

Only 17% of people in employment 1 year after leaving prison [1]

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Executive Summary:

The protection of prison labour has been debated because prisoners fall outside of the protection provided by UK labour law as they are excluded from being categorised as workers. This has led to a call for reform to address the lack of workers' rights protections and poor working conditions that working prisoners receive. Activists and organisations like the Incarcerated Workers Organising Committee (IWOC) have furthered the debate, criticising the Government's 'working prisons' policy, and advocating for a prison system with rehabilitation at its core, rather than focusing on profit accumulation for businesses. This policy brief outlines three key issues for reform to address in order to materially improve working conditions for prisoners, and offers recommendations useful for policy implementation at the national level.

Prison Labour in the UK

Rebecca Cole

Jay Heer

Wajma Zazai

[1] Table 8, Ministry of Justice (2021) Community Performance Quarterly, update to March 2020, London: Ministry of Justice and Ministry of Justice (2018) Education and employment strategy, London: Ministry of Justice

1. Minimum Wage

Prisoners are excluded from the National Minimum Wage under the National Minimum Wage Act 1998, s45. According to Annex B of the Prison Service Order (PSO) 4460, the minimum employed rate of pay for prisoner is £4 per week. Additionally, under section 2.5.1 of the PSO 4460, establishments can set piecework schemes which may include rates of pay below the minimum employed rate for prisoners. More protection ensuring minimum wage for working prisoners is required in order to stop the exploitation of prisoners' labour for the benefit and profit of private companies.

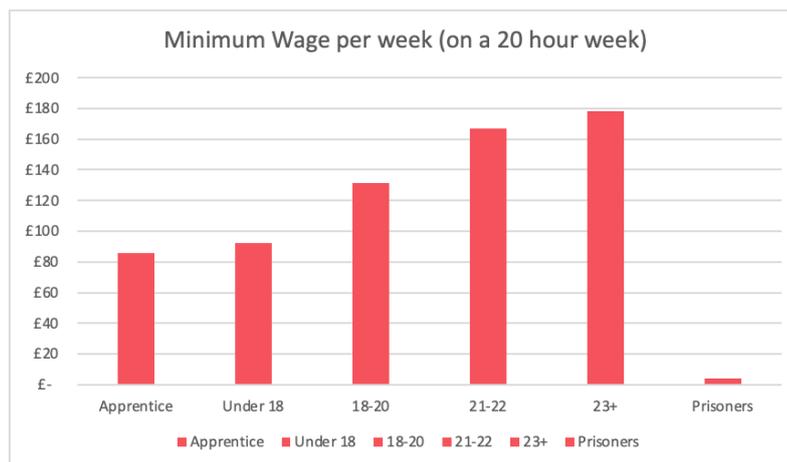


Fig. 1 [2]

Proposals

1. Amend minimum wage legislation to include prisoners under its scope, providing all prisoners with a distinct wage equal to that of at least the apprentice minimum wage.
2. Change the wage payable to hours worked rather than weeks, to better reflect the value of the labour that prisoners provide.
3. Eliminate piecework schemes within prisons establishments to prevent the exploitation of this provision as a 'loop-hole' of sorts to avoid paying the minimum wage for prisoners.
4. Reform short-term sickness pay provisions, placing the wellbeing of working prisoners at its core, instead of the profits of corporations.
5. Facilitate access for prisoners to savings accounts without minimum balance requirements or deductible fees in order to encourage working prisoners to save their earnings, aiding prisoners upon release.

2. Working Time

Prisoners are subjected to extremely long working hours for which they are not adequately rewarded, working up to 60 hours a week. [3] In line with the Association for the prevention of Torture (APT), labour within prisons should not have a "punitive character". [4] The APT emphasised that working hours within prisons should not exceed those in work outside of prisons. The conventional standards of health and safety amongst all workplaces should also be applied within the context of prisons. Private sector prisons, operating for profit, reported a delivery of over 1.5 million hours undertaken by prisoners amongst 1,200 individuals in 2012-2013.

