

# ReWAGE

## Evidence Paper

# Pay and conditions in gig work

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## **1 Introduction**

This Evidence Paper examines pay and conditions in gig work, sometimes called platform work. There is intense debate and speculation about the growth of gig work in the UK, and its regulation. Despite this interest there remain considerable gaps in knowledge about the numbers employed in gig work, and the outcomes associated with it, in terms of pay, working conditions and job quality. Gig work is defined as work arrangements that are mediated, arranged and overseen through a platform, technology or app – platform work is a synonymous term used to describe these arrangements. It is a form of precarious work.

There is a pressing need for stronger regulation of gig work in the UK. The recently adopted EU Directive on platform work has reignited interest in the regulation of gig work, as have a number of recent legal judgements on the employment status of platform workers. The Evidence Paper argues that the UK Government should create a single worker status covering ‘employees’ and ‘workers’, and that gig workers should be presumed to have worker status rather than being classified as self-employed. A presumption of worker status for gig workers would be in line with recommendations in the EU Platform Work Directive.

The paper is structured as follows. Section 2 looks at pay and conditions in gig work. Section 3 examines the legal context and regulation of gig work. Section 4 compares pay and conditions in gig work to some other precarious and insecure forms of work in the UK. Section 5 provides policy recommendations around gig work and other precarious forms of work. The terms ‘gig work’ and ‘platform work’ are used interchangeably throughout the Evidence Paper.

## 2 Pay and Conditions in Gig Work

### 2.1 Introduction

The UK's Office for National Statistics does not have a definition of gig work. However 'gig' work is commonly referred to as work arrangements mediated by a platform.<sup>1</sup> This usage is adopted in this paper using the specific definition provided by the UK Parliament (2017):

'work where an individual uses a digital 'platform' provided by a company, accessed via an 'app' or a website, to find and perform short-term jobs' <sup>2</sup>.

It is widely accepted that gig/platform work is growing rapidly in the UK – and elsewhere. However, there remain many gaps in knowledge about the precise numbers in gig work, the role of platforms as 'employers' or 'intermediaries' in the employment relationship, and the outcomes associated with platform work compared to longer-established forms of working.

An increasingly wide range of jobs and tasks are being undertaken mediated by platforms, such as food delivery and cleaning, to, for instance, translation services. In contrast to a traditional employer-employee relationship, in platform work, the platform mediates or brokers this relationship. The technicalities of the allocation of work can vary, with tasks allocated to specific individuals or offered to a crowd as an open group.<sup>3</sup> Payment systems also vary in platform work, with in some cases a fixed price will be paid while in others the price will be negotiated between the two parties.<sup>4</sup> In this section of the evidence paper, we outline a number of typologies of gig work, before moving on to look at the extent of gig work, pay and income levels, job quality, social protection for gig workers, and representation, collective bargaining and protest in gig work.

### 2.2 Typologies of gig work

Over the past few years, a range of different typologies have emerged that seek to capture and structure the diversity found under the heading of platform/gig work, and to highlight some of its key features. Piasna et al. (2022) see platform work as a subgroup of internet work, encompassing a wide variety of tasks, namely 'remote

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<sup>1</sup> UK Parliament (2018) [Insecure Work and the Gig Economy](#).

<sup>2</sup> UK Parliament (2017) *Library Briefing: Gig Economy, An Introduction*, <https://researchbriefings.files.parliament.uk/documents/LLN-2017-0086/LLN-2017-0086.pdf>.

<sup>3</sup> ILO (2018): Digital labour platforms and the future of work. Towards decent work in the online world. Geneva: International Labour Office, [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_645337.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_645337.pdf).

<sup>4</sup> Forde, C., Stuart, M., Joyce, S., Oliver, L., Valizade, D., Alberti, G., Hardy, K., Trappmann, V., Umney, C., Carson, C., with Justyna, K., and Yordanova, G. (2017) *The Social Protection of Workers in the Platform Economy. Study for the European Parliament's Committee on Employment and Social Affairs*; Howcroft, D., Dundon, T. and Inversi, C. (2019). 'Fragmented demands: Platform and gig-working in the UK' in O'Sullivan, M., Lavelle, J., McMahon, J., Ryan, L., Murphy, C., Turner, T. and Gunnigle, P. (eds (2019) *Zero hours and on-call work in Anglo-Saxon countries*. Singapore: Springer. *Zero hours and on-call work in Anglo-Saxon countries*, pp.215-232.

clickwork; remote professional work; on-location work; delivery work; transportation; and the residual category of 'other' freelance activities'.<sup>5</sup>

Other typologies of platform/gig work typically make a distinction between those tasks whose delivery is bound to a specific locality (such as delivery or cleaning services) as well as those that can potentially be fulfilled from any place, for instance web programming or translation services.<sup>6</sup> While access to location-based tasks is limited to those in a certain area, web-based services can potentially be fulfilled from any location where internet access is available.

Taking the distinction between location-based and web-based work as a starting point and combining it with differences in the nature of jobs, Berg et al. (2019) distinguish further subcategories of platform work based on how specific tasks are allocated, more specifically whether they are attributed to specific individuals or offered to a 'crowd'.<sup>7</sup> Web-based tasks can be offered to a crowd in micro-tasking work (via sites such as Amazon Mechanical Turk, Clickworker) or through content-based creative platforms or they can be offered to individuals through freelance platforms such as Upwork. Location-based tasks can be offered to a crowd via local micro-tasking sites or they can be offered to individuals in the areas of accommodation, household tasks, delivery and transportation.<sup>8</sup>

Howcroft and Bergvall Kåreborn (2019) propose using initiating actors and the type of remuneration as distinctive aspects of platform work. Differentiating between requester-initiated and worker-initiated work and secondly paid work and non-paid or speculative work, they outline four types of platform work: online task crowdwork (requester-initiated paid work), such as Amazon Mechanical Turk; 'playbour' (a combination of the words play and labour); crowdwork as requester-initiated non-paid/speculative work. Such as threadless.com; asset-based services as worker-initiated paid work, such as AirBnB and TaskRabbit; and profession-based freelance crowdwork (worker-initiated non-paid/speculative work).<sup>9</sup>

Forde et al. (2017) take a different approach that maps distinct types of platform work along two axes, which represent two core features shaping the working conditions of

<sup>5</sup> Piasna, A., Zwysen, W. and Drahokoupil, J. (2022): *The platform economy in Europe. Results from the second ETUI Internet and Platform Work Survey*. etui Working Paper 2022.05, <https://www.etui.org/publications/platform-economy-europe>.

<sup>6</sup> De Stefano, V., Durri, I., Stylogiannis, C., Wouters, M. (2021): Platform work and the employment relationship, ILO Working Paper 27 (Geneva, ILO). [https://www.ilo.org/global/publications/working-papers/WCMS\\_777866/lang-en/index.htm](https://www.ilo.org/global/publications/working-papers/WCMS_777866/lang-en/index.htm); Hadwiger, F. (2022): Realizing the opportunities of the platform economy through freedom of association and collective bargaining, ILO Working Paper 80 (Geneva, ILO). [https://www.ilo.org/global/publications/working-papers/WCMS\\_857284/lang-en/index.htm](https://www.ilo.org/global/publications/working-papers/WCMS_857284/lang-en/index.htm); Howcroft, D. and Bergvall-Kåreborn, B. (2019). A Typology of Crowdwork Platforms. *Work, Employment and Society*, 33(1), pp. 21-38; ILO (2022a): Decent Work in the Platform Economy. Reference document for the Meeting of experts on decent work in the platform economy. [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_855048.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_855048.pdf); Urzi Brancati, M.C., Pesole, A., Fernández-Macías, E. (2020): New evidence on platform workers in Europe. Results from the second COLLEEM survey. Luxembourg: Publications Office of the European Union.

<sup>7</sup> Berg, J., Furrer, M., Harmon, E., Rani, U. and Silberman, M.S., 2018. Digital labour platforms and the future of work. *Towards Decent Work in the Online World. Rapport de l'OIT*.

<sup>8</sup> Berg et al. (2018) op cit.

<sup>9</sup> Howcroft, D. and Bergvall-Kåreborn, B. (2019). A Typology of Crowdwork Platforms. *Work, Employment and Society*, 33(1), pp. 21-38.

those engaged in the specific tasks. The first axis is the scope of the labour market for a distinct task (local or global). The scope of labour markets relates back to the necessity to be in a certain location for fulfilling some tasks at hand. The requirement of being in a particular location as well as other distinguishing features also impact access to these tasks.

With internet-based services open to a global labour market, the potential number of parties interested in a globally deliverable task is potentially higher than that for tasks that depend on being located in a specific geographic area, such as ride-sharing or delivery services. Specific features, such as language requirements, can however narrow the labour market to a smaller group that is able to accommodate them.<sup>10</sup> The type of labour market is in this model assessed on a spectrum from purely local to global.

The second axis is ‘the degree of control which platforms exercise over the conduct of work and, conversely, the degree to which workers exercise autonomous control over their work’.<sup>11</sup> This is conceptualised as a continuum that ranges from total control by the platform to fully autonomous work.<sup>12</sup>

### 2.3 The extent of gig work in the UK

Assessments of the extent of platform/gig work in the UK differ considerably, although there is widespread consensus that platform work is growing rapidly. Data from the UK tend to capture numbers undertaking platform/gig work at any time and for any purpose, rather than providing estimates of those who derive their main income from gig work. Spencer and Huws, (2021) drawing on findings from longitudinal surveys find that in 2016, 5.8% of the of the working population in England and Wales undertook platform work at least once a week. This figure rose to 11.8% in 2019 and 14.7% in 2021. This 2021 figure is equivalent to approximately 4.4 million people undertaking platform work.<sup>13</sup> A BEIS (2017) survey found that 4% of the population in Great Britain (about 2.8 million people) had worked in the gig economy in the last 12 months.<sup>14</sup>

Cockett and Wilmott (2023) provide the most recent estimate of numbers in platform work in the UK. Their estimates are based on experimental questions in the January–March 2022 Labour Force Survey (LFS), and in particular, the question: ‘thinking about the past three months, what have you done to earn money using third-party websites, apps or online platforms?’. Drawing on responses to this question, they estimate that just under half a million people (463,583) in a labour force of over 32.5 million worked

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<sup>10</sup> Forde, C., Stuart, M., Joyce, S., Oliver, L., Valizade, D., Alberti, G., Hardy, K., Trappmann, V., Umney, C., Carson, C., with Justyna, K., and Yordanova, G. (2017) *The Social Protection of Workers in the Platform Economy. Study for the European Parliament's Committee on Employment and Social Affairs.*

<sup>11</sup> Forde et al. (2017) op. cit.

<sup>12</sup> Forde et al. (2017) op cit.

<sup>13</sup> Spencer, N. and Huws, U. (2021) ‘Platformisation and the pandemic: changes in workers’ experiences of platform work in England and Wales’, 2016-2021, in TUC (2021) (Ed) *Seven Ways Platform Workers are Fighting Back*, London: TUC.

<sup>14</sup> BEIS (2017) *The Characteristics of those in the gig economy*, London, BEIS.

in the platform economy in Spring 2022, meaning platform workers constituted 1.4% of total employment at this time.<sup>15</sup>

As noted above, none of these estimates provide an indication of the numbers of workers in the UK who derive their main income from platform work, and this is a major current evidence gap in the UK. Each of the three sources above are derived from different survey questions and methodologies and were gathered at different time points. The CIPD estimate, drawn from robust and widely used LFS data, does suggest that platform work is less extensive than the two other studies cited. However, it is important to note that by this measure, platform work in the UK is now as widespread as some other forms of precarious/insecure work in the work (such as agency work and zero hours contracts – see Section 4 below).

