufficient working hours:**

unlocking the hours people need to make ends meet.

**4.**

**Training and progression:**

providing accessible training and progression routes.

**5.**

**Flexibility:**

ensuring people with caring responsibilities or health needs can work.

**6.**

**Security:**

enabling people to plan their lives and finances.

A good job provides a way out of poverty and a foundation for building a better life. It opens up options, allowing people to explore their potential, and pursue opportunities for themselves and their families. We have set out a vision for jobs that provide security and stability, so that people can plan their family life and finances: jobs that work around family responsibilities and health needs; jobs where people are treated with dignity and respect, and that contribute to better living standards.



“Jobs should work for everyone. Workers should be going to work and feeling like they are needed and valued, and their work should fit around their lives and allow them to create a happy work–life balance. Work should not be causing employees undue stress and worry. We as a group feel it would benefit not just the employee, but the employer and the economy if all the cogs in the system worked together.”

**Member of the co-design team**

## Revisiting themes due to the COVID-19 pandemic

The COVID pandemic meant a review of priorities was required – this was done as a co-design group, with co-designers agreeing the focus and priorities of the group. The pandemic had shone a light on the conditions low-paid key workers experienced day to day, and flexible working moved up the policy agenda as more people worked from home (although home-working was not available in many low-paid roles). Through deliberation, we agreed that focusing on flexibility was itself a way of addressing dignity and treatment at work. Approaching ‘flexible working’ and challenging ‘one-sided flexibility’ through a lens of dignity, respect and good treatment at work made this different to other discussions on flexible working.



“The most important thing is helping employees to feel invested in the workplace and have a shared sense of purpose. One of my bosses really cared about our circumstances outside of work. It struck me how important that is. It’s beyond treating people with dignity and respect. It’s about seeing them for who they are.”

**Member of the co-design team**



“Wherever you work you need to be valued as a person, not just an employee. When I’ve stayed in a job for longer, it’s because I’ve felt valued, part of the team, appreciated... If a job pays well, that also shows the worth of the employee... You have to be able to pay the bills.”

**Member of the co-design team**

## **Focusing on an immediate opportunity to try to influence and make change**

Advocacy was important to us as a group, which led us to choose the Employment Bill as a unique opportunity for influencing employment rights using co-designed policy solutions. This choice to go with the grain of Government policy, and try to influence and shape it, was grounded in our shared decision-making criteria.

We looked again at the criteria we had created earlier in the project, to narrow down key areas for focus. We discussed the opportunity offered by the Employment Bill, given its remit and our priorities; a vote was taken, and the chance to influence Government legislation as a lever for change was decided upon. The whole design team wanted to see real-world change, and the opportunity to engage with a concrete policy campaign was important in decision-making, not peripheral to it. We thought we could bring both our lived and learned experiences to bring urgency to the Bill, and that we could try to improve the content of the Bill to deliver better outcomes for workers.

In our description of Phase 3, we will explore how and why we landed on our final policy solutions, focusing on the themes of secure work, flexibility, and enforcement.

# Phase 3.

## co-designing policy solutions to deliver good jobs

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In this chapter we will outline our policy co-design process, and how we developed our final policy solutions around secure work, flexible work and good quality enforcement.

## Bringing a range of perspectives into the co-design process

Having decided to focus on the Employment Bill, we knew we wanted to gather evidence from a range of external experts to continue our process of co-design – bringing together different perspectives and forms of expertise to help us build a more rounded understanding of the issues around ‘flexible working’ and ‘one-sided flexibility’. Together we identified our knowledge gaps and agreed on the people we wanted to hear from, before setting up five ‘evidence sessions’ with groups of external experts – bringing in perspectives from employers, business organisations, unions, think tanks and employment rights specialists.

In each evidence session, power was shared between co-designers, with everyone who attended a session asking questions of the external experts. We felt that this evidence session process ‘flipped’ something more often seen in the third sector on its head – in which people with lived experience are asked to give evidence via surveys or focus groups for professionals to analyse and reflect on. Instead, our co-design group, including people with lived experience, took evidence from professional experts and then deliberated on what we had heard and whether it resonated with our thoughts and discussions so far.

Through these sessions we reflected on the differing perspectives of employers, unions and other experts, and gained a richer understanding of the practicalities of the employment rights that could be within the remit of the Bill. This included reflecting on the implications they could have for employers, the value of voluntary approaches vs legislation, and whether proposed rights could have unintended consequences. Our questions in these sessions were broadly focused on the themes of flexible working and tackling ‘one-sided flexibility’ – or insecure work – but the discussions we had within these evidence sessions also brought out a third theme that we had previously discussed, but not prioritised: the importance of enforcement in ensuring rights on paper were really rights in practice.

## Our process of policy deliberation

JRF co-designers brought additional external evidence into our policy solutions discussions. Alongside our evidence sessions, JRF co-designers undertook some additional desk-based research to bring together examples of policy proposals from other organisations, alongside other evidence, to help inform the team’s deliberations. Presenting key information in a useful and engaging way in online sessions was often tricky, and something JRF and Involve reflected on throughout the process – working to strike the right balance between sharing useful policy details without dominating discussions, and allowing proper space for group reflection.

We didn't always get this right but found that less was often more in sharing this information – and that peppering this information throughout our discussions when relevant was much more useful to us as a co-design team than 'presenting' bigger downloads of information at key points in a workshop.

We then used policy solutions workshops to deliberate and agree on the employment rights we wanted to see introduced through the Employment Bill. We approached these workshops in two different ways: in the first, we tried an 'open' approach to deliberation, thinking about the broad framework of rights that were likely to be in the Bill and what we thought these should look like. In the second, JRF co-designers brought a range of more tangible options to the discussion, with variations on each of the employment rights we were considering – we then deliberated on these more tangible options, considering what felt practical, fair and reasonable, given the evidence we had heard. This second approach was distinctly more effective in allowing us to have concrete and specific discussions as a group, weighing up why certain ideas – say, one day's notice of your shift vs one week's notice, or one month's notice – felt right to us, and evaluating the pros and cons of different options.

