

July | 2020

Insecure Work in Insecure Times

An investor briefing

ShareAction»

Acknowledgements

ShareAction gratefully acknowledges the financial support of Barrow Cadbury Trust and Trust for London for the ShareAction Good Work Programme. The views expressed are those of ShareAction alone.

We would like to thank the investors, experts and companies who gave their time for consultation on the development of this work including: James Corah, CCLA; Jon Mowll, EdenTree; Will Gore-Randall & Jennifer Anderson, Lazard; Steve Lydenberg, Domini Impact Investments; Mike Musuraca, TIIP; Lydia Hughes, IWGB; Klara Skrivankova, Trust for London; Daniel Howard, Living Wage Foundation; Clare Elwes, e-cargobikes.com; Dan Pedrotty, North America's Building Trade Union; Jenn O'Donnell, Jane Jefferson Cleaning; Scott Erwin, Hirehand.

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About ShareAction

ShareAction is a campaigning organisation pushing the global investment system to take responsibility for its impacts on people and planet, and use its power to create a green, fair, and healthy society.

We want a future where all finance powers social progress. For 15 years, ShareAction has driven responsibility into the heart of mainstream investment through research, campaigning, policy advocacy and public mobilisation. Using our tools and expertise, we influence major investors and the companies they invest in to improve labour standards, tackle the climate crisis and address inequality and public health issues.

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Introduction

Covid-19 has thrown a spotlight on companies' treatment of low-paid workers. Many such workers still lack the social protections, such as sick pay or medical benefits, which are essential if they become ill. The virus has disproportionately affected those on low incomes, women, young people and ethnic minorities, exposing and exacerbating existing inequalities. Meanwhile the critical role many of these workers play in ensuring our societies can operate, specifically in sectors such as healthcare and food distribution, has also been highlighted, with many designated key workers. As Sarah O'Connor writing in the Financial Times argues: "[Covid-19] has exposed an uncomfortable truth: the people we need the most are often the ones we value the least.... Insecure contracts and loopholes should be replaced with permanent jobs, better wages and more training and accreditation"¹.

Whilst it has come to particular prominence over recent months, the issues related to changes to work patterns and security of work have been building in all advanced economies in recent years. There is a danger that the use of insecure work practices continues to grow in the aftermath of the Covid-19 pandemic, as it did after the 2008 financial crisis. This could have profound human costs for some of the most vulnerable groups in our society, increase inequality and create more uncertainty and risk in investment markets.

This briefing intends to build the case that the growth of such work practices has been driven, willingly or not, by investor demands for shareholder value and that investors should therefore be considering and engaging with companies on how their workforce policies and practices might be driving greater insecure work.



The growth of insecure work

By insecure work we mean non-standard forms of employment that rely on temporary contracts, non-guaranteed hours, and third-party contractors. This could include casual, temporary agency or labour hire, including gig workers and workers on zero hour and tiny hour contracts.

These jobs often lack social protections including sick pay, annual leave and working hour limits. With all these types of work, a key challenge is the way they place increased risk on the individual worker – for example, not knowing when they are working, for how long and for how much pay.

Whilst there has been a lot of public attention on the gig economy, insecure work practices are prevalent in a number of sectors such as retail, transport warehouse and delivery, construction, health and social care, hospitality and entertainment. There is also a large pool of labour, especially in big cities, supplied as agency labour, such as such as cleaners and security guards who are often hidden from view.



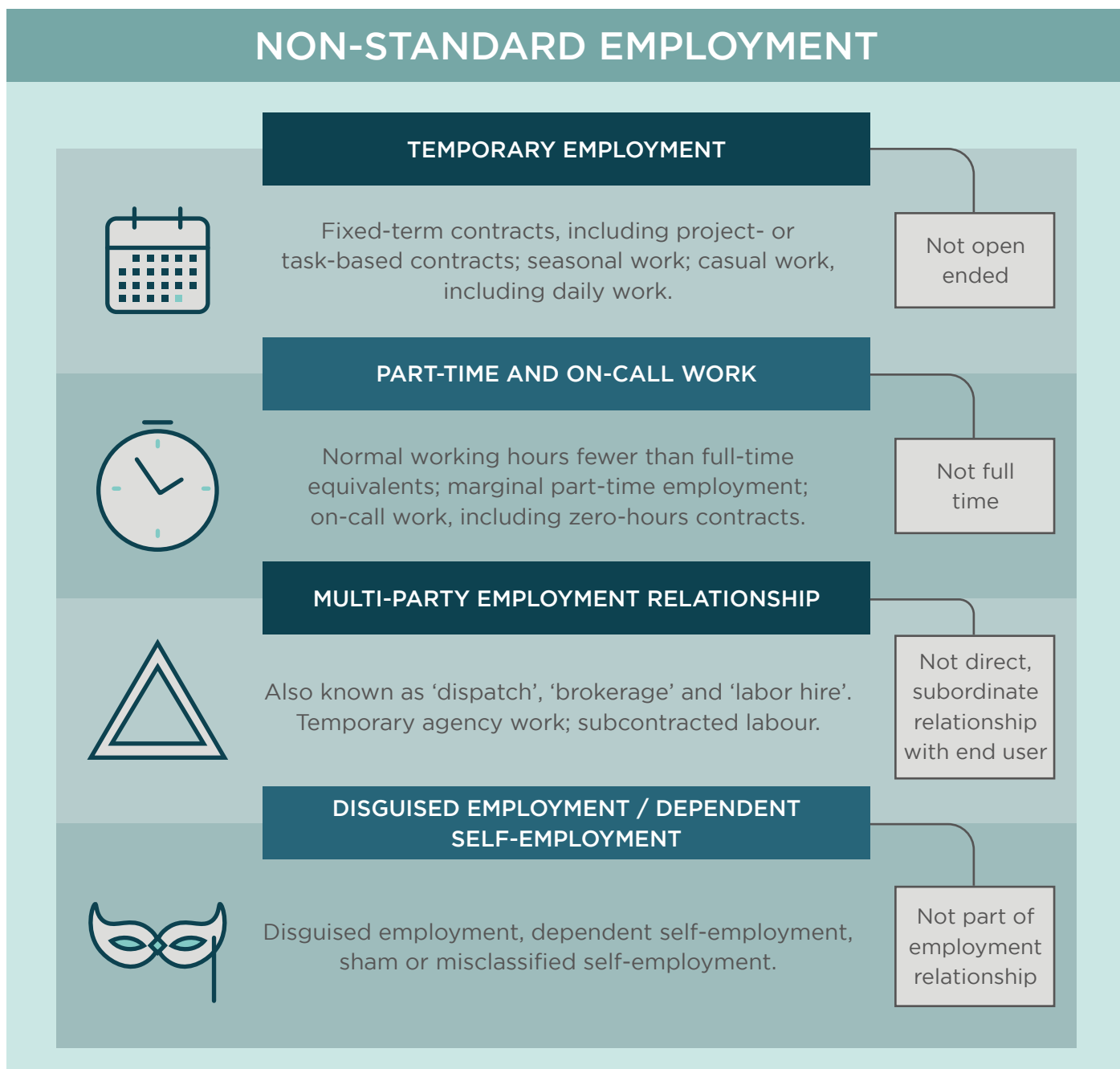
'Insecure' and **'precarious'** work are two terms that are often used interchangeably. In this briefing we have opted to use the term insecure.