Cockett and Wilmott's study (2023) highlights the diversity of jobs and roles in UK gig work. They find that private hire drivers working through apps represent one in ten of such drivers working in platform work and food delivery equates to one in five workers. Ten per cent of those working in the platform economy in the UK provide courier and delivery services. Half of the gig economy in the UK are workers providing desk-based services, including translation services, legal advice and services, web development. The remainder (10%) are in other services including decorating, dog walking, electrician work, plumbing, electrical work, and other manual services.<sup>16</sup>

Studies and data from outside the UK also point to the extent and variety of platform working. These studies do also give an indication of the numbers of workers undertaking gig work as their main job and their primary source of income. Piasna et al. (2022) find that nearly a third of their survey respondents had undertaken some kind of online work and 17% had engaged in internet work in the previous year.<sup>17</sup> Urzi Brancati et al. (2020) find that while the number of those who at some point in time engaged (even if just once) in platform work is 'increasing slowly but steadily in Europe',<sup>18</sup> yet the number of those whose primary occupation is platform work remains very limited. They estimate that in 2018 only 1.4% of the population could be classed as 'main' platform workers.<sup>19</sup> Studies have found that younger workers are more likely to be found in platform work. In 2021, for example, 58% of platform workers in the UK were aged under 35, (22% aged 18-24, and 36% aged 25-34), with platform work seen by some young workers and students as an option for work.<sup>20</sup>

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<sup>15</sup> Cockett, J. and Willmott, B. (2023) *The gig economy: What does it really look like?* London: Chartered Institute of Personnel and Development.

<sup>16</sup> Cockett and Wilmott (2023) op cit.

<sup>17</sup> Piasna, A., Zwysen, W. and Drahokoupil, J. (2022): *The platform economy in Europe. Results from the second ETUI Internet and Platform Work Survey*. etui Working Paper 2022.05, <https://www.etui.org/publications/platform-economy-europe>.

<sup>18</sup> Urzi Brancati, M.C., Pesole, A., Fernández-Macías, E. (2020): *New evidence on platform workers in Europe. Results from the second COLLEEM survey*. Luxembourg: Publications Office of the European Union.

<sup>19</sup> Main platform workers are those, who engage at least 20 hours in platform work per week and generate a minimum of 50% of their income through this engagement.

<sup>20</sup> Spencer, N. and Huws, U. (2021) 'Platformisation and the pandemic: changes in workers' experiences of platform work in England and Wales, 2016-2021', in TUC (2021) *Seven Ways Platform Workers are Fighting Back*, London: TUC, <https://www.tuc.org.uk/sites/default/files/2021-11/PlatformEssaysWithPollingData2.pdf>.



The recent AMPWork survey of workers in Germany and Spain finds that in 2022, 0.8% of the working age population in Germany and 2.1% in Spain had ever undertaken any paid work via a digital platform. Using a stricter measure of 'main' platform work (worked at least once in the last month, has undertaken 20 hours or more, and earns 25% or more of income through platforms) the survey finds 0.6% of the working age population in Germany and 1.4% in Spain was a platform worker.<sup>21</sup>

Many of these comparative studies reveal that platform work is largely an additional rather than main source of income. A study for the International Labour Organisation<sup>22</sup> found that that platform work was the primary source of income for about one third of workers delivering web-based services and that the most common reasons cited for undertaking platform work were to complement pay, to improve skills and because of the flexibility the job offered. Forde et al. (2017) find that for the majority of platform workers (two thirds) this work was an additional income stream rather than a main source of income.<sup>23</sup> Similarly, Piasna et al. (2022) find that 'even platform work performed on a weekly basis is usually only a side job providing supplementary income and only in about one-half of such cases is it performed for more than 20 hours per week.'<sup>24</sup> As noted above, in the case of the UK, there remains an evidence gap around the numbers of workers undertaking gig work as their main job. The income generated from platform work and the relationship between platform work and other jobs are explored in more detail below.

## 2.4 Pay and income in gig work

Due to the nature of platforms, and the task-based nature of work allocation and payment, platform work is characterized by insecure and unpredictable earnings.<sup>25</sup> In cases where work is offered to a crowd, and allocated via a contest, workers have 'to provide a deliverable without any guarantee of being paid for it in the case of contest-based work allocation.'<sup>26</sup> Further, work may be rejected by clients with inadequate

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<sup>21</sup> Fernández-Macías, E., Urzì Brancati, C., Wright, S., Pesole, A (2023), The platformisation of work. Evidence from the JRC Algorithmic Management and Platform Work survey (AMPWork), Publications Office of the European Union, Luxembourg.

<sup>22</sup> ILO (2021): World Employment and Social Outlook. The role of digital labour platforms in transforming the world of work. Geneva: International Labour Office, [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_771749.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_771749.pdf).

<sup>23</sup> Forde, C., Stuart, M., Joyce, S, Oliver, L., Valizade, D., Alberti, G., Hardy, K., Trappmann, V., Umney, C., Carson, C., with Justyna, K., and Yordanova, G. (2017) *The Social Protection of Workers in the Platform Economy. Study for the European Parliament's Committee on Employment and Social Affairs*.

<sup>24</sup> Piasna, A., Zwysen, W. and Drahekoupil, J. (2022): *The platform economy in Europe. Results from the second ETUI Internet and Platform Work Survey*. etui Working Paper 2022.05, <https://www.etui.org/publications/platform-economy-europe>.

<sup>25</sup> Eurofound (2021a): "Initiatives to improve conditions for platform workers: Aims, methods, strengths and weaknesses, New forms of employment series." Luxembourg: Publications Office of the European Union. [https://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef21035en.pdf](https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef21035en.pdf); Pesole, A., Urzì Brancati, M.C, Fernández-Macías, E., Biagi, F., González Vázquez, I., (2018): Platform Workers in Europe, EUR 29275 EN, Publications Office of the European Union, Luxembourg; Wood, A. J., Graham, M., Lehdonvirta, V., & Hjorth, I. (2019). 'Good Gig, Bad Gig: Autonomy and Algorithmic Control in the Global Gig Economy'. *Work, Employment and Society*, 33(1), 56-75.

<sup>26</sup> Eurofound (2021b): "The digital age: Implications of automation, digitisation and platforms for work and employment, Challenges and prospects in the EU series." Luxembourg: Publications Office of the European Union. [https://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef21007en.pdf](https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef21007en.pdf).

provisions for appeal on the side of workers.<sup>27</sup> In addition, it has been argued that even for tasks that necessitate higher skill levels and generate higher payment, platform work is lower paid than comparable tasks in the offline economy.<sup>28</sup>

Platform work also often requires considerable investments from workers. These investments may take the form of providing their own equipment and time spent searching and bidding for work, all which remains unpaid.<sup>29</sup> In location-based platform work, such as cleaning services and ride-sharing, many of the costs associated with mobility (such as travelling between jobs or clients) are also borne by workers.<sup>30</sup>

A review of research into wages and income in platform work globally by Forde et al. (2017) found that pay rates are 'very low', typically below the equivalent for traditional forms of employment, and often below the hourly rate of any minimum wage arrangements.<sup>31</sup> Furthermore, workers in the platform economy are less likely to save for pensions. Online platform workers find themselves in a global labour market, competing with workers from low-wage economies in the developing world. Forde et al.'s survey research of platform workers found that a quarter received more than half of their personal earnings through the platform economy with two-thirds obtaining less than 25% of their income. It is also worth noting that 68% of respondents in their survey reported having one or multiple other jobs outside of the platform economy.<sup>32</sup>

These features – low pay and insecure income - have also been found in specific studies of the platform economy in the UK. A Department of Business, Energy and Industrial Strategy (BEIS) survey in 2018 of nearly 350 workers in the platform economy found that one in four respondents were earning less than the national minimum wage (£7.50 at the time of the research). Those performing online task-based work were more likely to earn less than £7.50 per hour (45%) compared to location-based workers, notably couriers, who were found in this study to be earning more on average. The price paid for many online task-based gig work contracts is typically for a task, rather than an hourly rate, and these workers are often engaged on self-employed contracts. This means that many task-based gig workers are not protected by minimum wage entitlements, even though their effective hourly pay falls below the minimum wage in practice.

Annual earnings from the platform economy for all types of platform worker are relatively low. The BEIS study cited above found that 40% of respondents earned less than £250 per year from platform work, and 87% earned less than £10,000 per year.

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<sup>27</sup> ILO (2018): Digital labour platforms and the future of work. Towards decent work in the online world. Geneva: International Labour Office, [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_645337.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_645337.pdf).

<sup>28</sup> Howcroft, D. and Bergvall-Kåreborn, B. (2019). A Typology of Crowdfork Platforms. *Work, Employment and Society*, 33(1), 21-38.

<sup>29</sup> Berg, J., Green, F., Nurski, L. and Spencer, D.A., 2023. Risks to job quality from digital technologies: Are industrial relations in Europe ready for the challenge?. *European Journal of Industrial Relations*, p.09596801231178904.

<sup>30</sup> Flanagan, Frances (2019): "Theorising the gig economy and home-based service work." *Journal of Industrial Relations*, 61(1) 57–78.

<sup>31</sup> Forde, C., Stuart, M., Joyce, S, Oliver, L., Valizade, D., Alberti, G., Hardy, K., Trappmann, V., Umney, C., Carson, C., with Justyna, K., and Yordanova, G. (2017) *The Social Protection of Workers in the Platform Economy. Study for the European Parliament's Committee on Employment and Social Affairs*

<sup>32</sup> Forde et al. (2017) op cit.



Using these data, the study calculates that mean income generated from platform work for those undertaking it in the UK was £5,634, and median income £375 per year (highlighting the skew of mean income levels by just a few high earners). Median household income levels for workers in this study was in the £30000-£39999 band per year, showing that generally, a small proportion of household income was generated from gig work, with the majority of income coming from other jobs. Indeed, for 70% of those undertaking gig work, pay from gig work accounted for less than 10% of their individual income, whilst only 15% of gig workers derived half or more of their individual income from gig work. Only eight per cent of respondents in this BEIS study saw the platform economy as their main source of income.<sup>33</sup> Courier gig workers were an exceptional case, with nearly one third of courier gig workers earning 50% or more of their total individual income from gig work.

This finding is broadly confirmed in other surveys of platform workers in the UK conducted in 2016, 2019 and 2021 by Spencer and Huws (2021), who report that of those undertaking platform work at least once a week, this work was an activity that ‘topped up’ other forms of income rather than constituting the main source of earnings. Indeed, their research shows an increase over time in the proportion for whom platform work makes up 25% or less of their income - 53% in 2021 compared to 36% in 2016. Only 30% indicate that it makes up more than half of their income.<sup>34</sup>

Wood et al. (2023) also find that average pay levels for UK platform workers are low. In their research with 510 gig workers (both web-based and location-based) Wood et al. find that the median respondent in their study earned £8.97 per hour – a figure below the UK national minimum wage at the time of their research. Median pay was higher in the remote (online) gig economy (£10) than the local (on location) gig economy (£8), which the authors attribute to the (unpaid) waiting times between jobs.