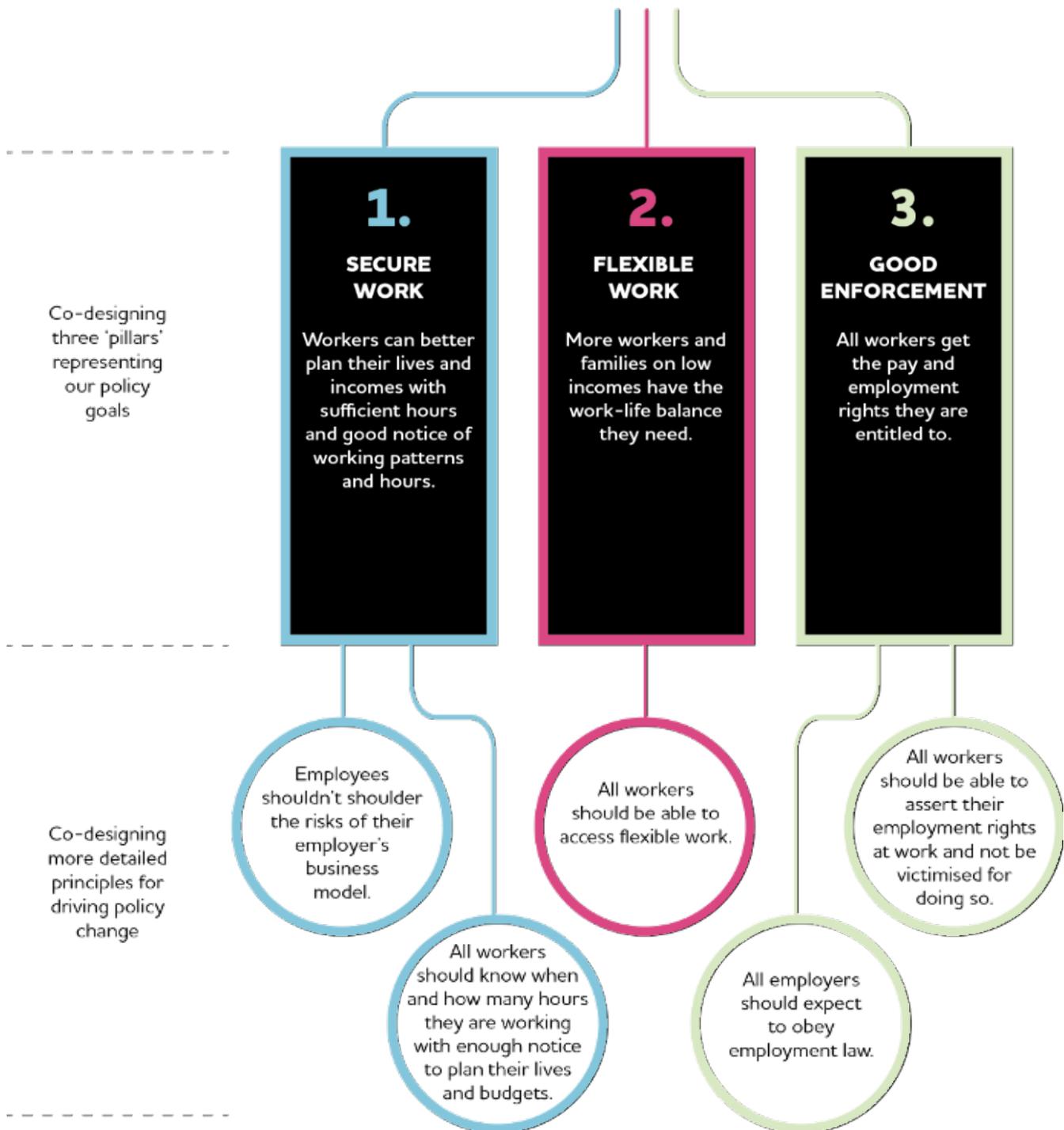
## **Co-designing the three 'pillars' representing our policy goals and our key principles for driving policy change**

As we started to develop our specific policy solutions, we co-designed a broad framework for helping us negotiate around the different policy options: this framework is shown in our three 'pillars' below, which represented the policy goals we wanted to reach. These three pillars are underpinned by different potential levers for change, including legislative change, business support and employer action, which will be essential in delivering on our framework.

As a second step in our co-design process, we developed a set of guiding principles around flexibility, secure work, and good enforcement. These more detailed principles flowed on from our three 'pillars', acting as a framework, capturing our priorities, guiding our deliberations, and helping to shape the policy solutions we ultimately landed on.

## Good jobs framework diagram

# Good jobs



Each of our principles for secure work, flexible work, and enforcement, then had a series of further co-designed details explaining what these principles would mean for our vision of good work. We would like to see these co-designed principles informing Government and other policy-makers' decisions around improving job quality through the Employment Bill.

## Co-designed principles: our framework for more secure work

**Security principle 1:** employees shouldn't shoulder the risks of their employer's business model.

This would mean that:

- most of the risk that comes from changes in demand for an employer's goods or services should be borne by the employer
- employees should not suffer financially if a shift is cancelled.

**Security principle 2:** all workers should know when and how many hours they are working, with enough notice to plan their lives and budgets.

This would mean that:

- workers should have the security of a contract that reflects the hours they regularly work
- workers should have adequate notice of shifts
- if workers do choose to accept last-minute work, this should be because they want to – not because they fear being penalised for refusing, or don't know how many hours they'll get otherwise.

## Co-designed principles: our framework for more flexible work

**Flexibility principle:** all workers should be able to access flexible work.

This would mean that:

- flexible working is a core component of 'good work'
- access to flexible work opportunities should not depend on the worker's income or skills
- employers should design and offer genuine flexible working opportunities so employees can better plan their lives and budgets.

## Co-designed principles: our framework for more effective enforcement

**Enforcement principle 1:** all employers should expect to obey employment law.

This would mean that:

- the state should enforce existing and new employment law effectively with well-resourced enforcement institutions
- firms need to be held responsible for poor employment practice in their supply chain.

**Enforcement principle 2:** all workers should be able to assert their employment rights at work and not be victimised for doing so.

This would mean that:

- the right balance of responsibility for enforcing rights needs to be struck between the state and individual/collective action (to reduce the risk for lower-paid workers)
- all workers should be informed of their rights, have easy access to good advice so they can assert their rights, and know how to seek redress.