There are no internationally agreed definitions of insecure work. However, most descriptions agree that insecure workers have low incomes, a lack of visibility and security of hours - creating difficulties planning and paying bills - and a lack of rights and protections such as sick pay and holiday pay.



* Source: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_534326.pdf

Figure 1: Non-standard employment*



Non-standard forms of employment have increased around the world in recent years, and with it concerns about insecure work. There are also parallels between a growing trend of organisations outsourcing services in the developed world, and a growth of insecure work in the developing world, through international supply chains

Most net new employment created in the EU between 2011 and 2016 was in non-standard employment. This growth was predominantly in the bottom four quintiles of employment².

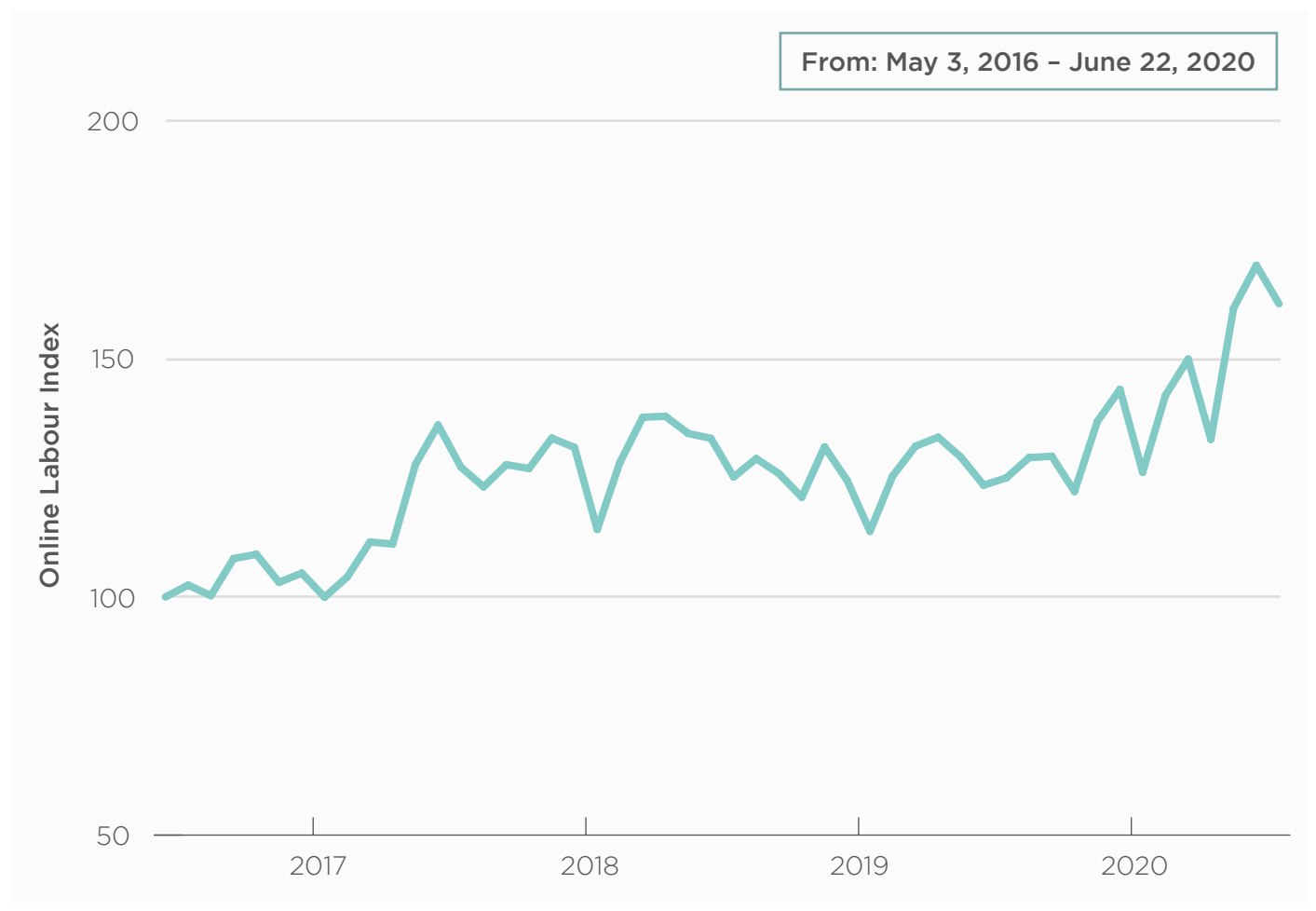
The US Bureau of Labor Statistics (BLS) calculated that, in 2017, 10.1% of workers relied on 'alternative arrangements' for their main job³.