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Low pay can also be seen in specific sectors of platform work in the UK. Based on a survey of gig work couriers in the UK in 2021, a study by Focus on Labour Exploitation found that 63% were being paid below the minimum wage, explained by long unpaid times, such as waiting times and travelling between deliveries.<sup>36</sup> As Bogg (2021) notes, despite recent Supreme Court rulings in favour of platform workers, particularly the case of Uber, platform companies continue to look to avoid paying workers for travel and waiting time. Uber has argued that working time should only be protected from the time of dispatch to drop off, with the implication that Uber would not pay

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<sup>33</sup> Department of Business, Energy and Industrial Strategy (2018) *The Characteristics of Those in the Gig Economy, final Report*. London: BEIS.

[https://assets.publishing.service.gov.uk/media/5aa69800e5274a3e391e38fa/The\\_characteristics\\_of\\_those\\_in\\_the\\_gig\\_economy.pdf](https://assets.publishing.service.gov.uk/media/5aa69800e5274a3e391e38fa/The_characteristics_of_those_in_the_gig_economy.pdf).

<sup>34</sup> Spencer, N. and Huws, U. (2021) ‘Platformisation and the pandemic: changes in workers’ experiences of platform work in England and Wales’, 2016-2021, in TUC (2021) (Ed) *Seven Ways Platform Workers are Fighting Back*, London: TUC.

<sup>35</sup> Wood, A., Martindale, N and Burchell, B. (2023) *Gig Rights and Gig Wrongs: Initial Findings from the Gig Rights Project: Labour Rights, Co-Determination, Collectivism and Job Quality in the UK Gig Economy*, University of Bristol, <https://www.bristol.ac.uk/media-library/sites/business-school/documents/Gig%20Rights%20&%20Gig%20Wrongs%20Report.pdf>.

<sup>36</sup> Focus on Labour Exploitation (2021). *The gig is up: Participatory research with couriers in the UK app-based delivery sector*. Participatory Research Working Paper 3. [www.labourexploitation.org](http://www.labourexploitation.org).

waiting time (which amounts to up to 50% of total working time).<sup>37</sup> In the Focus on Labour Exploitation study cited above, nearly three quarters (71%) of respondents experienced financial difficulties, including 33% who had to rely on loans or other financial help from family or friends and one in five not being able to pay their rent or bills on time.<sup>38</sup>

A survey of platform workers by the trade union IWGB in December 2022 found that 90% –predominantly couriers and private hire drivers –reported elements of their work consistent with in work poverty, notably rising fuel and vehicle costs and difficulties in making payments. 40% indicated that they have been forced to take up a second job to make ends meet.<sup>39</sup> The Focus on Labour Exploitation study<sup>40</sup> of platform workers in the UK also highlights how platform income insecurity results in ongoing financial problems, such as difficulties in paying bills and mortgages. A third of survey respondents in that study reported having to rely on loans or other financial help from family and friends, with one fifth not being able to pay bills on time or facing other forms of financial insecurity.

Not surprisingly, platform workers are highly likely to experience in-work poverty. This reflects systematic low pay levels in platform work, as well as specific features of much platform work with workers having significant gaps between tasks, and in the case of location-based platform work such as courier work, unpaid travel between jobs and waiting between jobs.<sup>41</sup>

## 2.5 Job quality in gig work

Much of the research conducted into job quality in gig work is from studies across Europe or in the US rather than the UK. Job quality varies between different platforms and the way they operate.<sup>42</sup> Gig work that is delivered online and requires specific skills tends to feature better working conditions than on-location work with lower levels of required skills, such as delivery services.<sup>43</sup>

Whilst gig work purports to offer individuals autonomy and control over different aspects of their work, the reality can be different as autonomy is embedded within the broader context shaped by customer demands, algorithmic management that limited

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<sup>37</sup> Bogg, A. and Ford, M. (2021) Uber: cutting the Gordian Knot of substitution clauses, in TUC (2021) (Ed) *Seven Ways Platform Workers are Fighting Back*, London: TUC.

<sup>38</sup> Focus on Labour Exploitation. (2021). *The gig is up: Participatory research with couriers in the UK app-based delivery sector*. Participatory Research Working Paper 3, [www.labourexploitation.org](http://www.labourexploitation.org).

<sup>39</sup> IWGB (2022) 'New Survey Reveals the Hidden Cost of Living in the Gig Economy', available at: <https://iwgb.org.uk/en/post/new-survey-reveals-the-hidden-cost-of-living-in-the-gig-economy-this-christmas/>.

<sup>40</sup> Focus on Labour Exploitation. (2021) op cit.

<sup>41</sup> Schoukens, P. Barrio, A. and De Becker, E. (2022). 'Platform economy and the risk of in-work poverty: A research agenda for social security lawyers,' in De Stefano, V. Durri, I. Charalampos, S. and Wouters, M (eds.), *A Research Agenda for the Gig Economy and Society*, chapter 6, pages 93-112, Edward Elgar Publishing.

<sup>42</sup> Eurofound (2021a): "Initiatives to improve conditions for platform workers: Aims, methods, strengths and weaknesses, New forms of employment series." Luxembourg: Publications Office of the European Union, [https://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef21035en.pdf](https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef21035en.pdf) ; Warhurst, C., Mathieu, C. and Wright, S., (2017). Workplace innovation and the quality of working life in an age of Uberisation. In *Workplace Innovation* (pp. 245-259). Springer.

<sup>43</sup> Urzi Brancati, M.C., Pesole, A., Fernández-Macías, E. (2020): New evidence on platform workers in Europe. Results from the second COLLEEM survey. Luxembourg: Publications Office of the European Union.

workers' freedom to make choices and weak worker power.<sup>44</sup> Limited autonomy coupled with weak power can generate negative implications for worker wellbeing. Insecurity of work, for example, can result in workers being reluctant to assert their rights at work or challenge management practices. In cases where workers have no recourse to challenge how hours are offered or assigned, this can contribute to feelings of being excluded from rights.<sup>45</sup>

By virtue of its individualised and fragmented nature, platform work has also been associated with isolation and an increased risk of loneliness, which can lead to diverse health implications. Workers in ride-share services have reported higher levels of feeling powerless when compared with other platform workers.<sup>46</sup>

Furthermore, platform work has been associated with health and safety risks resulting from a lack of training and of adequate equipment and knowledge of relevant standards and procedures. The precarious nature of the work and pressures resulting from the need to adhere to tight deadlines as well as the pressure induced by review and rating systems can create further psychosocial risks for platform workers.<sup>47</sup> Forde et al.'s global survey of platform workers asked questions about negative features of platform work. Those factors cited by survey respondents were the repetitive, routine nature of tasks, and not being able to access essential employment rights.

Wood et al. (2023) highlight endemic job insecurity in platform work in the UK, with 40% of platform workers felt there was a chance of them losing their platform job and becoming unemployed in the next twelve months. This sense of job insecurity is much higher, the authors contend, than for workers employed in regular, open-ended contracts. Other types of work-related insecurity were also found to be high in their study, with two-thirds of respondents being anxious about future income.

Overall, the evidence seems to show that the insecurity of platform work, combined with the low rates of pay, and the fact that for many workers, platform work is not their main source of income, contribute to what is now a well-documented feature of work in the platform economy: high rates of labour turnover. Quite large numbers of people try platform work briefly but do not stay in this form of work.

## **2.6 Access to social protection for gig workers**

Workers in the platform economy tend to have more limited access to social protections and benefits, either provided by employers or the state. In the UK, some state level social protections are available to most citizens, including access to healthcare, housing, unemployment benefit and a state-provided pension. Some citizens in the UK are not entitled to state-provided protections, including for example,

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<sup>44</sup> Van Doorn, Niels (2022): "Liminal Precarity and Compromised Agency. Migrant experiences of gig work in Amsterdam, Berlin, and New York City." in: Ness, Immanuel (ed.): The Routledge Handbook of the Gig Economy. pp. 158- 179.

<sup>45</sup> Taylor, David (2017): "Ain't that typical? Everyday challenges for an atypical workforce." Acas Policy Discussion Papers, <https://www.acas.org.uk/aint-that-typical-everyday-challenges-for-an-atypical-workforce>.

<sup>46</sup> Glavin, Paul, Bierman, Alex and Schieman, Scott (2021): "Über-Alienated: Powerless and Alone in the Gig Economy." *Work and Occupation*, 48(4): 399-431.

<sup>47</sup> Urzi Brancati, M.C., Pesole, A., Fernández-Macías, E. (2020): New evidence on platform workers in Europe. Results from the second COLLEEM survey. Luxembourg: Publications Office of the European Union.

some groups of migrant workers. Many employer-provided benefits and social protections in the UK, notably employer provided pensions, sick pay, maternity/paternity rights and redundancy payments are rights provided to workers or employees, and not to those who are self-employed. This means that most gig workers – who are generally working through platforms as self-employed contractors - are likely to miss out on such protections. These rights, and entitlements that are based on employment status are examined in more detail in Section 3 of this evidence paper below. Furthermore, some state-provided and employer provided social protections are dependent upon reaching threshold levels of income, and or having a stable income, meaning that many gig workers may miss out in practice on receiving them.

However, there is no systematic evidence in the UK on the number of gig workers who receive or benefit from particular social protections – this is an important evidence gap, which needs to be addressed. Much of the evidence on social protections of gig workers has come from global and comparative studies, based on self-reporting from gig workers themselves. For example, looking at platform workers globally, Forde et al. (2017), find that a majority of platform workers had no access to each of the following main forms of social protection (healthcare, sickness, disability, old age/pension, pregnancy, caring, unemployment and housing). See Figure 1 below.

Crucially, where platform workers do have access to individual social protections this access was most likely to be provided through a job outside the platform economy. In contrast, those who were heavily dependent upon platform work were least likely to have access to social protections. Forde et al. (2017) identify three clusters of platform workers: ‘Random surfers’ who generate a small proportion of their income from platform work; ‘moderate beneficiaries’ who generate a moderate amount (25-70%) of income from platform work; and platform dependent workers, who derive 70% or more of their income from platform work. Figure 2, reproduced from Forde et al. (2017) reports the proportions of each type of gig worker who has no access to particular social protections. This shows that those workers who are dependent upon income from the platform economy were significantly *less likely* to have access to every form of social protection.