Once our principles were confirmed, some of the more technical policy detail was worked on by the JRF team, with JRF co-designers returning to the group to discuss and agree different policy options throughout the process. We have outlined these policy deliberations and conclusions below.

## **Secure hours and incomes: workers can better plan their lives and incomes with sufficient hours and good notice of working patterns and hours**

Too many low-paid workers are trapped in insecure jobs that make it impossible for them to plan their lives and finances

Currently we are a long way from achieving our vision of secure work for all who want it. Those of us who are able to work generally need to know when and how often we will be working, so we can plan our lives and finances. But some business practices are instead creating inconsistency, insecurity and instability. Too many people do not know from one week to the next when they will be working, making it impossible to plan budgets and family life. Fluctuations in demand for services, and ‘just-in-time’ business models, mean that some employers can benefit from being able to schedule and cancel staff at the last minute, to respond to these fluctuations. While employers may reap the benefits though, their workers are bearing the brunt and carrying the risk of these business models – finding themselves subject to last-minute or cancelled shifts, inconsistent working hours, and constant uncertainty.

It was these challenges – of short-notice shifts, last minute cancellations and unreliable working hours week-to-week and month-to-month – that we wanted to address as a project group. We discussed the ways in which insecure incomes and hours can have a serious impact on people’s mental and physical health, causing stress, worry and uncertainty about whether they can make ends meet. Tackling this insecurity was a top priority for the co-design team, who saw the insecurity of some low-paid roles as a marker of their poor quality. We were concerned about the ways in which fluctuating demand for business, and poor planning from employers, pushed insecurity onto workers – affecting their finances and mental and physical health at work.



“My main source of income when I was in work was from jobs in the care sector. Mostly zero-hours contracts and minimum wage. The trouble with this is no reliability, no idea the number of hours you will work from week to week and, in turn, no idea what wage you will get at the end of the month. The stress of this and the building debt caused acute stress and anxiety to the point I had to quit.

[...] it was usually zero-hours contracts and no exact shift pattern, shifts could change on the day, with no prior warning. I was often phoned and asked to pick up extra clients or told I was not needed at some clients, and this would change my wage for that day, that week. This led to insecurity and uncertainty in the job, which led to stress and anxiety. It was exceedingly difficult to plan and arrange things such as appointments around my work.”

**Member of the co-design team**

One member of the team recalled regularly having their night shift cut short once they arrived at work, leaving them with no way home via public transport, and forced to either wait for the morning or spend an hour's wages on a taxi home. They recalled this sometimes happened as often as three times in a working week.

This type of last-minute cancellation can make people feel disrespected and demoralised, as well as leaving them out of pocket: if you've already paid for transport or childcare, having a shift cancelled at the last minute can mean losing money as a direct result of your employer's practices. This was a picture echoed in some of our external evidence sessions:



“One of the things we're really concerned about is the impact of zero-hours contracts, or short-hours contracts, where people don't know from week to week or even day to day sometimes when they're next going to be working, and the trouble that causes them in terms of budgeting, in terms of managing responsibilities like childcare or any sort of caring, in terms of even [things like] having a private life [...] that they turn up to work and they've put stuff in place, they've paid for their transport, they've got someone to look after their kids, and then they're told the work doesn't exist anymore. “

**Quote from an evidence session expert**

These insecure employment practices can also have a knock-on effect beyond one individual worker. One member of the project group who had worked as a nanny recalled that when local employers offered short notice of shifts, this meant they also had to provide childcare at the last minute.



“The parent would often get her shift rota with little notice and so it was hard for me to plan any personal time as I always had to be available at a moment’s notice for the family. The other issue I had was if her shift changed, she no longer needed me and I would not get a wage for the day I should have been working.”

**Member of the co-design team**

This issue of knock-on insecurity was echoed by one of the employers we spoke to in our evidence sessions, who reflected on the effects that they realised last-minute work was having on their employees and their wider networks:



“There is a knock-on effect of [changing shifts at short notice]. People might be using childcare and cancelling their childcare sessions at short notice as a result of short-notice shift changes. So those who are lower paid in the childcare space suffer as a result of this wider knock-on effect.”

**Quote from an evidence session expert**

We wanted to tackle these experiences of inconsistency, insecurity, and instability through an Employment Bill.

### **Acknowledging power dynamics and poor treatment at work should be fundamental to discussions of employment rights**

One of the key currents running through our deliberations was people’s sense of powerlessness in the workplace, and the experience of being treated poorly – or like a commodity – by an employer. It was important to us that the solutions we were designing acknowledged how power dynamics and poor treatment were linked with, and could exacerbate, experiences of insecurity. This included considering the pressures that workers on less secure contracts can feel to accept hours that don’t work for them; or being honest about the ways in which ‘rights to request’ could disempower workers who are scared of being penalised by an employer, or simply don’t feel empowered to request their rights.



“My wife needed an eye operation, she can’t see through it, I tried to take a few night shifts off to take her to hospital. I needed time off for my father-in-law’s funeral. You’d get ‘no, you can’t’ [...] If you took time off for anything like being sick – then later on if you wanted holiday they’d say ‘no’. [...] Just depressing, I’m not worth anything. What’s the point in working your backside off? Impacted health-wise too – I couldn’t sleep, I’d be watching clock, worried about going into work. Anxiety levels – never had it before, but I understand what it’s all about now.”

**Member of the co-design team**

This issue of power imbalances affecting workers’ ability to advocate for themselves and access their legal rights was raised in our external evidence sessions:



“I think so often people are scared that they’ve got to take up shifts when they’re offered them.”

“At the moment, the overwhelming power is on the side of the employer [...] to set hours when they want, to decide suddenly to remove someone’s hours because they’ve been a bit difficult in the workplace and so on.”

**Quotes from an evidence session expert**

As we deliberated over the benefits and drawbacks of more and less secure contract types, this issue of power was central to our discussions. While we recognised that the extreme flexibility of some contract types might work for some, we were also conscious of how power dynamics can place pressures on workers – for example, to accept last-minute work.

One result of making the realities of power dynamics central to our deliberations meant focusing on policies that would create space for genuine, mutual consent around contract types – enabling workers and employers to use less secure contracts when they benefitted both parties, while also using employment law to provide a firmer footing for workers who want security.