In the UK, before the Covid-19 crisis an estimated 5.1 million workers were in low paid and insecure work, 25% of whom are now classified as key workers⁴. Nearly one in 10 (9.6%) working-age adults now work via gig economy platforms at least once a week and this number has doubled since 2016⁵. 24% of those employed in the gig economy in the UK live in London⁶.

In London, one in 11 of everyone in employment was either in a job with a temporary contract, working through an employment agency or self-employed in occupations considered insecure, including caring, leisure or other service occupations⁷.

The Online Labour Index⁸ developed by Oxford Internet Institute is the first economic indicator that provides an online gig economy equivalent to labour market statistics. It measures the supply and demand of online freelance labour across countries and occupations by tracking the number of projects and tasks across platforms in real time. The OLI shows a 60% global growth in online freelance labour since 2016.

Figure 2: Global growth in online freelance labour since 2016*



* Source: [Online Labour Index](#)

The drivers towards insecure work are many and varied including, for example, changing employment law; the decline of trade unions; the growth in technology and e-commerce; and pressures on business and the public sector to reduce costs post the 2008 recession⁹.

The adoption of flexible employment practices by businesses may have a number of benefits for both the businesses themselves and for consumers and it is easy to understand how insecure work practices have grown. As Lazard states in a briefing on the gig economy: “companies that compensate workers according to their output have, on the face of it, stronger business models compared to competitors that pay a set hourly wage, as gig-economy employment models variabilise a company’s cost base (i.e., transform fixed costs into variable costs)¹⁰.” Despite these short-term benefits there are considerable downsides to these business models, not just for workers, but potentially for businesses and investors.

Gig economy work has received intensive media attention, but these are part of a broader continuum of insecure work. David Weil, Harvard Professor and ex-US Department of Labour official, has pointed to a phenomenon he refers to as the “fissured workplace”. Work used to be defined by a clear relationship between employer and employee. Since the early 1980s, however, corporations – encouraged by capital markets – have shifted to focusing on core areas of competence and value creation, outsourcing business functions not considered part of this core. This has transformed the employee-employer relationship into arm’s length market transaction and created a new form of business to manage this transaction – for example labour brokers, and third-party management companies. This has often led to a downward pressure on wages, a blurring of responsibilities and an increase in non-compliances with workplace standards. Whilst this phenomenon is particularly advanced in the US, it is a global trend¹¹, and is a strong contributory factor to growing inequality¹².

→ Good Practice Case Study: Jane Jefferson Cleaners

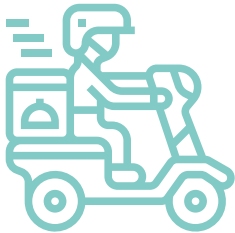
Established in 2013, Jane Jefferson Cleaners is a London-based ethical cleaning company¹³. The company is a London Living Wage recognised service provider¹⁴ and provides all cleaners with a contract that includes benefits and holiday pay, as well as opportunities for learning and development. It was the first domestic cleaning services recognised by The Living Wage Foundation.

The company employs 70 people and provides cleaning services for both domestic and commercial customers – mainly offices, schools, breweries and events spaces. Providing regular hours, national insurance, pension contributions and charging additional costs linked to higher wages has been challenging in the cleaning sector. However, Jenn O’Donnell the founder says that a lot of her clients share the values of Jane Jefferson Cleaning. Whilst the Covid-19 crisis has proven challenging, many clients have been supportive and have agreed a retainer.

* ‘Recognised Service providers have committed to pay all their own head office staff the Living Wage as per the Living Wage Employer agreement. They have also committed to always offer a Living Wage bid alongside every market rate submittal to all prospective and current clients. This means the client always has the choice to implement the Living Wage at the point of tender and there is a pathway towards the Living Wage for the provider in place.’

The consequences of insecure work

Insecure work has profound human costs for some of the most vulnerable groups in our societies. The inability to plan or to understand what income to expect puts workers in very difficult situations and can increase the likelihood of them falling into debt poverty. It can also expose vulnerabilities, negatively affect their health and cause significant stress and anxiety, contributing to mental health issues. It leaves a growing number of working people without the ability to withstand a personal emergency such as health issues or a downturn in the economy.



Asif is a motor-cycle courier and delivers food from London restaurants to people's homes, via an online platform. During the Covid-19 pandemic, when many businesses including restaurants were closed, there was less demand for deliveries. Asif's income plummeted, often the amount of orders he took within an hour did not equate to the minimum wage. Furthermore, as Asif is classified as an independent contractor, despite there being little to no work he still had to pay the bills for rental of the motor-bike and business insurance.