Figure 1: Access to social protection schemes for platform workers globally (Forde et al., 2017)

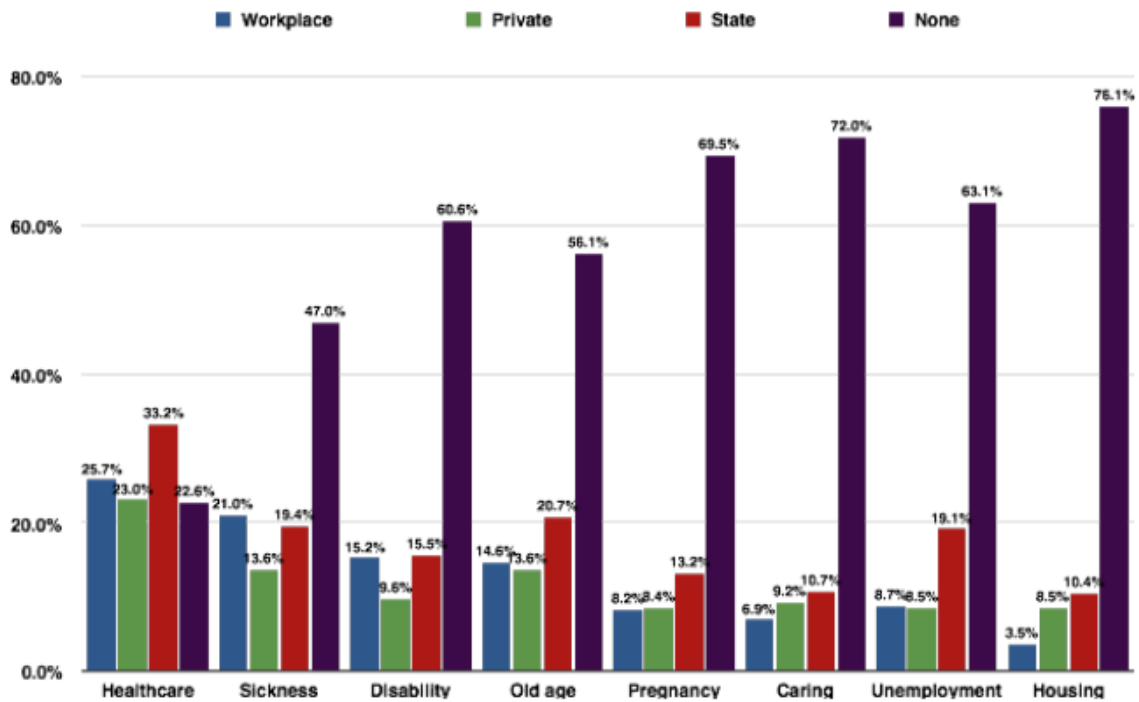
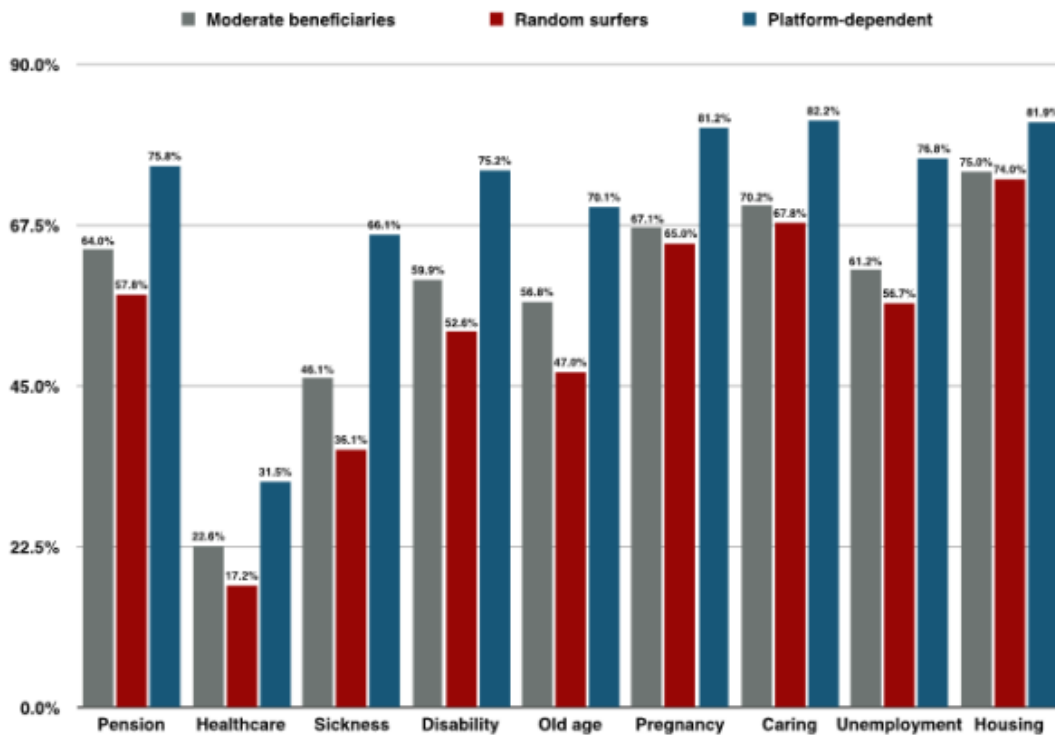


Figure 2: Proportion of gig workers with no access to social protection schemes for platform workers by income dependence (Forde et al., 2017)



## 2.7 Representation, collective bargaining and protest in gig work

As with other aspects of gig work covered in this section of the paper, systematic evidence on the representation of gig workers in the UK is relatively sparse. Some UK studies are examined towards the end of this sub-section, and this is preceded by a presentation of some evidence from global and comparative studies. Various studies globally have highlighted issues regarding the resolution of conflicts between platform workers and clients, as some of the mechanisms for resolution of conflicts are, in many cases, found to be missing. The fragmentation of work and workers within the platform economy as well as the differences in how specific platforms operate presents clear problems for the organising and representing of workers. This problem is exacerbated by the still unclear and ambiguous employment status of many of those engaged in platform work an issue covered in more detail in Section 3 of this evidence paper below. In cases where platform workers are defined as self-employed, trades unions may not be able to represent them.<sup>48</sup> and competition regulations may inhibit the self-organisation of workers.<sup>49</sup>

Consequently, to date, the role of mainstream/traditional unions and collective bargaining in the platform economy remains relatively limited.<sup>50</sup> Union membership amongst platform workers is low.<sup>51</sup> However, this situation does not mean that collective action is absent. In recent years, organised collective action, such as demonstrations, logoffs and strikes, have occurred.<sup>52</sup> Further, the organisation of workers through unions can be found in some countries and some sectors, such as food delivery.<sup>53</sup> Hadwiger (2022) for example reports that ‘a number of collective agreements has been concluded by already existing trade unions that mostly apply to employees within the food-delivery sector in Europe.’<sup>54</sup> Despite these developments, overall, ‘[C]ollective bargaining, which could facilitate consensus around employment and working conditions, remains marginal.’<sup>55</sup>

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<sup>48</sup> Stylogiannis, C. (2023). The effective application of the right to collective bargaining for self-employed (platform) workers: ‘Not such an easy task’. *European Labour Law Journal*, 14(4), pp.494-513; Rolf, S., O’Reilly, J. and Meryon, M., 2022. Towards privatized social and employment protections in the platform economy? Evidence from the UK courier sector. *Research Policy*, 51(5); Bertolini, A. and Dukes, R. (2021) ‘Trade Unions and Platform Workers in the UK: Worker Representation in the Shadow of the Law’, *Industrial Law Journal*, 50(4), 662–688.

<sup>49</sup> Eurofound (2021b): “The digital age: Implications of automation, digitisation and platforms for work and employment, Challenges and prospects in the EU series.” Luxembourg: Publications Office of the European Union, [https://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef21007en.pdf](https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef21007en.pdf).

<sup>50</sup> Eurofound (2021b) op cit.

<sup>51</sup> Hadwiger, Felix (2022): Realizing the opportunities of the platform economy through freedom of association and collective bargaining, ILO Working Paper 80 (Geneva, ILO). [https://www.ilo.org/global/publications/working-papers/WCMS\\_857284/lang--en/index.htm](https://www.ilo.org/global/publications/working-papers/WCMS_857284/lang--en/index.htm).

<sup>52</sup> Bessa, I. Joyce, S. Neumann, D., Stuart, M., Trappmann, V. and Umney, C. (2022) “[A global analysis of worker protest in digital labour platforms](#)”. International Labour Organization Report.

<sup>53</sup> Eurofound (2021b): “The digital age: Implications of automation, digitisation and platforms for work and employment, Challenges and prospects in the EU series.” Luxembourg: Publications Office of the European Union, [https://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef21007en.pdf](https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef21007en.pdf)

<sup>54</sup> Hadwiger, Felix (2022): Realizing the opportunities of the platform economy through freedom of association and collective bargaining, ILO Working Paper 80 (Geneva, ILO). [https://www.ilo.org/global/publications/working-papers/WCMS\\_857284/lang--en/index.htm](https://www.ilo.org/global/publications/working-papers/WCMS_857284/lang--en/index.htm).

<sup>55</sup> Eurofound (2021a): “Initiatives to improve conditions for platform workers: Aims, methods, strengths and weaknesses, New forms of employment series.” Luxembourg: Publications Office of the European Union, [https://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef21035en.pdf](https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef21035en.pdf).



Whilst collective bargaining in platform work may be limited, Joyce and Stuart (2021) note that collective *organisation* has developed rapidly amongst platform workers but has often taken place outside of established trade unions. Grassroots unions have made considerable progress in protecting and advancing interests of platform workers and, where mainstream unions have had success, it has tended to begin where platform workers already have legal status as employees.<sup>56</sup> Joyce et al. (2022) note the rapidly evolving role of unions in representing platform workers, and point to recent successes of unions in challenging the legal status of platform workers, through the pursuit of legal actions over misclassification of status.

Bessa et al. (2022) point to the extensive nature of platform worker protest globally through traditional unions, smaller, newer unions, and new types of collective organisations as shown in the Leeds Index of Platform Worker Protest. Using an innovative methodology drawing data from the GDELT database of online news, they find a remarkable 1271 examples of platform labour protest globally between 2017-2020, focused in Europe and in the Asia-Pacific region. Strikes (38%) and demonstrations (36%) made up the majority of protests in the Leeds Index. Unsurprisingly given the findings reported already around platform workers' pay and income, the majority of protests (64%) concerned pay, with a further 28% being over working conditions, 20% being around employment status, and 19% focused on health and safety issues (some protests recorded were around multiple issues). Interestingly, self-organized groups of workers were involved in approximately 80% of cases, whilst trade unions were involved in a much smaller proportion, 31% of cases, (traditional unions in 18.3% of protests, and new unions in 13%).

As noted above, there remains an evidence gap on representation, union membership, collective bargaining coverage and engagement in protest for gig workers in the UK. Bertolini and Dukes (2021) point to the considerable constraints on unions looking to represent platform workers. Their interviews with union officials highlight that many platform workers in the UK – as in other countries – do not have a physical workplace and unions have limited resources. Nonetheless traditional unions have in some cases been active in adopting organising strategies towards platform workers. The GMB for example was successful in 2022 in securing pay rises for Uber drivers, through negotiations with employers.<sup>57</sup> 'New' unions representing many platform workers, such as the IWGB and IWW have been also very active in mobilising and organising platform workers in recent years.

Importantly, Bertolini and Dukes point to the decentralised organisational structure of the union, a grassroots mobilisation strategy, along with a confrontational approach towards platform companies as key explanatory factors in mobilising success. This finding is confirmed in Joyce et al.'s (2023) analysis of a campaign involving the representation of platform workers in the UK - the Couriers and Logistics Branch (CLB) of the Independent Workers Union of Great Britain (IWGB) between 2017-2021. They

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<sup>56</sup> Joyce, S., Stuart, M., 2021. Trade union responses to platform work: An evolving tension between mainstream and grassroots approaches. In: Drahokoupil, J. and Vandaele, K (Eds.) *A modern guide to labour and the platform economy*, pp.177-92.

