

The 'Good Work' plan: what it means for the future of work

Simon Wood, Yorkshire & North East Branch Manager, Thompsons Solicitors



Working life has changed considerably over the last two decades. For too many, the 9-5 working day and the security that comes with it has gone, and been replaced with temporary work with little or no safety net. This change has been taken up with enthusiasm by exploitative employers as a new way to take advantage of workers. With the rise of the 'gig' economy and widespread use of zero hour contracts, the problem of insecure and unfair work has reached new heights.

In July 2017, the government commissioned an independent review into modern working practices, known as the Taylor Review. This review was put forward by the government as their way to address widespread problems and systemic unfairness in working practices and was 'sold' on the basis that it would make practical recommendations. What it delivered, however, failed to pack a punch and skirted around the kind of strong, fast action that hundreds of thousands in insecure, unstable and unfair work are crying out for.

Over half a year later, the government has finally published its response to the Taylor Review - a 'Good Work' plan.

Unsurprisingly, from a Tory government that likes to talk tough but not deliver, ministers' response to a weak set of recommendations is feeble at best: a limp response to a limp report offering little more than vague platitudes which fail to get to the heart of the issue.

In its plan, the government makes the earth-shattering observation that "not everyone is enjoying the benefits" of what it calls a "vibrant" labour market. In non-Tory speak that means bosses are being allowed to play fast and loose with employment laws and low-paid workers with weakened rights are at their mercy. If the government thinks this is a revelatory insight, it speaks volumes about its ignorance of the day to day experience of thousands of workers up and down the UK. The government also finds itself able to recognise, among other things, that some people in work have little or no income security while others are trapped in a cycle of low-paid work (but offers no hope to them of getting out of that).

Belated recognition of circumstances which most people have known about for years doesn't help anyone if the plan fails to give hope to workers that their situations will change anytime soon.

Rather than forging a new culture in working practices with meaningful action based in new legislation, ministers are instead putting the vast majority of its plans out to consultation - a favourite tactic known to the cynical as 'kicking into the long grass' because who knows with Brexit where we will be when they get the evidence in and respond to it.

Among the issues being consulted on are:

- how vulnerable workers' rights to holiday and sick pay would be enforced
- what rights all workers should be entitled to from day one, including sick pay entitlements and a statement of employment conditions
- a right to a payslip to all workers, including casual and zero-hour workers
- a right for all workers, not just zero-hour and agency, to request a more "predictable" contract that guarantees hours for zero-hour contract workers
- punishments for employers who ignore employment tribunal judgments and naming and shaming for those who fail to pay employment tribunal awards
- extending the use of sanctions by employment tribunals, including increasing the level of penalty for aggravated breach to £20,000
- providing all 1.2 million agency workers with a clear breakdown of who pays them and any costs or charges deducted from their wages
- repealing laws allowing agencies to employ workers on cheaper rates
- creating a definition of "working time" for flexible workers who find jobs through apps or online so they know when they should be paid.

It remains to be seen whether ministers are truly committed to listening to trade unions, and other representatives of working people, and whether they will act on their concerns to give security to the millions of people in precarious employment situations.

Most importantly, there is no firm commitment on the most fundamental issue: defining whether someone is an employee, a worker or self-employed. Without a proper definition, manipulative bosses across the country will still be able to find new ways to keep their workers off their books and deny them even the most basic of rights.

With most of the government's attention being taken up by Brexit, there are no guarantees that it has the ability (even if it did have the ambition) to transform modern working practices for the better.

Workers need proper rights. Employers need to know where they stand. There should be one category of worker. All employment rights should be extended to all workers. But, for these things we need a strong government willing to take action and take the fight to the fat cat bosses. This Tory government is the opposite of what's required.

With the government floundering, the trade union movement is needed more than ever. Working life has changed immeasurably since the trade union movement began in the 19th century. As those at the top continue to move the goalposts in their attempts to undermine the rights of workers and the gap between the richest in society and the poorest ever widens, trade unions have a crucial role to play in matching them every step of the way.

The long grass of consultation threatens to be a huge missed opportunity to correct systemic unfairness for insecure workers and tackle the deep-seated inequality in power between themselves and their employers.

The trade union movement will continue to fight the corner of working people and speak up for members' concerns however much the government hides behind consultation and delay. As we have been throughout our history since 1921 Thompsons will be with the unions every step of the way.