Natalia has worked as a cleaner at the same premises in central London for five years. In that time she has worked for several different companies, contracted by the company that owns the premises. Her manager would often call her names or pick on her by asking her to complete the work of two people. Natalia did not know who she could complain to; she did not know her manager's manager. Recently Natalia injured her back but continued to work, worried that she would face negative repercussions for taking time off and would struggle financially without suitable sick pay.



Sarah is a single mother working for a national retailer. She has a flexi-contract guaranteeing her 16-hours a week. Her work is often flexed-up and she can often find herself working between 40 and 50 hours a week. 'You get a call or texts, to be in tomorrow. That's it, pure and simple'. Sarah says that it can be difficult to turn down the work despite having to arrange childcare; she worries about being dismissed and not having her job.

In all EU Member states, the at-risk-of-poverty rate is higher for non-standard employees than for workers with permanent full-time jobs. According to the EU-Labour Force Survey, around 16% of temporary and part-time workers in member states and the UK were at risk of poverty in 2017, almost three times the share observed for standard employees¹⁴.

Furthermore, young, older, female and black and ethnic minority workers are more likely to be in non-standard employment. More women than men are employed on zero-hour contracts in the UK¹⁵. In 2018, 11.4% of Londoners aged 18-24 in employment were on zero-hour contracts, compared to only 2.47% of all London residents in employment¹⁶. Black and ethnic minority young adults are 47% more likely to be employed on a zero-hour contract than white young adults¹⁷.

→ Good Practice Case Study: E-Cargo Bikes

e-cargobikes.com¹⁸ are a London based socially responsible, last mile delivery company, providing service such as supermarket and pharmacy delivery. Low paid and insecure work is prevalent in the delivery industry, but e-cargobikes.com are breaking the mould and the ethos of putting the rider first is at the centre of their business model.

e-cargobikes.com has a blended workforce – a mix of fully employed PAYE and self-employed riders. It agrees contracts with clients and charges an hourly rate, which allows it to pass on more security to riders and offer the option of becoming a PAYE employee. All PAYE riders are guaranteed 30 hours per work, sick pay above the statutory rate, holiday pay and pension contributions. Riders can opt to be self-employed, allowing them to balance work and other commitments such as studying or caring responsibilities.

As an accredited Living Wage employer, all riders receive above the London Living Wage. They are provided with insurance and full equipment including hi-vis, while at work. Additionally, they are provided with training, including on road safety and puncture repair, as well as a shift shadowing another rider before starting. The training is not limited to being inducted as a rider, e-cargobikes.com works with riders to develop their skills, for example in IT or management, allowing riders to progress in their career.

‘In my previous job as a rider, I was looking for more stability with my income as the gig economy can be erratic at best. After researching I was happy to have found e-cargobikes.com which was really local to my home. I was pleased to find they paid the London Living Wage and excited to be working with the incredibly talented team here’ - Ash - Rider

Regulatory responses and developing case law

As a consequence of heightened concerns on these issues, there are significant developments in case law, and governments are increasingly moving to clarify regulations around non-standard forms of work.

The UK Government's Good Work Plan came into force in April 2020 as a result of recommendations made in the Taylor Review of Modern Working Practices¹⁹. The Good Work plan represents one of the most comprehensive changes to work legislation in several generations. It seeks to address challenges to traditional employment regulation made by changing employment models and the gig economy. The Taylor review provided 53 recommendations to the UK Government all of which have been accepted in principle. Amongst the changes are:

- the right to a written statement setting out the basic terms of employment to all employees whose employment lasts for one month or more provided on Day one;
- the right to comparable pay for all agency workers after 12 weeks;
- the right for all employees and workers to request a more stable working pattern;
- the right not to suffer any detriment for refusing work offered at unreasonable notice and the right to compensation when shifts are cancelled without reasonable notice.

Many of the significant judgements in employment case law over the last few years have been around the classification of workers. Cases have had to make judgements about who are employees, who are self-employed workers and what therefore are their rights. Some of the most significant instances of case law include:

*Uber vs Aslam*²⁰ - the UK Supreme Court upheld the claimant's case that Uber drivers could be classified as workers; therefore, Uber had failed to pay the minimum wage and under the Working Time Regulations 1998 ("WTR") had failed to provide paid leave.

*Pimlico Plumbers Ltd and another v Smith (Supreme Court)*²¹ - The Supreme Court unanimously held that a plumber whose employer labelled him as "self-employed" in fact qualified as a "worker", entitling him to basic employment rights such as paid annual leave.

*Addison Lee Ltd v Gascoigne*²² - this case was an appeal made by Addison Lee against an earlier finding that the claimant cycle courier was a worker and was consequentially entitled to holiday pay. The appeal was dismissed.

Harpur Trust v Lesley Brazel & UNISON [2019] EWCA Civ 1402 - the Court of Appeal confirmed the Employment Appeal Tribunal's ruling that holiday pay for part-year workers on irregular hours (such as music or sports teachers with irregular hours who work during term only, workers on short term contracts, retail and other workers with variable hours and pay, and zero-hours workers), must be based on the actual wording of the Employment Rights Act (ERA) 1996²³.

Why investors should be concerned and what is their role?

Investors who want to demonstrate good stewardship have a responsibility to consider the full spectrum of Environmental, Social and Governance (ESG) risks^{*}, including the treatment, pay and conditions of workers, however they are classified.

Insecure work is a contributing factor to a number of 'S' issues such as labour law compliance, worker safety, diversity and inclusion and inequality, which are coming under sharper focus in the light of the Covid-19 crisis. As societal expectations change, investors who fail to respond to rising expectations may experience an erosion of trust and jeopardise their social license to operate.