This theme of power also informed our deliberation over how different types of employment rights could create positive change for low-paid workers in practice. For example, we were conscious that ‘rights to request’ could be difficult to assert for workers who feel their employer holds the balance of power over their hours and incomes: this led us to strengthen our proposals to ‘rights to have’.





“A ‘right to request’ [...] completely misunderstands the balance of power in the workplace, often, that for a lot of people coming to their boss who’s using a form of zero-hours contracts that suits them and saying, ‘Oh well I’d actually like to have guaranteed 16 hours a week’, I just think that’s naïve.”

“Rights don’t really matter unless employees know that they have them and feel like they have any power in that power relationship between them and their bosses to actually ask and assert their rights.”

### Quotes from evidence session experts

This honest appraisal of the ways in which employment rights interact with power at work for many low-paid workers is an important foundation for the new employment rights we are proposing.

### **The Government should introduce a new right to a secure contract that reflects people’s working hours**

It’s not right that workers who typically work a regular minimum number of hours for an employer still cannot rely on that income; or that employers can have the power to cut workers’ hours as punishment if they want to.

In the 2019 Queen’s Speech, the Government promised that a key element of the Employment Bill would be ‘introducing a new right for all workers to request a more predictable contract’ (Prime Minister’s Office, 2019). We would like to see the Government going a step further and introducing a new right to a contract that reflects workers’ typical working hours after a certain period with the same employer.

We believe that strengthening this ‘right to request’ into a ‘right to have’ would place workers on a firmer footing, and follow the principle that if workers are regularly working a set number of hours for an employer, they should have the right to a secure contract that recognises this. This new right could come in at 26 weeks after the point of hire, when there would be more evidence of the regular pattern of working hours in shift-based environments.

Through our deliberative workshops, we discussed the ways in which mutually flexible or short- and zero-hours contracts can work for some workers. For example, one member of our project group described the benefits of a zero-hours contract job, which they found conveniently fit around their other responsibilities, and enabled them to turn down shifts that didn’t work for them.

It was important to us as a group that this option wasn’t lost for the people it genuinely worked for, while at the same time improving security for people who wanted or needed it – and making sure people weren’t pressurised into taking last-minute or insecure work if they would prefer more secure working arrangements.

With this in mind, we propose the introduction of a ‘right to have’ a more secure contract that would flip the current status quo: making more secure contracts the baseline after a certain period of time, while giving workers the ‘right to request’ more mutually flexible working arrangements in the longer term if they choose to. We believe this would maintain the mutual flexibility of zero- and short-hours contracts where they genuinely work for both parties, while supporting workers who want more secure contracts to access them.



“There needs to be a contract offering a minimum number of hours. If the employee is happy to take on more, then fair enough, but there needs to be a required minimum number of hours worked, so employees are guaranteed to be paid at least this amount. It needs to be suitable for both employer and employee, and maintained. This would allow the employee to budget effectively and not get drawn into debt.”

**Member of the co-design team**

### **The Government should introduce a new right to reasonable notice of working schedules**

The Government should use the Employment Bill to introduce a new right to reasonable notice of shifts, giving people fair notice of when they will be working, and enabling them to plan caring responsibilities and their personal lives.

As a group, we were concerned about the insecurity and uncertainty caused by last-minute work, and the pressure to take up work at short notice, either from fear of the consequences of saying no or from financial pressure. We agreed that – whether it is for sorting out caring responsibilities or being able to plan to see family or friends – those of us who work deserve good notice of when we will be working. We felt that it was reasonable to expect employers to be able to plan the bulk of their staffing needs ahead of time in order to give employees good notice of shifts.



“I was often phoned and asked to pick up extra clients or told I was not needed at some clients, and this would change my wage for that day, that week. [...] I felt due to the nature of the work and the relationships built between employees and the clients we worked with, it was difficult to say no when we were asked to cover extras. It was either we did the extras or the clients went without care.”

**Member of the co-design team**

Throughout our deliberations, we considered the proposals of different organisations around what types of notice might be reasonable; discussed the voluntary Living Hours standard (Living Wage Foundation, 2019) in which employers commit to giving four weeks' notice; and heard from employers, including a health and social care employer that plans rotas a year in advance.



**“We’re a 24/7 business, we run on a shift rota system, so our operational people tend to work 10-hour days on a 40-hour-week rota. We give them plenty of notice because I’m very conscious that they’ve got lives to plan, you know it’s easy for us to book holiday eight, nine, ten months ahead and everybody else should have that same flexibility to do that. So, we give them rotas a year ahead.”**

**Quote from an evidence session expert**

We also discussed the types of notice we receive for comparable social appointments – visiting a doctor or dentist, for example – and the amount of time we need to manage childcare and plan our personal lives. On balance, we felt that four weeks' notice, with exemptions for emergencies, would be a fair and reasonable standard to expect employers to meet, and we support the Government introducing a legal minimum of four weeks' notice.



**“One of our asks is flexible work, this includes being given appropriate notice of shifts to allow families to arrange their lives around it, fit in childcare, appointments and social events.”**

**Member of the co-design team**

Through deliberating on the evidence given to us by employers and business organisations, we felt that a standard that ensured a fair period of notice, while allowing for exemptions in emergencies, would make a significant difference to low-paid workers, and also be practical for businesses to deliver. We agreed that last-minute and short-notice work would always be necessary – whether it’s to cover someone’s emergency leave in retail or meet statutory obligations if someone’s off sick in the care sector – and it must be built into whatever new rights the Government delivers. It’s important that these rights are practical for employers to deliver – to have a real impact for people, these rights must be workable in practice, while pushing for employers to maintain fair and reasonable standards around secure work.



## **The Government should introduce a new right to compensation for cancelled shifts**

It's not right that workers can spend money on transport or childcare in preparation for a shift, only to lose money due to something out of their control. This issue of shift cancellation was something that one member of our group shared their regular, repeat experiences of, and which they found both financially damaging and demoralising.

We believe workers should have protection from last-minute cancellation, and that to address this, the Government should introduce a 'right to compensation' for shifts cancelled at the last minute. We felt compensation for shifts cancelled at the last minute was a normal, reasonable thing to expect from employers.