<sup>57</sup> GMB (2022) 'Tens of Thousands of Uber drivers to get pay rise'.

find that the success of organising was based on the development of power through building solidarity via WhatsApp groups and online discussions. Legal enactment was also used by the IWGB who actively pursued legal action over employment status misclassification.<sup>58</sup>

Woodcock and Cant (2022) also look at the tactics used by unions and other groups representing workers at Deliveroo in the UK. These tactics include: wildcat strike action; networks and internationalisation; union organising; legal campaigning; and wider leverage campaigns. They note that all of these tactics have their strengths and weaknesses, with some working and helping to progress worker interests at particular points, and others being successful when used in combination with other tactics.<sup>59</sup>

Protest by platform workers is relatively common in the UK, compared to protest in other countries. Nine per cent of all events in the Leeds Index database cited above were in the UK, making it the 4<sup>th</sup> highest country for labour protest by volume, behind the US, China and India. Similar to the global picture, the majority of protests in the UK are focused on pay. However, there is a higher proportion of UK protests focused on employment status (30%)<sup>60</sup> which is likely to be a reflection of the high profile of the employment status of platform workers in the UK in recent years, including a number of individual and union-led challenges to employment status through courts and regulatory rulings in recent years.<sup>61</sup> Protests in the UK are evenly split between mainstream and new unions.<sup>62</sup>

Overall then, at a global level there is considerable evidence of a growing mobilisation of platform workers, through both institutional, traditional unions as well as more informal worker associations and grassroots organisations.<sup>63</sup> The tactics and methods used by unions and grassroots organisations are varied, and evolving, and include the use of strikes, demonstrations, walkouts, and legal challenges. Collective bargaining amongst platform workers remains relatively rare in the UK.

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<sup>58</sup> Joyce, S., Stuart, M. and Forde, C. (2023). Theorising labour unrest and trade unionism in the platform economy. *New Technology, Work and Employment*, 38(1), pp.21-40.

<sup>59</sup> Woodcock, J. and Cant, C., (2022). 'Platform worker organising at Deliveroo in the UK: from wildcat strikes to building power'. *Journal of Labor and Society*, 25(2), pp.220-236.

<sup>60</sup> Joyce, S., Neumann, D., Trappmann, V. and Umney, V. (2020) A Global Struggle: Worker Protest in the Platform Economy (February 18, 2020). ETUI Research Paper - Policy Brief 2/2020 <https://www.etui.org/sites/default/files/Platform%20work%20Leeds%20Index%20Joyce%20et%20al%20Policy%20Brief%202020.02.pdf> .

<sup>61</sup> Bessa, I. Joyce, S. Neumann, D., Stuart, M., Trappmann, V. and Umney, C. (2022) "[A global analysis of worker protest in digital labour platforms](#)". International Labour Organization Report..

<sup>62</sup> Joyce, S., Neumann, D., Trappmann, V. and Umney, V. (2020) A Global Struggle: Worker Protest in the Platform Economy (February 18, 2020). ETUI Research Paper - Policy Brief 2/2020 <https://www.etui.org/sites/default/files/Platform%20work%20Leeds%20Index%20Joyce%20et%20al%20Policy%20Brief%202020.02.pdf>.

<sup>63</sup> Stylogiannis, C. (2023). The effective application of the right to collective bargaining for self-employed (platform) workers: 'Not such an easy task'. *European Labour Law Journal*, 14(4), pp.494-513.

### 3 The legal context and regulation of gig work

An individual's employment status is of crucial importance for employment-related rights and access to social protections. In the UK, three distinct employment statuses exist: employee, worker and self-employed, each of which is associated to a set of distinct rights. Rolf et al. (2022) highlight the access to employment rights and social protections for these three groups. (see Figure 3 below).<sup>64</sup> While employees benefit from all, workers only enjoy some statutory employment rights such as maximum working hours, entitlement to the National Minimum Wage, and protections against dismissal and social security. The self-employed are largely excluded from the coverage of employment rights, apart from protection against discrimination, and a right to a contract setting out the particulars of their employment.<sup>65</sup>

**Figure 3: Employment rights and social protection for employees, workers and the self-employed in the UK (Rolf et al, 2022)**

	Provision	Employee	Worker	Self-employed
Social Protections	Pension enrolment	✓	✓	x
	Unemployment benefits	✓	x	x
	Parental paid leave	✓	x	x
	Sick pay	✓	x	x
Employment protections	Redundancy payment	✓	x	x
	Hourly minimum wage	✓	✓	x
	Paid annual leave	✓	✓	x
	Parental leave/ flexible working	✓	✓	x
	Protection from work-related discrimination	✓	✓	✓
	Unfair dismissal protection	✓	x	x
	Health and safety protections	✓	✓	x
	Written particulars of employment	✓	✓	✓
	Right to union recognition	✓	✓	x
	Rest breaks	✓	✓	x
	Part-time status without detriment	✓	✓	x
	Minimum notice period	✓	✓	x
	Collective redundancy consultation	✓	✓	x

In the case of platform work, the legal status of platform workers in the UK remains particularly contentious. and has resulted in legal action that sometimes confirmed, and other times refuted the claim made by platforms that they are self-employed.

Much of the litigation and cases have turned on the differences between the terms and conditions stated in contracts between gig workers and platforms, and the realities of

<sup>64</sup> Rolf, S., O'Reilly, J. and Meryon, M., 2022. Towards privatized social and employment protections in the platform economy? Evidence from the UK courier sector. *Research Policy*, 51(5).

<sup>65</sup> Ainsworth, J. (2018): Gig Economy: Legal Status of Gig Economy Workers and Working Practices. House of Lords Library Briefing, <https://researchbriefings.files.parliament.uk/documents/LLN-2018-0026/LLN-2018-0026.pdf>; Bertolini, A. and Dukes, R. (2021) 'Trade Unions and Platform Workers in the UK: Worker Representation in the Shadow of the Law', *Industrial Law Journal*, 50(4), 662–688.

the working relationship between platforms and workers.<sup>66</sup> A number of legal cases and challenges have ruled that whilst contracts stated that the relationship between platform and worker is that of self-employed contractor, in reality the relationship between platform and worker was that of a worker.

In *Pimlico Plumbers Ltd v Smith* (2018), a plumber who was working for an online platform was found to be a worker. This judgement was made, because, amongst other factors, there were stipulations made on the worker about minimum weekly working hours and a requirement on the worker to use a company car and wear a uniform. Likewise, in 2015, a British Employment Tribunal concluded in *Aslam, Farrar and others v Uber* that in contrast to Uber's assertion that they simply acted as an intermediary bringing together (self-employed) drivers with passengers, in fact, drivers were workers and that a worker contract could be inferred between Uber and the drivers meaning they were entitled to rights within the Working Time Regulations. This decision was appealed by Uber on multiple occasions. In 2021, the Supreme Court in the UK made a final ruling that Uber drivers were in a position of subordination with Uber and were limb (b) workers.<sup>67</sup>

In contrast, other judgements have ruled that some gig workers in the UK are independent contractors. In 2023, following six years of legal action by the IWGB union, the Supreme Court upheld previous judgements about Deliveroo riders. It and stated that riders could not be classed as workers because they had the right to arrange a substitute to perform their duties. Heissl (2021) points out that the UK is unique amongst European countries in seeing the substitution clause as an insurmountable barrier for their classification as employees.<sup>68</sup>

The recently adopted EU Directive on Platform Work will also provide some clarity over the determination procedure for establishing employment status of platform workers, as well as looking to improve their working conditions. Having left the EU, the UK will be under no obligation to implement the Directive, although there has been some expression by the UK Government of a desire to improve protection and rights for platform (and other insecure) workers.<sup>69</sup> The Directive sets out a framework for “establishing the legal presumption that an employment relationship exists between the digital labour platform and a person performing platform work, if the digital labour platform controls certain elements of the performance of work” (European Commission, 2021b: 15).

The Directive has a deliberately wide scope to try and encompass more workers in more platform-based types of employment and seeks to cover those involved in both

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<sup>66</sup> Forde, C., Stuart, M., Joyce, S., Oliver, L., Valizade, D., Alberti, G., Hardy, K., Trappmann, V., Umney, C., Carson, C., with Justyna, K., and Yordanova, G. (2017) *The Social Protection of Workers in the Platform Economy. Study for the European Parliament's Committee on Employment and Social Affairs*.

<sup>67</sup> Fairwork (2021) 'Landmark case recognises Uber drivers as workers', <https://fair.work/en/fw/blog/landmark-case-recognises-uber-drivers-as-workers-what-are-the-implications-for-gig-workers-in-the-uk-and-beyond/>. Limb (b) are workers who do not have an employment contract but a contract to perform work or services for the other party - see Employment status and employment rights: guidance for HR professionals, legal professionals and other groups - GOV.UK ([www.gov.uk](http://www.gov.uk))

<sup>68</sup> Hiessl, C., 2021. The classification of platform workers in case law: a cross-european comparative analysis. *Comp. Lab. L. & Pol'y J.*, 42, p.465.

<sup>69</sup> See UK Parliament (2020) The Good Work Plan, <https://commonslibrary.parliament.uk/employment-law-in-the-modern-economy-the-good-work-plan/#>.

'local' (e.g. ride hailing, food delivery) and 'global' (online task-based) platform labour markets. The Directive sets out a number of 'control' tests to determine whether a platform actually controls the conduct and performance of work.

For gig workers covered by the Directive, the European Commission argues that they will have greater rights to a minimum wage, coverage through working time regulations, occupational safety and health protection, equal pay entitlements, and improved access to social protection against work accidents, unemployment, sickness and old age.<sup>70</sup>

The Directive will also put in place requirements on platforms around monitoring of workers and algorithmic management practices and will require platforms to provide greater information about their practices to relevant national and EU level authorities. All of these requirements might help to improve protection for platform workers, although gathering information from platforms has proved challenging in the past.

In practice, many platform workers are likely to continue to face exclusion from these rights because many protections are based around minimum income levels or thresholds, which platform workers may not reach.

At the EU level, some rights for gig workers in the UK are provided through supra-national regulations, which have been transposed to UK law. In particular, EU Regulations around working-time, and health and safety apply to any workers and employees, including those who work via platforms (although as noted above, most gig workers are regarded as self-employed or independent contractors rather than as employees or workers).

Finally, the EU Directive on Artificial Intelligence (AI), adopted by the European Parliament in 2024, will also place some regulatory requirements on platforms, particularly where AI is used by platforms in areas such as recruitment, selection and training. The use of AI for purposes such as 'social scoring' have been identified as high risk in the AI Act, and the Act will place obligations on entities (including platforms) to assess and reduce risks, maintain use logs, be transparent and accurate, and ensure human oversight. Citizens will have a right to submit complaints about AI systems and receive explanations about decisions based on high-risk AI systems that affect their rights.<sup>71</sup>

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<sup>70</sup> Forde, C., Stuart, M., Joyce, S., Oliver, L., Valizade, D., Alberti, G., Hardy, K., Trappmann, V., Umney, C., Carson, C (2022) Three Unanswered Questions about the EU Platform Work Directive, [https://digit-research.org/blog\\_article/three-unanswered-questions-about-eu-directive-on-gig-work/](https://digit-research.org/blog_article/three-unanswered-questions-about-eu-directive-on-gig-work/).

<sup>71</sup> European Parliament (2024) 'Artificial Intelligence Act: MEPs adopt landmark law', <https://www.europarl.europa.eu/news/en/press-room/20240308IPR19015/artificial-intelligence-act-meps-adopt-landmark-law>.