It is often argued that 'S' issues are harder to quantify, that it is more difficult to capture meaningful metrics, that there is a lack of standardisation in this area and that this in turn makes it harder to determine how material management of labour issues is. However, this should not be an excuse for not engaging.

There are multiple reasons why it is in investors' interest to understand the investment risks arising from the growth of insecure work, and why they should engage with companies to address them.

1. Businesses that depend substantially on non-standard forms of employment are not sufficiently pricing in externalities.

During the Covid-19 crisis, governments have moved to protect all workers, regardless of their employment status. However, businesses have not been paying the costs of social security for workers in non-standard forms of employment. It is possible that governments will move to ensure businesses pay a fuller contribution into social protection schemes in the future.^{**} Investors should be clear that business models that rely too heavily on arbitrage of labour regulations are vulnerable to losing their competitive advantage and long-term earnings potential.

2. Businesses relying on insecure workers are subject to increased risk of industrial action.

Despite being in a position to capitalise on the lockdown and hiring 175,000 new short-term associates in April and May 2020 to support the additional demand during the Coronavirus pandemic, Amazon faced strikes in the US, France and Italy²⁴. Union organisers were concerned that Amazon did not have sufficient personal, protective equipment (PPE), the pace of work did not allow for social distancing and there was insufficient health and safety training. Whilst Amazon has responded to some labour concerns including introducing two weeks of sick pay, these measures do not extend to independent contractors. Amazon has faced widespread criticism from unions, civil society and investor groups. Tim Bray a senior executive and engineer at Amazon resigned following

* The FRC's Stewardship Code 2020 recognises both new expectations about how investment and stewardship is integrated, including ESG issues, and social factors "have become material issues for investors to consider". The Code requires signatories, to "where necessary, escalate stewardship activities to influence issuers."

** Jim Chanos the US short investor has argued that many gig economy firms will come out of the pandemic weakened rather than strengthened and has taken short positions of gig economy firms Uber, Lyft and GrubHub.

Amazon's heavy-handed response to strikes in the US, where union organisers were fired.

Amazon is but one of a series of examples, in October 2019 workers at eCourier, a subsidiary of Royal Mail took industrial action claiming their rights to benefits such as holiday and sick pay which they were not receiving since eCourier classified them as independent contractors²⁵. In another example cleaners working for University College London (UCL) but employed by the facilities management firm Sodexo went on strike in 2019 demanding equal pay with their colleagues who were employed directly by UCL²⁶.

3. Poor treatment of workers raises increasing reputation risk for companies.

Societal expectations about the treatment of workers, in all forms of employment and throughout supply chains, have been heightened by Covid-19. In July 2020, UK-based fashion company Boohoo rapidly lost major retail chain customers, who did not want to be associated with the brand, after it faced allegations of poor treatment of its staff and suppliers during the pandemic²⁷.

There is currently a heightened societal awareness of issues around inequality and historically disadvantaged groups, including in the workplace, as the Black Lives Matter movement has shown. The flexibility demanded by a business model may disproportionately affect different groups in society. Women and migrant workers are disproportionately represented in low paid and insecure jobs.

It is important for investors to understand how a business' management is thinking about its workforce, its composition in terms of proportion of workers in full-time, part-time or contingent roles, how this intersects with gender and diversity, as well as the divergence in remuneration and benefits for workers.

4. Regulators increasingly view workforce issues as material and look set to increase disclosure rules.

It is telling that the UK Financial Reporting Council has stated "whilst the workforce is clearly a cost it is also a vital asset, helping a company stay competitive or achieve its strategy. Understanding how the workforce is being treated and getting their insights into strategy is important. The key aspect is understanding how the workforce provides a competitive advantage and drives value²⁸".

In the US, the House Financial Services Committee approved the Workforce Investment Disclosure Act, which would require companies' annual 10-K filings to include a disclosure of workforce demographics including workforce stability, training and capabilities, health and safety, culture and empowerment, and compensation and incentives²⁹.

At the EU level, the Commission is reviewing the non-financial reporting directive in 2020. It is too early to know what changes will be announced, but the commission has taken a strong interest in human capital. In addition, European Justice Commissioner, Didier Reynders, announced in April that next year the EU will introduce legislation on mandatory sustainable due diligence for companies as part of the Commission's 2021 work plan and the European Green Deal³⁰.

This points to a growing realisation by regulating authorities that workforce issues are material and there is a need for better disclosure in this area.

5. Insecure work fuels inequality, which damages long-term economic growth.

As a PRI/TIIP report on investment risks and inequality noted, widening inequality can lead to political polarisation, negatively impact investment portfolios, increase instability, lower output and slow economic growth. Whilst this macro-trend has been noticed by many asset owners and asset managers it has been difficult to understand what investors can do to address inequality. PRI/TIIP are clear that investors must focus on businesses' management of their workforce, moving on from employees to cover all workers including non-standard workers and those at risk of insecurity³¹.

On the upside, investing in the workforce by offering secure employment results in greater worker engagement, improved productivity, reduced turnover and better skill retention and may improve overall competitiveness³².

Workforce Disclosure Initiative

Despite growing momentum on reporting requirements on workforce related issues. There is a still a challenge of getting good comparable data on many companies' workforce policies and practices, especially for non-standard workers.

The Workforce Disclosure Initiative' calls for greater transparency on workforce policies and practices in companies' direct operations and supply chains. Using the influence of investors, the WDI encourages publicly listed companies to complete a comprehensive annual survey which covers freedom of association, human rights due diligence, diversity, pay ratios and more. This gives investors common indicators and standardised data sets to assess how companies treat their workers.