**“It's not my fault that the shift was cancelled. I've been booked, so I've cancelled every other engagement that may have been available.”**

**Quote from a Citizens UK session**

As a group, we considered what form of compensation would be appropriate and agreed it would be important for workers to have a say in how they are compensated – whether through pay, leave, time off in lieu or other forms of reimbursement. We would like to see the Government including this as best practice guidance, alongside legislation that places a duty on employers to have a cancellation compensation policy in place. We believe compensation should be provided for any cancellation within 24 hours.

Through the process of our evidence sessions, we also considered whether the introduction of this right could have unintended consequences. For example, as one of our evidence session attendees highlighted, there could be a danger of employers budgeting for these compensation payments through making savings elsewhere – perhaps through lower wages. The Government should consider how to mitigate potential unintended consequences of policies like this one that are designed to address insecurity.

However, we also felt that introducing a policy of compensation could act as an important nudge to employers: as other evidence session attendees noted, the goal is not to need to pay compensation.



**“With the compensation for cancelled shifts, the point is not to have to pay it – to change your business models instead. Employers can be focused on the idea of having to pay compensation, but ideally, they won't have to.”**

**Quote from an evidence session expert**

We believe introducing a new right to compensation for last-minute cancellations would change the incentive structures for employers, encouraging them to implement more secure business practices in the long term.

## **Flexible work: more workers and families on low incomes have the work–life balance they need**

### **Too many workers are still unable to access the flexible working they need to balance work with caring and health needs**

The need for more flexible working was a top priority throughout our project, with a number of co-designers reflecting on their negative experiences of inflexible working practices.



“Trying to fit things around kids at school is difficult. I’d do the night shift, get home at 6.30am, have a nap then take the kids to school. My anxiety levels were really high, trying to fit everything in, especially when I had no car. You’d need two buses to get to work, two buses back. There’s only one bus an hour. I had to walk sometimes. It was taking me an hour and a half to get there and it’s only ten minutes in the car. The pay wasn’t enough to cover costs.”

**Member of the co-design team**

In one instance, someone recalled being hired into a social care role with a promise that their request for specific shifts to fit around their caring responsibilities would be met. However, as soon as they started, they were told this would not be possible – meaning they had to quit the role.

In another case, someone had started in a retail job, but had to request emergency time off to take their child to hospital following an accident. Their employer told them that because they had taken time off, it meant they were unreliable and, as the employer had the business to think about, they would be let go. These experiences highlighted the potential for differences between what an employer says is available and what actually is, and the risk of discrimination or negative consequences for people who need flexible working.

A lack of good-quality, flexible work across job types can also lock people out of work altogether. One member of our project group found it hard to end a spell of unemployment due to a lack of jobs that were flexible around pick-up and drop-off childcare duties. An interviewee from our qualitative research also highlighted the difficulty of finding flexible work that worked around childcare:

“

“Work-wise I’m limited to what job I can do because I’ve got to drop them off at school and make sure they’re OK. They’re OK on their own for a bit, but I can’t leave them until seven or eight o’clock at night. I need to be there for my children.”

**Quote from a 2019 qualitative research participant**

We reflected on how a lack of good-quality flexible roles can trap people on low pay in the long term because people are afraid of losing what discretionary flexibility they currently have. This was echoed in our evidence sessions, with one expert explaining how the lack of flexible jobs available can stymie opportunities for pay and career progression:

“

“Not being able to move jobs is a real detriment to people in terms of progression. People – if they did get flexibility – they hung on to that job for dear life and don’t move jobs, and the way that people tend to get promoted is moving jobs.”

**Quote from an evidence session expert**

### **Workplace culture, stigma or a lack of employer knowledge can all contribute to inflexible work**

We were keen to understand the range of reasons why employers reject flexible working requests. One member of our project group recalled having requested flexibility in the form of occasional offsite working, which they felt was not only feasible, but would have improved the quality of the work they were asked to do. However, despite having been initially told that they had a flexible working policy, their request was turned down, in their view because it was just not seen as the ‘done thing’. In another instance, someone had started in a role that they were told could include flexible working, but found once they started that this didn’t reflect the reality:

“

“I was told when I started the job that I had a right to flexibility, [but] actually when I started work the culture and the apparent lack of power and resources given to my managers meant that it didn’t even feel like a possibility to ask.”

**Member of the co-design team**

When we spoke to external experts about this in our evidence sessions, this point about workplace culture or stigma sometimes acting as a blocker to flexibility was echoed.



“Some will say no [to flexible working requests] for justifiable reasons [...] but others say no for reasons that maybe are linked to perceptions that the role can't be done flexibly which may not actually be proven to be the case.”

“Under ‘good business reason’ there's a broad range of reasons to decline a request and it's at the employer's discretion, so many managers will say no, especially if they are unclear what the organisational view is or how to make it work.”

#### **Quotes from evidence session experts**

When flexible working requests are rejected for ‘business reasons’, power imbalances in the workplace, and the length of employment tribunal processes, could mean workers feel unable to appeal this decision – even if they feel that it was because of stigma or an inflexible workplace culture.

At the same time, we reflected on the fact that for other employers, it may simply be that a lack of knowledge – rather than stigma – is a barrier to accepting flexible working requests. A number of our evidence session experts highlighted the challenge for employers of knowing ‘what good looks like’ when it comes to the different forms of flexible working:



“If someone came to an employer and said, ‘I would like to be in a job-share from next week’, the employer may have little or no knowledge, or understanding, of how a job-share works, and how a job-share would work in the business. They would need an adequate amount of time to answer these questions.”

#### **Quote from an evidence session expert**

For our team this highlighted the importance of policies around flexible working including good quality support for employers, to inform them about what good flexibility looks like and how to deliver it in practice.

#### **Flexible work is about treating workers as human beings with personal lives and other responsibilities**

Desperately trying to juggle shifts with childcare or health needs can cause profound stress – as can having an employer that responds to requests for emergency time off without compassion. One group member shared an experience of a close family bereavement, in which they were given just 24 hours off work and were not able to attend the funeral.