[2] Figures from : UK Government 'National Minimum Wage and National Living Wage Rates' (GOV.UK, 20 February 2022) < <https://www.gov.uk/national-minimum-wage-rates> > accessed 15 March 2022

[3] Virginia Mantouvalou 'Working prisoners are trapped in state-mediated structures of exploitation; using them only to fill Brexit labour shortages is a bad idea' (*LSE British Politics and Policy*, 27 September 2021) < <https://blogs.lse.ac.uk/politicsandpolicy/prisoners-labour-shortages/> > accessed 28 February 2022

[4] Alessandro Maculan, Daniela Ronco and Francesca Vianello, "European Prison Observatory Prison Conditions in Italy Prison in Europe: Overview and Trends European Prison Observatory. Detention Conditions in the European Union with Financial Support from the Criminal Justice"

1. Implement regulation capping the number of hours prisoners can work for throughout the week to reflect the average UK hours undertaken by workers outside of prison.
2. Introduce mandatory time-off requirements, entitling working prisoners to a minimum of two consecutive days off in every 14-day period.
3. Incorporate a no overtime policy, to ensure prisoners are not subjected to extremely long working hours.
4. Create a 'religious exemption' clause allowing for working prisoners to be excused on grounds of freedom of religion to practice their faith without any impact on their job opportunities and incentives schemes.

3. Rehabilitation

There is no legal framework that supports prisoners gaining useful work skills and education as they leave prison and progress towards resettlement and reducing reoffending. They are subjected to opportunities in unskilled labour that does not support their progress in growing their skills in a particular labour sector. This work also discourages prison labourers from actively seeking jobs which further diminishes their willingness to work in similar roles upon leaving the UK prison system. They need protection to encourage their rehabilitation while reintegrating into the economy and the working world, searching for career opportunities, applying to placements, and securing wages.

"My first experience of prison work was at Belmarsh when I folded plastic bags into tiny squares and put them in a plastic envelope. If you folded 400 in a morning - which would have been an heroic effort - you could expect 50p. Nobody was motivated. The other job I did was fixing a washer to a screw, and that was equally monotonous." [5]

1. Promote career opportunities by creating a programme that allows prisoners to explore skills in labour sectors that appeal to individual aspirations.
2. Increase job opportunities for prison leavers by promoting the importance of inclusive employment through requesting diverse employment quotas.
3. Ensure job security by encouraging companies to work with prisoners and train prisoners with key labour skills to guarantee employment in partnering companies upon release.
4. Ensure job security by introducing a scheme for the state to support prison leavers in finding work, suggesting career options.
5. Introduce education in job application processes and interview skills to support prison leavers in their ability to apply for and secure work.
6. Ensure decent living wages for prison leavers by pushing for schemes that teach prisoners skills for jobs in high demand.

[5] Richard Cookson and Phil Chamberlain, 'Inside the sell blocks' *The Guardian* (London, 9 September 2009)

Recommendations

1. Amend the national minimum wage act 1998 to ensure a distinct, dignifying wage is provided for prisoners. Reform Section 2.5.1 of the PSO 4460, to prohibit establishments from providing pay below the minimum wage, in order to protect increasing levels of exploitation as well as banning any piecework schemes.
2. Implement a working hours logging system measures to keep track of working hours, in order to ensure working hours that reflect the working conditions for workers outside of prisons, better preparing prison workers for life after imprisonment.
3. Refocus the type of labour employers can seek in prisons by implementing legislation to recognise the need for a criteria of valuable work. Labour offered to prisoners should meet a basic criteria of providing an opportunity to grow, or learn a new beneficial skill. The criteria should prohibit any repetitive unskilled tasks that do not provide any benefit.
4. Address wide disparities in accessing employment amongst offenders attempting to reintegrate back into society. Incentivise a group of employers from various sectors to provide basic training for individuals in prison, as well as providing prisoners with further opportunities to use their skills learnt in their prison labour once reintegrated into the wider working world.

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