## 4 Comparing pay and conditions in other precarious forms of work with gig work

This section of the paper compares pay and conditions in gig work with those in other forms of precarious work. A number of these other work arrangements have considerable overlap and intersections with gig work. These forms of work are:

- Temporary work – including: workers on fixed-term contracts (where they have an employment contract with the organisation they work for or where their contract ends on a particular date, or on completion of a specific task, e.g. a project);<sup>72</sup> workers on seasonal contracts; casual contracts; and ‘other temporary workers’.<sup>73</sup>
- Temporary agency work – arrangements where workers are contracted to work in organisations via a third-party temporary employment agency (including those where the employment agency is an ‘employer’ of those temporary staff, those where the organisation is the employer and those where neither is the employer).<sup>74</sup>
- Zero-hours contracts – contracts that do not specify a set number of hours and for which workers are only paid for the number of hours that they actually work.<sup>75</sup> The power lies with the employer to identify the worker as an employee, worker or self-employed.<sup>76</sup>
- Self-employment – working arrangements in which a person is their own boss. Workers are likely to be self-employed if they are responsible for how and when they work, own a company, are a freelancer, invoice for their pay instead of receiving a wage, are able to send someone else to do their work for them, and are able to work for different clients and charge different fees.<sup>77</sup>

### 4.1 Temporary work and agency work

Temporary contracts have a long history in the UK. Over the last 20 years, the proportion of workers in the UK employed on temporary contracts has varied between 4-5.5% of the workforce (see Figure 4). In 2023, 1.6 million workers were employed in the UK on temporary contracts, equating to 4.1% of the employed workforce. Fixed-term contract workers comprise nearly half of this total (794,000), with casual work (319,000) and agency temping (235,000) being the next largest components.<sup>78</sup>

Temporary employment reached a peak of around 5.5% of the employed workforce in 2014, and also saw significant expansion at the start of the COVID-19 pandemic.

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<sup>72</sup> UK Government (2023) Fixed-Term employment contracts, <https://www.gov.uk/employment-contracts#fixed-term-contracts>.

<sup>73</sup> Other temporary workers are those in temporary jobs which are not one of the forms above, nor in a temporary agency contract.

<sup>74</sup> Acas (2023) *Agency Workers: Working Through an Agency*, <https://www.acas.org.uk/agency-workers>; TUC (2023) *Guide to Agency Workers*, available at: <https://www.tuc.org.uk/workplace-guidance/agency-workers>.

<sup>75</sup> ReWAGE (2023) *Zero Hours Contracts: ReWAGE Policy Brief*, ReWAGE: IER: Warwick. [https://warwick.ac.uk/fac/soc/ier/rewage/publications/rewage\\_policy\\_brief\\_zero\\_hours\\_contracts.pdf](https://warwick.ac.uk/fac/soc/ier/rewage/publications/rewage_policy_brief_zero_hours_contracts.pdf)

<sup>76</sup> ReWAGE (2023) op cit.

<sup>77</sup> Acas (2023) *Employment Status: Self-Employed*, <https://www.acas.org.uk/employment-status/self-employment>; TUC (2023) *Employment Status and Rights*, <https://www.tuc.org.uk/employment-status-and-rights>; CIPD (2023) *Self-Employed Contractors: Understanding the Law*, <https://www.cipd.org.uk/knowledge/guides/self-employed-contractors-guide/>.

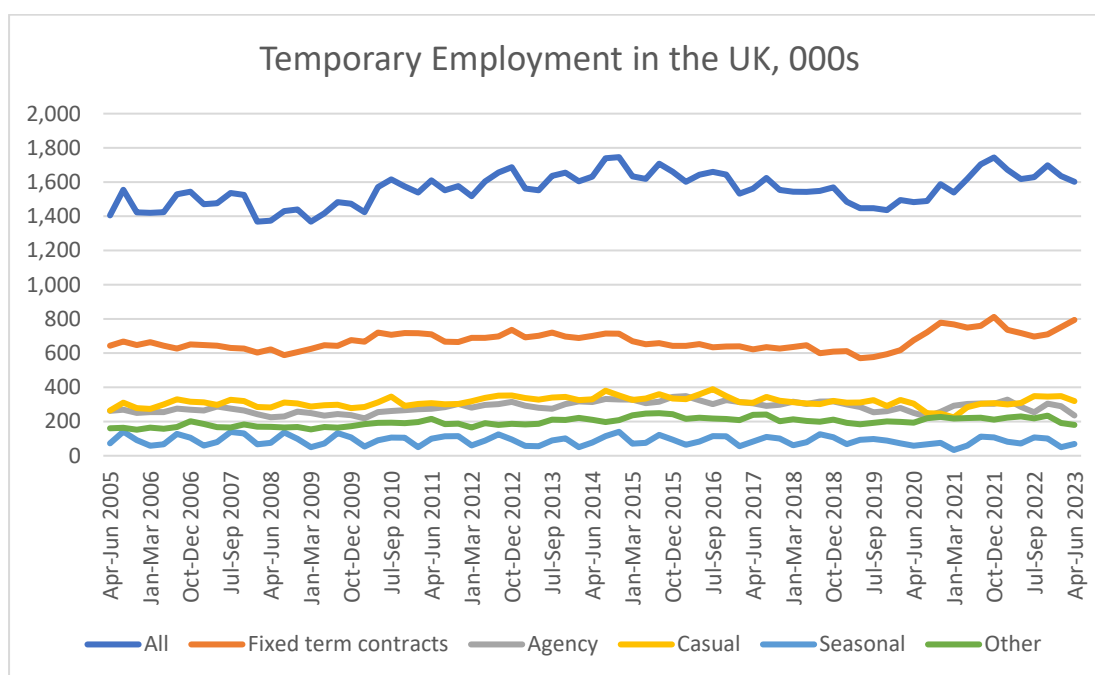
<sup>78</sup> ONS (2023) *Temporary Employees*, London: ONS, [EMP07: Temporary employees - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/employment-and-labour/most-popular-statistics/employment-and-labour/other-employment-arrangements/temporary-employees).



Fixed-term contracts, in particular saw a marked increase at the start of the pandemic (used by more employers at this point as an alternative to permanent employment relationships), and the numbers employed in such arrangements have remained at relatively high levels to the present date.<sup>79</sup>

Fifty-five per cent of those in temporary work are women and 45% men. Migrant workers are more likely to be found in temporary jobs (7% of migrants are in temporary jobs) compared to all UK workers (4.5%).<sup>80</sup> Black, Asian and Minority Ethnic workers are also over-represented in temporary jobs, being more than 1.5 times as likely as white workers to be employed on a temporary contract and more than twice as likely than white workers to be found on a temporary agency contract.<sup>81</sup>

**Figure 4: Temporary Employment in the UK, Labour Force Survey**



Numerous studies of temporary work in the UK have found a penalty/wage gap between most forms of temporary contracts (with the exception of some fixed-term contracts) compared to permanent, open-ended employment contracts, with differentials remaining even after controlling for a range of factors that might explain

<sup>79</sup> Torres L, Warren T, Veeken A and the UK Women’s Budget Group (2021). How has the risk of precarious work evolved in the Covid-19 UK? Research Summary 2. Nottingham: Nottingham University Business School; House of Commons Business, Energy and Industrial Strategy Committee (2023) Post-pandemic economic growth: UK labour markets Tenth Report of Session 2022–23 Report, together with formal minutes relating to the report. <https://committees.parliament.uk/publications/39129/documents/192346/default/>; House of Commons Library (2023) UK Labour Market statistics, 12<sup>th</sup> December 2023, <https://researchbriefings.files.parliament.uk/documents/CBP-9366/CBP-9366.pdf>.

<sup>80</sup> Migration Observatory (2022) *Migrants in the UK Labour Market: An Overview*. <https://migrationobservatory.ox.ac.uk/resources/briefings/migrants-in-the-uk-labour-market-an-overview/>.

<sup>81</sup> TUC (2019) ‘BME workers far more likely to be trapped in insecure work, TUC analysis reveals’, <https://www.tuc.org.uk/news/bme-workers-far-more-likely-be-trapped-insecure-work-tuc-analysis-reveals>.

raw wage differentials.<sup>82</sup> Temporary work is more likely than permanent jobs to be low paid and to be associated with higher levels of job insecurity and lower job quality.<sup>83</sup>

One type of temporary work - temporary agency employment - has received particular attention over recent years in terms of the nature of work, pay and conditions. The intervention of an employment agency between employer and worker creates a distinct 'triangular' relationship between the three parties.<sup>84</sup> As Figure 3 above shows, the numbers in temporary agency employment in the UK have varied between 250,000-325,000 (0.75-1% of the employed workforce) over the last 20 years.<sup>85</sup> Like platform work, employers seek recourse to temporary agencies for a range of reasons: to provide numerical flexibility, for specialist one-off tasks; and to save on labour costs. Whilst quantitatively, agency workers comprise a small proportion of the UK workforce, they are found concentrated in individual firms. Here, employers use employment agencies to provide large numbers of temps, on a long-term or permanent basis with these workers forming a majority of the workforce in sectors such as logistics, hospitality, warehousing, manufacturing and domiciliary care.<sup>86</sup> Migrant workers, women and BAME workers are all over-represented in temporary work.<sup>87</sup> The Taylor Review of Modern Working Practices in the UK highlighted the problematic use of agency workers on a quasi-permanent basis by employers:

'... there is increasing evidence that some companies are relying on temporary workers to fill longer term positions, with the same agency worker doing the same job for years. This works for some people. They have the freedom to leave whenever they want with no notice whatsoever but for many, this level of uncertainty, not knowing whether work will be terminated and having no security of income, does not work. What is more, individuals in this situation can find it hard to seek work elsewhere, especially if they fear taking time off from the current

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<sup>82</sup> Booth, A.L., Dolado, J.J. and Frank, J., (2002). 'Symposium on temporary work: Introduction'. *The Economic Journal*, 112(480), pp. F181-F188. Green, F. (2008) 'Temporary work and insecurity in Britain: a problem solved?'. *Social Indicators Research* 88, 1: 147-160; Gebel, M., (2010). 'Early career consequences of temporary employment in Germany and the UK'. *Work, employment and society*, 24(4), pp.641-660. Forde, C. and Slater, G., (2005). 'Agency working in Britain: Character, consequences and regulation'. *British Journal of Industrial Relations*, 43(2), pp.249-271. Carré, F., Findlay, P. and Tilly, C and Warhurst, C. (2017). *Are Bad Jobs Inevitable?: Trends, Determinants and Responses to Job Quality in the Twenty-First Century*.

<sup>83</sup> Work Foundation (2022) *The UK insecure Work Index: Two Decades of Insecurity*, Lancaster: Work Foundation; Aleksynska, M., 2018. Temporary employment, work quality, and job satisfaction. *Journal of Comparative Economics*, 46(3), pp.722-735. Forde C, Slater G. 2023. Temporary Work. In: Johnstone S; Rodriguez J; Wilkinson A (eds.) *'Encyclopaedia of HRM', 2nd Edition*. Edward Elgar.

<sup>84</sup> Forde C, Slater G. 2023. Employment agency. In: Johnstone S; Rodriguez J; Wilkinson A (eds.) *'Encyclopaedia of HRM' 2nd Edition*. Edward Elgar.

<sup>85</sup> Forde, C. and Slater, G., 2016. Labour market regulation and the 'competition state': an analysis of the implementation of the Agency Working Regulations in the UK. *Work, employment and society*, 30(4), pp.590-606; Judge, L. (2018) *The Good, The Bad and The Ugly: The Experience of Agency Workers and the Policy Response*, London: Resolution Foundation; Warhurst, C. and Knox, A., 2022. Manifesto for a new Quality of Working Life. *Human relations*, 75(2), pp.304-321.