This was a theme that ran throughout this project: the feeling that people were not being treated as a human being by their employer, but instead as just a number, or a cog in a machine. In contrast, people gave examples throughout the project that showed us what ‘good work’ can look like: of a supportive, understanding employer with a flexible workplace culture; of a voluntary role that allowed the worker time off to pick their children up from school; and of employers who see providing flexible working as the right thing to do. This is the culture of flexibility that we want policy-makers to build on.



“I worked for some time in the food industry, in a warehouse initially before progressing. Despite having little interest in what we did as a company, there were good things about that job. I was given freedom and felt trusted and valued. The result of that was I wanted to do more, and I was invested in the company and the people I worked with. [...] Time was given freely to all employees if we needed to go to appointments at short notice, for example.”

“Flexible working hours – a job that’s flexible around life, especially if you have a family. It would allow you to take time to pick up the kids. Employers need to look after people. Richard Branson said it: look after your staff and they look after you. You need management that listen to you and understand what you’re going through, that don’t talk down at you. It’s about being respected.”

#### **Members of the co-design team**

Deliberating over the evidence we heard throughout the project, it was important to us that we proposed policy solutions that would normalise flexible working for all workers, address the issues of culture and stigma as a blocker, and support employers to understand ‘what good looks like’ in different job types.

#### **We felt a ‘right to have’ flexibility would be more likely to provide real change for low-paid workers than either a ‘right to request’ or voluntary action on its own**

Through our evidence sessions and deliberative workshops, we reflected on whether voluntary or statutory approaches to flexible work would make the most difference to workers – something that our external experts held a wide range of views on. One expert suggested that the lack of flexible working was causing such profound problems in the labour market that a more ambitious and strategic approach to flexible working led by Government – and going beyond the decisions of individual employers – was essential:



“The trouble is, is that [it is] individual employers making decisions about how jobs are advertised, whereas actually for the economy, and for Government, they should be thinking more broadly about what an utter waste that is.”

**Quote from an evidence session expert**

Others highlighted how broad and complex ‘flexible working’ was – with quite different approaches suitable in different sectors and job types – and the significant difficulty this might cause in making flexibility ‘mandatory’.

Reflecting on the current ‘right to request’ flexible working, one member of our project group whose employer had refused flexible working reflected that they felt that their legal rights to flexibility simply had not been strong enough. This feeling that the current system was weighted towards the employer was echoed in another of our workshops, by someone who shared their own vision of what genuine flexibility would look like:



“I think that flexible working for me, would be where people are put first [...] the priorities of people’s lives [...] looking after their children, looking after their own parents – I think it’s too much focused on companies getting the final say and not workers themselves [...] it kind of needs to be enshrined into law, doesn’t it really? We can’t allow this to be up to the discretion and whim of an employer.”

**Quote from a Citizens UK session**

After deliberation, we felt that something stronger than voluntary action was needed, and that a clear statutory framework from the Government that positioned flexible working as the new ‘default’ would help to drive employer culture change to make a real difference for workers.

Drawing on our discussions of power dynamics in the workplace, we also felt that a ‘right to have’ – rather than a ‘right to request’ – would put the onus on employers to explain why they couldn’t offer flexible working in specific circumstances, rather than the onus being on employees to try to persuade them that they should. We felt this would deliver on our principle of all workers being able to access flexible work as part of a ‘good job’, regardless of their income or skills, and would encourage employers to think meaningfully about what flexible working was really available while in the job design and hiring phase.

## **The Government should use the Employment Bill to introduce a new right, making flexible working the default from day one of employment**



**“We feel that ALL employees should be entitled to a flexible work pattern to fit in with their life and their commitments.”**

**Member of the co-design team**

Government should introduce a new right for all workers to be able to access flexible working from day one of employment. This should be a day-one right because 26 weeks – the current period employees have to wait before requesting flexibility – is too long a wait if you have caring responsibilities or health needs. We believe that making this a day one right would shift the onus onto employers to think about what flexibility they can offer.

### **The Government should make sure flexible working can only be refused in specific and reasonable circumstances**

We know certain types of flexibility won't be suitable in specific roles. The legal framework should set out clearly defined 'business reasons' that allow for employer exemptions in specific, reasonable circumstances. For this, we felt the current business exemptions that allow employers to refuse a request should be reviewed.

A fair framework should be robust enough to motivate employers to familiarise themselves with their flexible working obligations and place an onus on them to offer reasonable flexibility from day one, while allowing for genuine exemptions in certain situations. Government's recent, welcome, announcement of a consultation on flexible working will be an opportunity to ensure that 'business reasons' are fair and consistent – and encourage employers to offer feasible flexibility wherever possible.

### **The Government should ensure employers are well informed about flexible working and understand how to deliver it well**

A number of our evidence session experts flagged a lack of business knowledge as a potential barrier to delivering more, good-quality, genuine flexibility. Given this, Government should ensure that the definition of 'flexible working' included in legislation is clear and easy to understand, and that guidance published alongside the legislation encompasses the range of forms of flexibility that employers should have a duty to consider. This should explain what good flexibility looks like in practice in different contexts, sectors and business sizes – and support businesses to deliver it properly. It should also include examples of good practice around different forms of flexibility, such as self-scheduling shifts.

One co-designer who had experience of running a small business highlighted that certain types of flexibility could be particularly tricky to deliver for small and micro businesses, and that policies should be developed that are sensitive to this. A number of our evidence session experts echoed the importance of tailoring policy to business size:



“At the moment, a number of small businesses are [providing flexibility] on an informal basis, which benefits their staff and the business, so we wouldn’t want to see anything that inhibits employers from providing flexibility on an informal basis.”

**Quote from an evidence session expert**

Guidance for employers should be sensitive to how sector and size could have an impact on employers’ capacity to deliver different forms of flexible working.

Supporting employers to understand ‘what good looks like’ would also ensure they think meaningfully about what is possible, rather than treating their obligations around flexibility as a ‘tick-box’ exercise – something that was flagged in our evidence sessions as a potential risk. Guidance on good practice could help mitigate this risk, through encouraging employers to build awareness of the range of forms of flexible working, and ways of delivering it.