It is one of the only frameworks to cover companies' treatment of non-standard workers (defined by the WDI as contingent workers). Despite this it can still be difficult to determine quickly the exposure of businesses to non-standard forms of employment. In 2019, the WDI found that, of 118 companies disclosing workforce data to the survey, only 25% disclosed how many contingent workers they employ.

* Workforce Disclosure Initiative (2020). <https://shareaction.org/wdi/> [accessed 13 July 2020].

Good practice

The challenge for employers is to organise non-standard working arrangements so they maximise the benefits to individuals, reduce the number of cases where workers are exploited or treated unfairly, and provide an organisation with the flexibility required. Given the complexity and the tricky balance it can be difficult to recognise good practice.

We have collated some examples of good practice, these include standards that are being created to illustrate what businesses should aim for, concepts and examples of businesses providing security, better pay and good conditions for their workers in the gig economy and in service delivery.

The Living Hours Standard

The Living Wage Foundation have launched a Living Hours accreditation scheme³³. The scheme is an opportunity for Living Wage employers to go further and commit to providing their workers security and stability.

Living Hours offers a practical solution that employers can adopt to help provide the security and stability that low paid workers need to make ends meet. The Living Hours campaign was developed over an 18-month period of consultation with workers, living wage employers, trade unions and experts. This culminated in a set of measures to tackle the problems of under-employment, people getting fewer hours than they would like, and insecurity over working hours, with high variations in the number of hours worked from week-to-week or month-to-month, and short-notice changes to shifts.

These are:

A. A contract with living hours

The right to a contract that reflects actual hours worked and a guaranteed minimum of 16 hours a week (unless the worker requests otherwise).

B. Decent notice periods for shifts

At least 4 weeks' notice with guaranteed payment if shifts are cancelled within this notice period.

Aviva, Standard Life Aberdeen, Richer Sounds and SSE were involved in piloting the scheme and have committed to become Living Hours accredited employers.

Implementing the Living Hours Standard Aviva's experience

Aviva has been a Living Wage employer since 2014. In 2018 worked with one of its contractor companies to implement the Living Hours standard at two Aviva sites in London and Norwich. The majority of staff were already working over 16 hours a week, however the biggest challenge for Aviva was providing a four weeks' notice period for shifts. This was because Aviva had traditionally been able to give between 48-72 hours' notice for booking or cancelling some services such as catering. This was having a direct effect on staff, who were receiving their rotas three days ahead of the working week. Aviva moved to a four-week notice period incrementally and now discourage cancellations of services after the four-week notice period by passing the charge onto the internal team responsible. These changes have helped both Aviva and the contractor to plan further in

advance. Since implementing the changes, managers at Aviva have reported that staff are more committed and motivated and workers have said the changes have allowed them to better plan their finances and their lives outside of work.

London Good Work Standard

The Good Work Standard³⁴ accreditation sets the benchmark of good employment practices that the Mayor of London wants every London based employer to work towards. The standard is comprised of four parts – fair pay and conditions, workplace wellbeing, skills, and progression and diversity and recruitment. Under the ‘fair pay and conditions’ pillar, employers are asked to accredit as a Living Wage employer, provide a clear statement about employment status and rights from the first day of employment and offer above the statutory paid leave and benefits. Some employers have gone further, accrediting for the ‘Excellence’ standard. They also commit to avoiding the use of non-standard contract workers such as self-employed and zero-hour contracts. London City Airport, KPMG and West Ham Football Club are amongst the first companies to sign the standard.

North American Building Trades Union Responsible Contractor Policies

US Unions have worked over the last several years to strengthen labour protections in real estate & infrastructure projects by organizing the institutional investors who build and operate these properties. The most important advance has focused on Responsible Contractor Policies (RCP) as a vehicle to raise standards for fair pay, benefits, training, health & safety and right to unionize free from coercion. This effort was led by asset owners (public pension funds) like the New York City Employees Retirement System (NYCERS). NYCERS set a new benchmark by which asset managers had to abide, and has been joined by other peer funds this year from the states of Oregon & Illinois. The list of asset managers who’ve endorsed stronger RCPs now includes BlackRock, Oaktree, Allianz, Blackstone, Carlyle Group and Grosvenor³⁵. Asset managers increasingly value RCPs as a risk management tool, and unions are beginning to see improvements in job creation, organizing opportunities and collective bargaining advances.

→ Good Practice Case Study: HireHand

HireHand³⁶ is an online platform and resource planning technology which matches workers with opportunities in small businesses who need extra resource at short-notice. On the surface it might seem like another gig platform, however HireHand grew out of an aim to get vulnerable groups back to work. As such, the matching algorithm is based on workers’ needs and wants rather than the customers’ demands. HireHand uses over 30 criteria to select who is the best person for each opportunity, including availability, distance to the job, amount of notice and skill level. Most importantly the algorithm considers the number of hours wanted and will prioritise those workers who have not yet fulfilled their required hours for the week.

HireHand have built into the process a reflection period, so workers are not forced to be always ‘on’ or to accept the first opportunity presented at a moment’s notice. This puts more control in the hands of workers.

→ Good Practice Case Study: Clean for Good

Clean for Good is a cleaning company which supports decent work³⁷. It was founded by the church of St Andrew-by-the-Wardrobe, in the City of London. Every cleaner is viewed and treated as a person with skills and potential, and Clean for Good invests in their cleaners through providing training. All cleaners are directly employed, meaning they are eligible for sick pay, holiday pay and pension contributions.

Clean for Good are a Living Wage employer and the company does not use zero-hour contracts. It provides its cleaners with guaranteed hours, but offers flexibility for employees who want to combine work with study or family responsibilities. Clean for Good invest in their cleaners through training and management.