<sup>86</sup> Briken, K. and Taylor, P., 2018. Fulfilling the 'British way': beyond constrained choice—Amazon workers' lived experiences of workfare. *Industrial Relations Journal*, 49(5-6), pp.438-458; Taylor, M., Marsh, G., Nicol, D. and Broadbent, P., 2017. *Good Work: The Taylor Review of Modern Working Practices*. London: Department for Business, Energy & Industrial Strategy; Resolution Foundation (2022) *Low Pay Britain*, London: Resolution Foundation.

<sup>87</sup> TUC (2023) *Insecure work in 2023: The impact on workers and an action plan to deliver decent work for Everyone.*, London: TUC.

contract may count against them in future allocations of work.’<sup>88</sup>

Numerous studies in the UK have pointed to a large pay differential between agency workers and permanent workers, a differential which has continued even after the adoption of the Agency Working Directive in the UK in 2013 which sought to ensure equal treatment in terms of pay for agency staff compared to permanently employed workers doing an equivalent job.<sup>89</sup> The triangular relationship creates significant challenges to ensuring equal treatment and on average, terms and conditions for agency temps are inferior to directly employed workers.<sup>90</sup>

## 4.2 Zero hours contracts

Evidence on zero-hours contracts (ZHC) in the UK has been historically difficult to gather. As Dix et al. (2023) note, there is a lack of robust data available to estimate the prevalence of ZHCs.<sup>91</sup> One widely used measure comes from the ONS. Figure 5 charts trends from this series over the last 20 years. It shows that 1.2 million workers (4% of the workforce) were employed on ZHCs in 2023.<sup>92</sup>

Definitional changes to survey questions in the Labour Force Survey in 2012, along with greater awareness of ZHCs as a result of increased media and government attention may partly explain the large step change in numbers on ZHCs between 2012-2016. However, it is also widely accepted that such arrangements have indeed become much more widespread in sectors such as social care, hospitality, retail and education. Indeed, in domiciliary care, ZHCs have become the norm for employment in the sector.<sup>93</sup>

Despite legislative changes in 2015 outlawing ‘exclusivity’ clauses in ZHCs, evidence shows that ZHC workers remain heavily economically dependent upon a single employer. For employers, then, the use of ZHCs offers an ‘ultra-flexible’ working arrangement and under current regulations they remain widely used in the UK. Like platform/gig work, these contracts are largely highly precarious and of poor quality, with very little certainty over day-to-day working hours, limited employment security and relatively low levels of income.

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<sup>88</sup> Taylor, M., Marsh, G., Nicol, D. and Broadbent, P., 2017. *Good Work: The Taylor Review of Modern Working Practices*. London: Department for Business, Energy & Industrial Strategy; Resolution Foundation (2022) *Low Pay Britain*, London: Resolution Foundation.

<sup>89</sup> Resolution Foundation (2022) *Low Pay Britain*, London: Resolution Foundation.

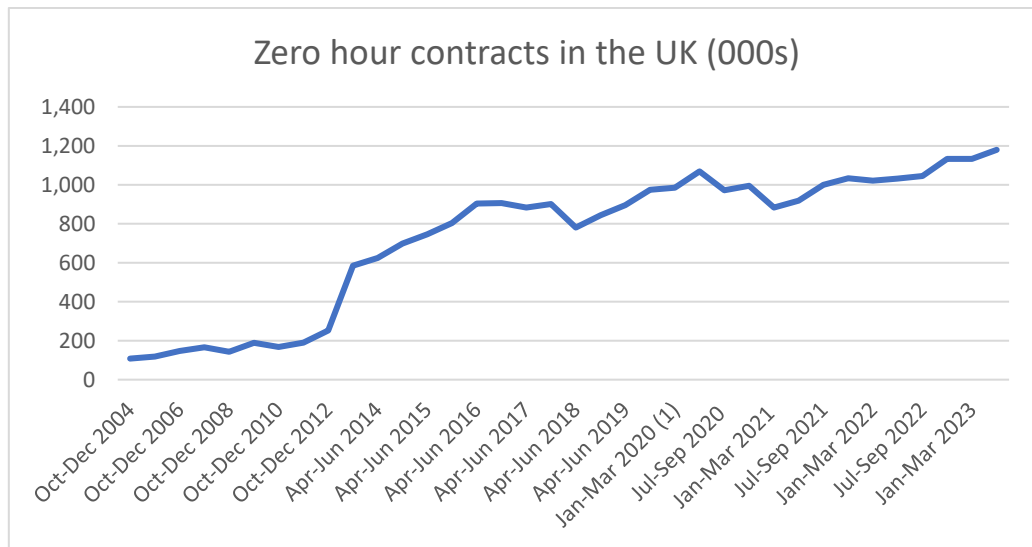
<sup>90</sup> Bessa I, Forde C, Stuart M. 2023. Zero hours contracts. In: Johnstone S; Rodriguez JK; Wilkinson A (eds.) *Encyclopaedia of Human Resource Management*. 2<sup>nd</sup> Edition. Edward Elgar.

<sup>91</sup> ReWAGE (2023) *Zero Hours Contracts: ReWAGE Policy Brief*, ReWAGE: IER: Warwick. [https://warwick.ac.uk/fac/soc/ier/rewage/publications/rewage\\_policy\\_brief\\_zero\\_hours\\_contracts.pdf](https://warwick.ac.uk/fac/soc/ier/rewage/publications/rewage_policy_brief_zero_hours_contracts.pdf).

<sup>92</sup> ONS (2023) *People in Employment on Zero Hours Contracts*, London: ONS, [EMP17: People in employment on zero hours contracts - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/people-in-work/employment-and-unemployment/articles/2023-01-17-people-in-employment-on-zero-hours-contracts).

<sup>93</sup> Bessa, I., Forde, C., Moore, S. and Stuart, M. (2013). *The National Minimum Wage, earnings and hours in the domiciliary care sector*, Report for *Low Pay Commission*, London: LPC; Koumenta, M. and Williams, M. (2019). An anatomy of zero-hour contracts in the UK. *Industrial Relations Journal*, 50(1), 20-40.

**Figure 5: Zero-hours contracts in the UK, Labour Force Survey**



### 4.3 Self-Employment

The number of self-employed workers in the UK was 4.1 million in 2023 (14% of the workforce) (see Figure 6 below). Self-employment has been a key feature of the UK labour market since the 1960s but has seen particularly marked growth over the last 20 years, rising from 3.3 million (12% of the workforce) in 2001 to 4.5 million at the start of 2020.<sup>94</sup> Two-thirds of those in self-employment in 2023 were men and 1/3 women.

Self-employment fell sharply at the start of the pandemic, with many moving out of self-employment into employee jobs or into unemployment or inactivity. Self-employment fell most sharply among men during the coronavirus pandemic, down from 3.3 million in 2020 to 2.7 million in 2022, the lowest level of male self-employment for over a decade. Among women self-employment fell, from 1.7 million in January to March 2020, to 1.5 million in January to March 2022.<sup>95</sup> The long-term trend, however, has been an increase in female self-employment. Women comprised 37% of all self-employed workers at the end of 2022, up from 27% in 2007.<sup>96</sup>

<sup>94</sup> ONS (2020) Coronavirus and self-employment in the UK, London: ONS; ONS (2018) Trends in Self Employment in the UK, London: ONS; ONS (2016) Trends in self-employment in the UK: 2001 to 2015. *ONS: London, UK*; Tomlinson, D. and Corlett, A. (2017). 'A tough gig? The nature of self-employment in 21st Century Britain and policy implications', *Resolution Foundation*; Blundell, J. and Machin, S. (2020) Self-employment in the Covid-19 crisis: A Centre for Economic Performance Covid-19 analysis. London: CEP; Bell, D.N. and Blanchflower, D.G. (2020). 'US and UK labour markets before and during the Covid-19 crash'. *National Institute Economic Review*, 252, pp. R52-R69.

<sup>95</sup> ONS (2022) Understanding Changes in Self-Employment in the UK, January 2019 to March 2022, London: ONS.

<sup>96</sup> UK Parliament (2023) Women and the UK Economy, [SN06838.pdf \(parliament.uk\)](https://www.parliament.uk/economy/women-and-the-uk-economy).

**Figure 6: Self-Employment in the UK, Labour Force Survey**



Income levels for the self-employed have stagnated over recent years. Over the last decade full-time median net earnings have increased by 11% for employees and just 3% for the self-employed. In 2021/22, median net earnings for full-time employees (£23,900 per year) were more than one third higher than for the full-time self-employed (£17,300 per year).<sup>97</sup> The IFS (2020) also find that income levels are lower for the self-employee on average compared to employees. In 2019, pre-tax earnings were £276 a week among the solo self-employed compared with £395 a week among employees.

Since the COVID-19 pandemic, the situation for many of those in self-employment has deteriorated and many of those in self-employment are in in work-poverty. Blackburn et al. report that a third (34%) of respondents report having had difficulties paying for basic expenses in the previous month and that 4 in 10 would be prepared to leave self-employment if they could secure the same income. The same survey reports that a quarter of those surveyed are experiencing mental health issues compared with 16% of the general population.<sup>98</sup>

These figures above do not distinguish between genuine and ‘bogus’ or ‘false’ self-employment’. In the latter, individuals have been required by employers to classify themselves as self-employed to avoid tax and other liabilities, but the worker has none of the autonomy normally expected through self-employment. False self-employment is one of the key drivers of insecure employment. Individuals in false self-employment are not entitled to many of the employment rights available to workers and employees, even though, in reality, these workers may be working under arrangements in which they are workers or dependent employees. Many workers in gig employment in the

<sup>97</sup> Fabian Society (2023) Working for You: A Progressive Manifesto for the Self-Employed, <https://fabians.org.uk/wp-content/uploads/2023/07/Working-for-you-a-manifesto-for-the-self-employed-FINAL-17-Jul.pdf>.

<sup>98</sup> Blackburn, R. Machin, S. and Ventura, M (2023) The Self Employment Trap, CEP Report, [cep-covid-19-030.pdf](https://cep.ac.uk/wp-content/uploads/2023/03/cep-covid-19-030.pdf) ([lsc.ac.uk](https://lsc.ac.uk)).

UK are contracted by platforms on false/bogus self-employment contracts and are missing out on basic employment rights available to employees and workers.<sup>99</sup>

#### **4.4 The regulation of temporary, agency, zero-hours contracts and self-employment**

In all of these forms of precarious work, there is confusion and ambiguity over employment status. This problem was a key concern of the Taylor Review.<sup>100</sup> In the case of agency workers, for example, the use of ‘Swedish Derogation’ contracts after the introduction of the Agency Workers Directive in the UK in 2013 allowed some employers and agencies to avoid some of the responsibilities associated with Equal Treatment provisions.<sup>101</sup> With ZHCs, agency workers and those in self-employment, there remains considerable ambiguity over employment status and whether those undertaking these forms of work are engaged on terms akin to employees, workers or as self-employed. In legal challenges in courts and in employment tribunals, a range of different decisions have been reached in individual cases over the employment status of such workers and the rights to which they are entitled.

At the EU level, EU Directives for Agency Workers and Fixed-Term Contract Workers provide some provisions for equal treatment around pay and conditions comparable to an equivalent permanent employee within the firm in which they are working. These equal treatment directives seek to provide a base level of protection for some temporary and agency workers, although their transposition in the UK has resulted in gaps in protection. In the case of agency workers, these rights apply after 12 weeks working in a firm, meaning that many workers continue to miss out on these rights. Studies have found that some differential treatment in terms of pay, access to training and promotion opportunities continue to be seen between agency workers and permanent employees in the UK despite the provisions of the Agency Working Directive.<sup>102</sup>

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<sup>99</sup> TUC (2022) Work and Pensions Select Committee inquiry on social security provision for those working in the so-called ‘gig economy’, London: TUC, <https://committees.parliament.uk/writtenevidence/77324/pdf/>.