## **Enforcement: all workers get the pay and employment rights they are entitled to**

### **Too many low-paid workers do not get the rights they are entitled to in law because the enforcement system does not work well**

An essential theme throughout this project has been how low-paid workers feel they are treated, and the fundamental importance of being treated with dignity and respect. Any working environment where an employer fails to pay what is a legally set wage, or denies workers their legal rights, fails the dignity test. That is why good enforcement is crucial. If we agree on a set of workplace standards that everyone should expect, then we must expect employers to follow them. If employers fail this dignity test, we should expect the law to be enforced, employers to be punished and employees to receive justice. Enforcing rights must be seen as pro-business. Better enforcement is about a level playing field for employers, and all employers in those sectors that have a higher risk of employment law violations will have an interest in promoting compliance for the reputation of their sector, and to attract talent.

In the previous chapters we have described how we developed new and improved employment rights to help address insecure work and improve flexible working. But we know that these new rights and the existing ones can only be transformative for low-paid workers – and employers – if the system of enforcement works. This is a theme that came through strongly in our evidence sessions and through our discussions of power in the workplace, grounded in lived experience, which is why we chose to look at improving enforcement as well as improving rights. We wanted to ensure that anything

we developed and campaigned for together as a group would be a right in practice for low-paid workers, and not just a right on paper.

However, while many members of our group had regularly experienced insecure work or problems with flexible work, their experiences of enforcement were typically defined by its absence: people had had few interactions with enforcement and advice structures, and enforcement was typically ‘experienced’ as a deficit. All our co-designers with lived experience of poor-quality work described situations where employers had behaved badly. One experience shared by a co-designer highlighted the lack of confidence people could feel in challenging issues they might have felt were wrong in the workplace:



**“The policy in her workplace stated that if they have any sick days during the year, they would lose their Christmas bonus. My friend was quite ill at one point but refused to have time off because she heavily relied on the bonus. Sadly, she doesn’t have a good understanding of workers’ rights and certainly does not know how to report matters like this.”**

**Member of the co-design team**

On reflection, members of the co-design group said that it was often easier to move on than to raise a complaint, or seek help or advice. This meant that our conversations about enforcement were different in scope from our discussions on insecurity or flexible working, where we deliberated over different policy options.

It was often unclear how employees could ensure they got their rights in the workplace. In our collective discussions, JRF co-designers discussed how most employment rights are ultimately enforced by individuals taking action via an employment tribunal. Even an effective, well-resourced single enforcement body would not, as proposed, be responsible for enforcing the rights on hours or flexibility discussed earlier in this report. Those employment rights would still need to be enforced by individuals taking cases to an employment tribunal – including mediation where appropriate.

Our external evidence sessions painted a picture of a fragmented system, too reliant on individuals enforcing their own rights, and with multiple state agencies involved in different parts of the system. In one expert’s view, the combination of detection and penalty rates meant rights just weren’t being enforced properly – something mirrored in experiences discussed by our team.





“We need to either increase detection rates, or we need to increase penalties when people are detected to be breaching things like the minimum wage, if the system is going to have the kind of teeth it needs, at least from an economic rationalist perspective.”

**Quote from an evidence session expert**

Trade unions are also fundamental to the enforcement of employment rights in the UK – whether that is working closely with employers and members to prevent problems, supporting members to take forward employment tribunal cases, campaigning or developing policy. Trade union membership has risen for the last four years in a row; however, trade union coverage in the low-paid sectors, where insecure work is a considerable problem, is low (Tomlinson, 2021).

### **The Government should improve awareness and advice for all workers**

We agreed that low-paid employees need to know more about their employment rights. Even if workers are aware of their rights, they are not always sure where to turn to for advice, the action they can take or where to report employers breaking the law.

We agree with the Chartered Institute of Personnel and Development (CIPD, 2020) and others that a well-funded and well-designed ‘know your rights’ campaign needs to be launched. Our project reinforces that this needs to be co-designed with people with lived experience of poor-quality work to make it effective, as well as learning from other successful public information campaigns. This needs to reach the most vulnerable workers such as those at risk from labour abuse, but also the larger group of 2.4 million workers in insecure work. Alongside this, the Government should use the opportunity of a single enforcement body to provide a single gateway for workers and others to report problems, working closely with Acas.

### **The Government should support employers to understand and comply with their obligations**

In our expert evidence sessions, the theme of employers needing more support and advice to do the right thing came up consistently. This is especially true of small employers who lack the in-house human resources specialists to do this. The complexity of the UK’s system has also been highlighted as a barrier to compliance, especially for smaller firms.

To support businesses to comply with the law, the Government should support a ‘know your responsibilities’ campaign aimed at smaller employers and lower-paid sectors, and commit to CIPD’s recommendation to invest £13 million a year in England to provide high-quality human resources support to small firms via the Local Enterprise Partnership/Growth Hub network. This would help support efforts to improve compliance and boost job quality and workplace productivity at a local level (CIPD, 2020).

## **The Government should deliver on its commitment to a well-resourced single enforcement body being included in the Employment Bill**

In our evidence sessions, our co-design team asked a range of experts about the single enforcement body – and any potential opportunities or challenges posed by its introduction:



“The single enforcement body, I think, is definitely the right idea in principle, and I think that one of the main things in its favour would be if we could achieve a single brand for enforcement so that workers and employers have a single point of contact, a single website, a single phone line, to try and check what workers’ rights are and what responsibilities employers have.”

**Quote from an evidence session expert**

We welcome the Government’s announcement that it will bring forward plans to introduce a single enforcement body. If implemented well, this should be a ground-breaking opportunity to improve enforcement in the UK; and it has the potential, once fully established, to be more ambitious in its scope to both prevent exploitation and achieve redress across a wide swathe of the labour market.

We think the new single enforcement body needs to meet our co-designed principle of ‘The state should enforce existing and new employment law effectively with well-resourced enforcement institutions’. It is important that the introduction of the new single enforcement body increases rather than decreases public funding for enforcement, rather than the merger being a cost-saving measure. This would mean an approximate doubling in the budget for labour market enforcement from £35.02 million a year to £70 million a year.<sup>1</sup>

Fair pay is a fundamental element of ‘good work’; it’s part of our co-designed definition of good work, and was one of the top priorities of our co-design team when we first embarked on this project. The current Government has made a very welcome commitment to increasing the minimum wage. However, while there have been some increased resources for enforcement, this still isn’t sufficient if so many workers are losing out on wages. The Government should also ensure that the move of minimum wage enforcement into a single enforcement body means far fewer workers miss out.