Recommendations to investors and businesses

Below we have provided some recommendations on what investors can do and what they should expect companies to do to address the challenges of insecure work.

Recommendations for investors:

- Join coalitions of investors (such as ShareAction's Good Work Coalition) focused on addressing insecure work - building internal capacity and co-ordinating joint-engagement with companies - and support public statements on addressing the issues of insecure work.
- Support better disclosure on workplace policies and practices for example through becoming a signatory of Workforce Disclosure Initiative (WDI).
- Engage businesses on the social risks of poor workforce practices and build the case for investing in the workforce, including bringing contractors in-house.
- Ask companies if employment relationships considered insecure are part of the company's business strategy or as a contract of last resort.
- Engage in active stewardship and voting in support of resolutions promoting good work standards and investing in the workforce.
- Publicly support policy intervention designed to address insecure work.

What investors should be asking of companies:

- Disclose more data on workplace policies and practices such as the proportion of the workforce directly employed and as contingent workers.
- Ensure that workforce strategy and its relationship with business responsibility to all stakeholders is discussed at the highest level of the business.
- Explore providing workers with more secure hours as a contractual obligation in line with the Living Wage Foundation's Living Hours Standard.
- Ensure that everyone working for the company is correctly classified.
- Demonstrate good corporate citizenship in relation to responsibilities for the workforce including all employees, contingent workers and the supply chain.
- Disclose what form of due diligence is conducted on temporary work agencies to ensure that agency workers' rights are protected.
- Ensure that worker representation is real, and that workers have genuine means to influence company direction.
- Ensure that the company actively supports the rights to Freedom of Association and Collective bargaining.

References

- 1 O'Connor, S. (2020) "Is it time to make amends to the low-paid essential worker", *The Financial Times*. Available at: <https://www.ft.com/content/2b34269a-73f8-11ea-95fe-fcd274e920ca> [Accessed 17 June 2020].
- 2 Eurofound (2020). *Labour market change: Trends and policy approaches towards flexibilisation, Challenges and prospects in the EU series*. Luxembourg: Publications Office of the European Union, pages 1-76. Available online at: https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef19034en.pdf [accessed 17 June 2020].
- 3 US Bureau of Labour Statistics (2018). *Workers in Alternative Employment Arrangements*. Available online at: <https://www.bls.gov/spotlight/2018/workers-in-alternative-employment-arrangements/pdf/workers-in-alternative-employment-arrangements.pdf> [accessed 13th July 2020].
- 4 New Economics Foundation & Living Wage Foundation (2020). "Over 5 Million Workers In Insecure, Low Paid Work". Available online at: <https://www.livingwage.org.uk/news/news-over-5-million-workers-insecure-low-paid-work> [accessed 17 June 2020].
- 5 Statistical Services and Consultancy Unit (SSCU) and University of Hertfordshire and Hertfordshire Business School (HBS) (2019). *Platform Work in the UK 2016-2019*. TUC. Available online at: <https://www.tuc.org.uk/news/uks-gig-economy-workforce-has-doubled-2016-tuc-and-feps-backed-research-shows> [accessed 17 June 2020].
- 6 Department for Business, Energy and Industrial strategy (2018). *The Characteristics of those in the Gig Economy*. Available online at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/687553/The_characteristics_of_those_in_the_gig_economy.pdf [Accessed 18 May 2020].
- 7 GLA Intelligence (2020). "Insecure Employment", *London Datastore*. Available online at: <https://data.london.gov.uk/economic-fairness/labour-market/insecure-employment/> [accessed 17 June 2020].
- 8 The OnLine Labour Index (2020) <http://ilabour.oii.ox.ac.uk/online-labour-index/> [accessed 23rd June 2020].
- 9 ILO (2016). *Non-Standard Employment around the world: Understanding challenges, shaping prospects*. Available online at: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_534326.pdf [accessed 17 June 2020].
- 10 Gore-Randall, W. (2020). *Understanding the Investment Implications of the Gig Economy*, page 4. Available online at: <https://www.lazardassetmanagement.com/research-insights/investment-research/gig-economy> [accessed 17 June 2020].
- 11 Weil, D. (2014.) *The Fissured Workplace: Why Work became so bad for so many and what can be done to improve it*. Cambridge: Harvard University Press.
- 12 The Investment Integration Project (TIIP) and The Principles for Responsible Investment (PRI) (2018). *Why and How Investors Can Respond to Income Inequality*. Available online at: <https://www.tiiproject.com/wp-content/uploads/2018/10/Why-and-How-Investors-Can-Respond-to-Income-Inequality.pdf> [Accessed 17 June 2020].
- 13 <https://www.janejeffersoncleaning.com/>
- 14 Eurofound (2020). *Labour market change: Trends and policy approaches towards flexibilisation, Challenges and prospects in the EU series*. Luxembourg: Publications Office of the European Union, pages 1-76. Available online at: https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef19034en.pdf [accessed 17 June 2020].
- 15 Office for National Statistics (2020). *Labour market economic commentary: January 2020*. Available at: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articles/labourmarketeconomiccommentary/january2020#analysis-of-zero-hours-contract-working-in-the-economy> [Accessed 22 May 2020].
- 16 GLA Intelligence (2020). "Insecure Employment", *London Datastore*. Available online at: <https://data.london.gov.uk/economic-fairness/labour-market/insecure-employment/> [accessed 17 June 2020].
- 17 Bowyer, G. and Henderson, M. (2020). *Race Inequality in the Workforce: Exploring connections between work, ethnicity and mental health*. Operation Black Vote, Centre for Longitudinal Studies, CarnegieUK. Online available at: <https://www.carnegieuktrust.org.uk/publications/race-inequality-in-the-workforce/> [Accessed 22 May 2020].
- 18 <https://e-cargobikes.com/>
- 19 Taylor et al (2017). *Good Work: The Taylor Review of Modern Working Practices*, p.1-116. Available online at: <https://www.gov.uk/government/publications/good-work-the-taylor-review-of-modern-working-practices> [accessed 13 July 2020].
- 20 Jucidity UK (2018). *In the Court of Appeal (Civil Division) on Appeal from the Employment Appeal Tribunal*.