<sup>100</sup> Taylor, M., Marsh, G., Nicol, D. and Broadbent, P., 2017. *Good Work: The Taylor Review of Modern Working Practices*. London: Department for Business, Energy & Industrial Strategy.

<sup>101</sup> Forde, C. and Slater, G., 2016. Labour market regulation and the ‘competition state’: an analysis of the implementation of the Agency Working Regulations in the UK. *Work, employment and society*, 30(4), pp.590-606.

<sup>102</sup> Taylor et al. (2017) op cit.



## 5 Recommendations and policy actions

This paper has examined pay and conditions in gig work. It has highlighted the relatively low pay and poor conditions in gig work compared to direct employment relationships. The paper has also highlighted pay and conditions in other forms of precarious work notably temporary, agency, zero-hours contracts and self-employment. Workers in these arrangements are also more likely, on average to face low pay and poor conditions compared to permanently employed workers.

The recommendations below are aimed at government policy makers, with some also being relevant to trade unions, employers and platforms. Recommendations 1 to 6 focus specifically on platform/gig work, whilst recommendations 7-10 focus on agency, temporary, self-employment and zero-hours contracts. Recommendation 11 and 12 cover platform/gig work *and* other precarious forms of work. Recommendations and policy suggestions around gig work need to recognise that gig/platform work shares some common features – and in many cases contractual overlap - with other precarious forms of work:

- Much gig work – as with many precarious forms of work - involves more than one ‘employer’. Consequently, the type of employment contract or relationship is often unclear or hard to determine. This situation may be used by employers, agencies or platforms to avoid or obfuscate responsibilities associated with such arrangements.<sup>103</sup> It also means that estimates of numbers in gig work may undercount the true extent of this form of work.
- Platform working may contractually overlap with precarious forms of work. Many platform workers are often employed on a self-employed basis. As a result, many gig workers typically face multiple precarities in a single job.<sup>104</sup>

**Estimates from the Labour Force Survey in the UK suggest that in 2023, around 1.4% of the employed workforce was employed in gig work in the UK.**<sup>105</sup> The number of gig workers is greater than those in temporary agency employment (1% of the employed workforce). Numbers and the proportion of the UK workforce in other precarious forms of work are higher, notably ZHCs (4%), temporary work (4%) and self-employment (14%). Overall, and taking into account some overlap between workers in these different arrangements, between 20 to 25% of the UK employed workforce is employed in one or more of these precarious work arrangements.

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<sup>103</sup> Taylor, M., Marsh, G., Nicol, D. and Broadbent, P., 2017. *Good Work: The Taylor Review of Modern Working Practices*. London: Department for Business, Energy & Industrial Strategy; ReWAGE (2023) *Zero Hours Contracts: ReWAGE Policy Brief*, ReWAGE: IER: Warwick. [https://warwick.ac.uk/fac/soc/ier/rewage/publications/rewage\\_policy\\_brief\\_zero\\_hours\\_contracts.pdf](https://warwick.ac.uk/fac/soc/ier/rewage/publications/rewage_policy_brief_zero_hours_contracts.pdf).

<sup>104</sup> Acas (2023) *Employment Contracts*, [Employment contracts | Acas](#); TUC (2022) *Research Report: Insecure Work*, London: TUC; Robinson, R. Martins, A. Solnet, D. Baum, T (2019) “Sustaining precarity: Critically examining tourism and employment.” *Journal of Sustainable Tourism* 27, no. 7, 1008-1025; Shildrick, T. MacDonald, R., Webster, C. and Garthwaite, K (2012). *Poverty and insecurity: Life in low-pay, no-pay Britain*. Policy Press; MacDonald, R. and Shildrick, T., 2018. Biography, history and place: Understanding youth transitions in Teesside. In *Transitions to Adulthood Through Recession* (pp. 74-96). Routledge.

<sup>105</sup> Cockett, J. and Willmott, B. (2023) *The gig economy: What does it really look like?* London: Chartered Institute of Personnel and Development.

Below, we make 12 policy recommendations around gig and other precarious forms of work.

## 5.1 Recommendations to address pay and conditions in gig work in the UK

Rights for platform-based gig workers currently vary according to their employment status. We recognise that a range of contracting relationships are used in gig work at present in the UK, notably worker and self-employed/contractor.

Greater clarity around the contractual and legal status of those in gig work would help strengthen worker rights.

1. A presumption of worker status for those in gig/platform work.
  - The EU's adoption of the Directive on Platform Work presumes worker status for those in gig work rather than self-employment. Having left the EU, the UK is not obliged to implement this Directive. However the UK should adopt a similar presumption of worker status for all platform workers.
  - This adoption would increase protection and access to rights for the estimated 1.4 million platform workers in the UK, giving access to key employment rights and protections, including Working Time Regulations, the National Minimum Wage, paid annual leave, employer pension enrolment, maternity/paternity leave and rights to request flexible working .
  - The forthcoming EU AI Act, which will apply to multinational platforms in Europe that operate in the UK) also contains a number of provisions around AI and gig work which should be adopted in the UK for all platforms..<sup>106</sup>
2. There should be a strengthening of arrangements to ensure that gig workers have effective access to any forms of social protection available to workers that are dependent upon income and hours
  - State-accrued benefits that come from National Insurance contributions need to be able to be accumulated and built up by workers across platforms.
  - Access to rights that are dependent upon minimum numbers of hours worked within a particular period might be adapted to reflect the realities of discontinuous, irregular or variable work with multiple employers that characterises work for many in the gig economy.
  - Processes and mechanisms should be put in place to ensure that social protections and benefits (sick pay, access to pension provision,

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<sup>106</sup> The EU AI Act is designed to create a comprehensive framework and set of regulations governing AI and its adoption in Europe and is likely to include provisions and regulations around work and employment and AI, such as the use of AI to exploit individuals, the use of AI for social profiling or scoring (for example through AI-generated recruitment and selection processes) and the use of AI to allocate work. See for example Hainsdorf, C., Hickman, T., Lorenz, S. and Rennie, J. (2023) 'Dawn of the EU's AI Act: political agreement reached on world's first comprehensive horizontal AI regulation', White and Case, <https://www.whitecase.com/insight-alert/dawn-eus-ai-act-political-agreement-reached-worlds-first-comprehensive-horizontal-ai#:~:text=On%20Friday%2C%20December%208%2C%202023,%22EU%20AI%20Act%22.>

unemployment benefit and paid parental/carer leave) accrued can be portably transferred across jobs and platforms.

3. Trade unions should be legislated to have access to platform companies to speak to gig workers. Given the nature of platform work, this should include the right for unions to have a 'digital right of access' to get in touch with workers and inform them about the existence of a trade union.
4. All platform workers should be provided with details of recognised trade unions that they can access and join at the start of their gig work.
5. There should be stronger systems of state provided training provision for gig workers so they can update skills and have portable qualifications that help them to transfer and progress to more secure and higher paid work.
6. Platforms should be required to provide information to any appropriate labour inspectorate or enforcement body on the numbers working on their platforms, the contractual status of these workers, average pay levels for gig workers and the use of algorithmic management by platforms (see also recommendation 12 below).

## **5.2 Recommendations to improve conditions in other precarious and insecure forms of work in the UK**

7. A single contract status covering both employees and workers should be created to equalise employment rights for both these groups and to ensure that both groups have uniform and consistent access to employment protection.
  - This action would increase rights for those currently classified as workers. In the case of agency workers and zero hours contract workers, it would help remove current ambiguities over their rights and would increase employment protection for nearly 1.5 million workers engaged in these two forms of work.
  - Alongside recommendation 1 above, which would ensure a presumption of worker status for platform workers, these two recommendations would increase access to employment rights for nearly 3 million workers.
8. Exploitative zero hours contracts should be abolished and regulations put in place to avoid the proliferation of similar arrangements such as 'one-hour'/'two-hour' contracts.
  - Workers should be entitled to a contract which reflects their regular/usual hours of work, and which guarantees them this level of work/pay each week. In the event of cancellation at short notice of such contracts, workers should be entitled to suitable compensation from employers.

- Monitoring of arrangements in zero-hours contracts should be enforced by a suitable inspectorate of labour standards (see 12 below). Arrangements which lock workers into working for a single employer without any mutuality of obligation on the part of the employer should be monitored by this inspectorate..<sup>107</sup>
9. For workers on temporary agency contracts, there should be clarity in employment contracts over the specific responsibilities of user firms and agencies in terms of ensuring access to employment rights and social protections for all those employed in agency working arrangements.
  10. Training for line managers, senior managers and HR managers should recognise the complexities of precarious forms of work (including gig work). Existing training and guidance in organisations should be assessed to ensure it is fit for purpose in terms of the management of gig and other precarious workers.

### **5.3 Recommendations on gathering evidence on gig work and precarious work in the UK and monitoring employment standards**

11. Robust and consistent data on gig work, agency, temporary work, zero hours contracting and self-employment should be gathered and presented in regular ONS data series, and in national periodic surveys undertaken in the UK, including Understanding Society, the Employment and Skills Survey and any future version of the Workplace Employment Relations Survey.
  - These questions should reflect the nuances and complexities of each form of work, as highlighted in this Evidence Paper.
  - Questions should also recognise the realities of multiple job holding, discontinuities in employment, multiple employers in a single gig or precarious job and unpaid aspects of many of these forms of work (such as waiting between jobs, unpaid travel time).
12. Robust monitoring and inspection are needed to ensure that rights – current and future - for gig workers and those in other forms of precarious work are enforced.
  - An overarching labour market inspectorate/Fair Work Agency should be created, with part of its remit to monitor and enforce employment rights in gig and precarious forms of work. (Individual inspection agencies currently have a specific remit to consider particular employment practices, and elements the gig economy (through the work of the Gangmasters Licensing Authority, the Employment Agency Standards inspectorate the Health and Safety Executive, and HRMC, coordinated by the Director and Office of

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<sup>107</sup> For more detail on this proposal, see the recent ReWAGE (2024) report on Zero-Hours Contracts in the UK. [https://warwick.ac.uk/fac/soc/ier/rewage/publications/rewage\\_policy\\_brief\\_zero\\_hours\\_contracts.pdf](https://warwick.ac.uk/fac/soc/ier/rewage/publications/rewage_policy_brief_zero_hours_contracts.pdf).

Labour Market Enforcement). This new inspectorate should have responsibility for all forms of gig and precarious forms of work.

- It should have resources to be able to effectively monitor and visit employers. Current under-resourcing of labour market enforcement is a major issue which needs addressing, given the scale of insecurity, lack of employment protection, disadvantage, and exploitation faced by gig and precarious workers.
- It should monitor minimum wage levels, contractual rights, non-payment and rights to organise and form unions and other aspects of gig work.
- It should be involved in the design of survey questions and the collection of evidence on gig and precarious work.
- It should have the powers to take action against employers who are not complying with the law.

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The paper represents the views of the authors based on the available research. It is not intended to represent the views of all [ReWAGE members](#).

## About ReWAGE

ReWAGE is an independent expert advisory group modelled on SAGE that is co-chaired by the Universities of Warwick and Leeds. It analyses the latest work and employment research to advise the government on addressing the challenges facing the UK's productivity and prosperity.

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