## **The Government should publish a plan for holding lead firms responsible for employment rights in their UK supply chains**

One of our core group members described poor treatment at work while working in the supply chain of a major retailer. This included physical health problems caused by poor working conditions, a lack of flexibility around bereavement, and being left without transport to get home when nightshifts were curtailed.



“I worked as a warehouse operative for a major retail company. The way we were treated, we were just a number. It was depressing. I was lifting heavy objects seven hours a day, and it was in the middle of the summer. I had to leave because of bad health. I had problems with my shoulders in agony, aching, couldn’t move, couldn’t sleep [...] I was in pain and tired all the time. The doctor said, ‘If I were you, I would find another job.’”

**Member of the co-design team**

In law, the lead business in a supply chain like this bears no responsibility for employment rights. The Government has not accepted joint liability measures. However, the Government has committed to keeping this position under review, and will revisit it for regulatory proposals if supplier behaviour in the garment industry has not shifted sufficiently.

We think the Government’s response needs to be stronger. As well as the garment trade, the Government needs to consider a broader range of sectors where labour abuses in supply chains are more common, including in service sectors, and where lead firms need to take more responsibility for the behaviour of their suppliers. The Government also needs to set out a clear timetable for moving from providing guidance to encourage voluntary due diligence, to moving to regulation on joint liability if widespread problems exist. The move to improve the enforcement of Modern Slavery Statements is a step in the right direction.

# Conclusion

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#MakeJobsWork

Our job should be something we can be proud of – something where we truly get out what we put in – but for too many people, their jobs are not working, and they remain trapped in in-work poverty. This project saw people with lived experience of in-work poverty as active agents for change on the issues that affect them, identifying problems and developing solutions.

Since the start of the project – and the very first meeting of our co-design team – our aim has been to both develop solutions and advocate for our ideas together. A more traditional approach to policy-making is easier and quicker to do for policy-makers, but misses out two vital things that were delivered by this project. First, the intrinsic justice of including the people most impacted by a policy area in the process of designing solutions to it: this is a values-driven approach recognising democratic principles. Put simply, it is the right thing to do. Second, the extrinsic value of grounding policy design in lived experience – meaning we develop better policy with the needs of those affected being articulated by them, not attributed on their behalf. Working in this way saw us pivot far more towards treatment at work than JRF had expected when the project started. Time and time again, we came back to the themes of dignity and respect at work, and the sheer lack of power people felt they had in a variety of workplaces and situations.

Effective policy co-design is challenging: it takes a long time and it needs a different range of skills compared to a more traditional approach. Investment is needed in building relationships, confidence and trust, rather than jumping straight into solving social policy. Continuous reflective practice is also crucial – to pivot and change tack when an approach doesn't work. Finally, you need excellent facilitation skills and a creative approach to adapting to different learning styles.

A desire to share power sat at the heart of this work. However, delivering on this is difficult in practice, and can be stymied by the value we place on understanding data and economics, or by inequalities in access to information either because of a lack of time or digital barriers. A tension in this project was getting the balance right between establishing solutions at a principle-level and setting out a shared vision, while also having the policy detail needed to credibly influence those in power.

We found that it was impossible to entirely do away with the power imbalance within our core group of people with lived and learned experience. For the process to work, the JRF team had to do a lot of work to digest, translate and present evidence and options, to enable a productive conversation to take place. The process tended to get stuck when JRF wasn't propositional in what it was taking into the discussions – giving people something to react against was more effective than starting with a blank sheet of paper.

The breadth of the question we started with – what is needed to reduce in-work poverty? – was both a strength (we really shared power to set the agenda together) and a weakness (decision-making was very challenging and it took a long time to alight on the specific topic of the Employment Bill). A narrower question would likely lead to a shorter and more focused project, but that would mean less sharing of the power of agenda-setting.



The co-designers' experiences of low-paid work were incredibly important in this project; our co-designers were very generous in sharing those specific instances where they had experienced both good and bad quality work. Working consistently as a group meant we shared a lot more about the role that work plays in people's whole lives, not merely the time we spend at work. Experiences were shared, repeated, built on and, as we delved deeper, new reflections emerged from the group even at a late stage of the project. Throughout the project, we heard lots about the challenges caused by insecure work: of paying for transport and childcare, only to arrive at work and find your shift cancelled; or being unable to plan your weekly or monthly finances, because you don't know how many shifts you'll be working. We heard about how good flexibility is needed by many to thrive at work and at home. Being treated with dignity and respect must mean understanding the impact that work plays in people's lives outside of the workplace, and not just the relationships within it.

Working in this way also lends itself to advocacy for the policy solutions, by the people who both co-designed them and will be impacted by them. We are now moving into an advocacy phase of this project, with our co-designers with lived experience acting as powerful messengers for the policy solutions we developed together. This will mean that the voices of people with experience, and the solutions they want to see implemented, will be front and centre of this campaign. Despite the excellent and vital work by other campaigns, we think there are still too few opportunities for people with experience to have a say on policy solutions – and this is a gap we are keen to contribute to filling.

Making jobs work for everyone is ambitious, but we know that a good Employment Bill could help deliver that ambition for workers across the UK. Policy-makers need to move beyond consultation to working with those with lived experience to co-design solutions that can deliver change in the real world. This report should deservedly end with a quote from one of our group with lived experience:



**“Flexible work and appropriate notice of shifts with no last-minute cancellation sounds like basic common sense, and it seems crazy that we as a group have had to propose this as a change in policy. Personally, I feel this should be a given, it should be common practice for all businesses all over the globe. Why are we as a group having to push for this?”**

**Member of the co-design team**

**#MakeJobsWork**

# Notes

To give some idea of the scale of the improvements needed, FLEX, the TUC and the CIPD have highlighted that the number of labour market enforcement inspectors should increase to meet the International Labour Organization's (ILO) recommendation of one per 10,000. The TUC estimates that an additional 1,797 labour inspectors would need to be recruited to make the ILO benchmark (from 1,490 to 3,287 in total) (TUC, 2020).

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