- UKEAT/0056/17/DA. Available online at: <https://www.judiciary.uk/wp-content/uploads/2018/12/uber-bv-ors-v-aslam-ors-judgment-19.12.18.pdf> [accessed 03 July 2020].
- 21 The Supreme Court (2018). '*Pimlico Plumbers Ltd and another (Appellants) v Smith (Respondent)*' UKSC 2017/0053. Available online at: <https://www.supremecourt.uk/cases/uksc-2017-0053.html> [accessed 13 July 2020].
 - 22 Employment Cases Update (2018). *Addison Lee Ltd v Gascoigne*. UKEAT/0289/17/LA. Available online at: <https://www.employmentcasesupdate.co.uk/site.aspx?i=ed37111> [accessed 03 July 2020].
 - 23 Christy, R. (2019) "*Court of appeal rules on calculation of holiday pay for permanent workers with irregular hours*", *Blake Morgan*. Available online at: <https://www.blakemorgan.co.uk/court-of-appeal-rules-on-calculation-of-holiday-pay-for-permanent-workers-with-irregular-hours/> [accessed 03 July 2020].
 - 24 Lee, D. and Nilsson, P. (2020). "*Amazon workers protest over normal shifts amid Covid 19 cases*", *The Financial Times*. Available online at: <https://www.ft.com/content/08395e49-0bb1-4f49-a6f5-c6639ce3d719> [accessed 17 June 2020].
 - 25 Anderson, J. (2019). "*Royal Mail subsidiary couriers take strike action over working conditions to demand basic employment rights*", *The Independent*. Available online at: <https://inews.co.uk/news/uk/ecourier-ken-loach-strike-london-gig-economy-royal-mail-699965> [Accessed 17 June 2020].
 - 26 Chapman, B. (2019). "*UCL Striker: Hundreds of outsourced cleaners, porters and security guards protest to demand better conditions*", *The Independent*. Available online at: <https://www.independent.co.uk/news/business/news/ucl-strike-cleaners-security-guards-porters-outsourced-workers-sodexo-axis-a9209296.html> [accessed 17 June 2020].
 - 27 Butler S & Davies R (2020) "*Boohoo shareholders demand answers after shares plunge by a third*", *The Guardian*, Available online at <https://www.theguardian.com/business/2020/jul/07/boohoo-shares-concern-factory-conditions> [accessed 19 July 2020].
 - 28 FRC (2020). *Workforce-related corporate reporting: Where to next?*. Available online at: <https://www.frc.org.uk/getattachment/59871f9b-df44-4af4-ba1c-260e45b2aa3b/LAB-Workforce-v8.pdf> [accessed 17 June 2020].
 - 29 Congress Gov (2020). *Workforce Investment Disclosure Act of 2020*. Available online at: <https://www.congress.gov/bill/116th-congress/house-bill/5930> [accessed 13 July 2020].
 - 30 Business and Human Rights Resource Centre (2020). "*EU Commissioner for Justice commits to legislation on mandatory due diligence for companies*", *Business and Human Rights Resource Centre*. Available online at: <https://www.business-humanrights.org/en/eu-commissioner-for-justice-commits-to-legislation-on-mandatory-due-diligence-for-companies> [accessed 13 July 2020].
 - 31 The Investment Integration Project (TIIP) and The Principles for Responsible Investment (PRI) (2018). *Why and How Investors Can Respond to Income Inequality*. Available online at: <https://www.tiiproject.com/wp-content/uploads/2018/10/Why-and-How-Investors-Can-Respond-to-Income-Inequality.pdf> [accessed 17 June 2020].
 - 32 Ton, Z. (2017). "*The Case for Good Jobs: Better Pay and more opportunities. Your workers want those things. So should you.*" *Harvard Business Review*. Available online at: <https://hbr.org/cover-story/2017/11/the-case-for-good-jobs> [accessed 17 June 2020].
 - 33 Living Wage Foundation (2020). *Living Hours Standard: Providing Security of Hours Alongside A Real Living Wage*. Available on line at: <https://www.livingwage.org.uk/living-hours> [accessed 13 July 2020].
 - 34 London Assembly (2020). "*What is the Mayor's Good Work Standard?*". Available online at: <https://www.london.gov.uk/what-we-do/business-and-economy/supporting-business/what-mayors-good-work-standard> [accessed 17 June 2020].
 - 35 North America's Building Trades Unions (2019). "*NABTU Partners with Allianz Global Investors on Responsible Contractor Policy*", *North America's Building Trades Unions*. Available online at: https://nabtu.org/press_releases/nabtu-partners-with-allianz-global-investors-on-responsible-contractor-policy/ [accessed 13 July 2020].
 - 36 <https://www.hirehand.co.uk/>
 - 37 Clean for Good (2020). "*About us: A different kind of cleaning company*". Available online at: <https://www.cleanforgood.co.uk/> [accessed 17 June 2020].

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ShareAction is a campaigning organisation pushing the global investment system to take responsibility for its impacts on people and planet, and use its power to create a green, fair, and healthy society.

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